

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 13-080

BY SENATOR(S) Tochtrop, King S., Morse;  
also REPRESENTATIVE(S) Peniston, Duran, Labuda, Waller, Exum,  
Fields, Ginal, Hullinghorst, Lebsock, Young.

CONCERNING LIMITATION ON THE LIABILITY OF THE FIRE AND POLICE  
PENSION ASSOCIATION IF AN EMPLOYER FAILS TO PROPERLY ENROLL  
AN EMPLOYEE IN A PLAN.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 31-31-401, **add** (6) as follows:

**31-31-401. Applicability of plan.** (6) IF AN EMPLOYER THAT IS OTHERWISE REQUIRED TO ENROLL ITS MEMBERS UNDER THE PLAN FAILS TO PROPERLY ENROLL SUCH MEMBERS, NEITHER THE FIRE AND POLICE PENSION ASSOCIATION NOR THE DEFINED BENEFIT SYSTEM TRUST FUND IS OBLIGATED OR LIABLE FOR ANY PURPOSE TO ANY PERSON OR EMPLOYER ARISING FROM SUCH FAILURE.

**SECTION 2.** In Colorado Revised Statutes, 31-31-802, **add** (3) as follows:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**31-31-802. Coverage.** (3) IF AN EMPLOYER THAT IS OTHERWISE REQUIRED TO ENROLL ITS MEMBERS UNDER THE PLAN FAILS TO PROPERLY ENROLL SUCH MEMBERS, NEITHER THE FIRE AND POLICE PENSION ASSOCIATION NOR THE DEATH AND DISABILITY TRUST FUND IS OBLIGATED OR LIABLE FOR ANY PURPOSE TO ANY PERSON OR EMPLOYER ARISING FROM SUCH FAILURE.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO