

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0444.01 Nicole Myers x4326

SENATE BILL 26-039

SENATE SPONSORSHIP

Snyder and Pelton B., Amabile, Ball, Bridges, Carson, Coleman, Cutter, Exum, Gonzales J., Jodeh, Kipp, Kolker, Lindstedt, Marchman, Michaelson Jenet, Mullica, Roberts, Wallace

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION BY THE FIRE AND POLICE PENSION**
102 **ASSOCIATION OF DISABILITY AND SURVIVOR BENEFITS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The fire and police pension association (association) currently provides disability retirement and survivor benefits (disability and survivor benefits) for eligible members of the association (members) who become disabled or die. The bill recodifies and reorganizes the disability and survivor benefits statutes, removes outdated provisions, and clarifies ambiguous language. In addition, the bill makes the following

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
February 10, 2026

SENATE
2nd Reading Unamended
February 9, 2026

1 **31-31-801. Disability and survivor benefits program design -**
2 **rules.**

3 (1) THE ASSOCIATION SHALL PROVIDE TWENTY-FOUR-HOUR, ON-
4 AND OFF-DUTY COVERAGE.

5 (2) THE STATEWIDE DEATH AND DISABILITY PLAN CONSISTS OF
6 THREE LEVELS OF DISABILITY, INCLUDING TEMPORARY OCCUPATIONAL
7 DISABILITY, PERMANENT OCCUPATIONAL DISABILITY, AND TOTAL
8 DISABILITY AS SPECIFIED IN THIS PART 8.

9 (3) THE BOARD MAY ADOPT RULES FOR THE IMPLEMENTATION,
10 ADMINISTRATION, AND MANAGEMENT OF THE PLAN, INCLUDING FURTHER
11 DEFINING THE STANDARDS FOR DISABILITY, THE PROCESSING OF
12 DISABILITY APPLICATIONS, SURVIVOR BENEFITS, AND THE ADMINISTRATIVE
13 REVIEW PROCESS.

14 (4) THE BOARD, AS A FIDUCIARY, MAY DELEGATE ONE OR MORE OF
15 ITS RESPONSIBILITIES UNDER THIS PART 8 AS SPECIFIED IN SECTION
16 31-31-202 (1)(I) BUT SHALL MAINTAIN ITS RESPONSIBILITY FOR OVERSIGHT
17 OF THE DELEGATION.

18 **31-31-802. [Similar to former 31-31-801] Definitions.**

19 AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (1) "ASSIGNED DUTIES" MEANS THOSE SPECIFIC TASKS OR JOBS
22 DESIGNATED BY THE EMPLOYER FOR A PARTICULAR POSITION WITHIN A JOB
23 CLASSIFICATION. THE TERM DOES NOT INCLUDE THE DUTIES OF A
24 MEMBER'S RANK OR GRADE THAT THE MEMBER IS NOT ACTUALLY
25 REQUIRED TO REGULARLY PERFORM IN THE POSITION WHICH THE MEMBER
26 OCCUPIES.

27 (2) "DEPENDENT CHILD" MEANS AN UNMARRIED CHILD UNDER THE

1 AGE OF TWENTY-THREE AND INCLUDES, IF THE BOARD SO DETERMINES,
2 ANY CHILD, REGARDLESS OF AGE OR MARITAL STATUS, WHO IS SO
3 MENTALLY OR PHYSICALLY INCAPACITATED THAT THE CHILD CANNOT
4 PROVIDE FOR THE CHILD'S OWN CARE. THE TERM ALSO INCLUDES A CHILD
5 WHO IS CONCEIVED BUT UNBORN AT THE DATE OF THE MEMBER'S DEATH
6 OR THE DATE OF DISABILITY, WHICHEVER APPLIES. ANY APPLICABLE
7 INCREASE IN BENEFITS OCCURS UPON BIRTH.

8 (3) "OCCUPATIONAL DISABILITY" MEANS A DISABILITY RESULTING
9 IN AN INCAPACITY TO PERFORM ASSIGNED DUTIES AND EXPECTED, WITH
10 REASONABLE MEDICAL PROBABILITY, TO EXIST FOR AT LEAST ONE YEAR.

11 (4) "PERMANENT OCCUPATIONAL DISABILITY" MEANS AN
12 OCCUPATIONAL DISABILITY CAUSED BY A CONDITION THAT IS PERMANENT
13 OR DEGENERATIVE, AND FOR WHICH THERE IS NO PROGNOSIS FOR
14 IMPROVEMENT OR RECOVERY THROUGH SURGICAL TREATMENT,
15 COUNSELING, MEDICATION, THERAPY, OR OTHER MEANS.

16 (5) "STATEWIDE DEATH AND DISABILITY PLAN" OR "PLAN" MEANS
17 THE PROGRAM CREATED IN THIS PART 8.

18 (6) "TEMPORARY OCCUPATIONAL DISABILITY" MEANS AN
19 OCCUPATIONAL DISABILITY FOR WHICH THERE IS A PROGNOSIS FOR
20 IMPROVEMENT OR RECOVERY THROUGH SURGICAL TREATMENT,
21 COUNSELING, MEDICATION, THERAPY, OR OTHER MEANS.

22 (7) "TOTAL DISABILITY" MEANS INABILITY TO ENGAGE IN ANY
23 SUBSTANTIAL GAINFUL ACTIVITY BY REASON OF A MEDICALLY
24 DETERMINABLE PHYSICAL OR MENTAL IMPAIRMENT THAT MAY BE
25 EXPECTED TO RESULT IN DEATH OR THAT HAS LASTED OR MAY BE
26 EXPECTED TO LAST FOR A PERIOD OF NOT LESS THAN TWELVE MONTHS.

27 **31-31-803. [Similar to former 31-31-802] Coverage and**

1 **eligibility to apply.**

2 (1) ANY MEMBER IS ELIGIBLE FOR THE BENEFITS PROVIDED BY
3 THIS PART 8, WITH THE EXCEPTION OF THE FOLLOWING:

4 (a) ANY MEMBER WHOSE EMPLOYER COVERS THEM UNDER THE
5 FEDERAL "SOCIAL SECURITY ACT";

6 (b) ANY MEMBER WHOSE EMPLOYER HAD ESTABLISHED AN EXEMPT
7 DEFINED BENEFIT PENSION PLAN IN ACCORDANCE WITH PART 8 OF ARTICLE
8 30.5 OF THIS TITLE 31, ON JANUARY 1, 1980, UNLESS AN EMPLOYER
9 IRREVOCABLY ELECTED NOT LATER THAN OCTOBER 1, 1983, TO BE
10 SUBJECT TO THE PROVISIONS OF THIS PART 8;

11 (c) ANY MEMBER WHOSE EMPLOYER HAD ESTABLISHED A MONEY
12 PURCHASE PLAN ON OR BEFORE DECEMBER 1, 1978, IN ACCORDANCE WITH
13 THE PROVISIONS OF PART 8 OF ARTICLE 30.5 OF THIS TITLE 31; AND

14 (d) ANY MEMBER WHOSE EMPLOYER HAS AFFILIATED WITH THE
15 PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION FOR THE PURPOSE OF
16 ADMINISTERING RETIREMENT BENEFITS FOR ITS MEMBERS.

17 (2) (a) DEPARTMENTS PARTICIPATING IN A PLAN ESTABLISHED
18 PURSUANT TO PART 4, 5, OR 11 OF THIS ARTICLE 31 OR ARTICLE 31.5 OF
19 THIS TITLE 31 AND NOT PARTICIPATING IN THE PLAN FOR DISABILITY AND
20 SURVIVOR BENEFITS UNDER THIS PART 8 MAY BE COVERED BY THE
21 PROVISIONS OF THIS PART 8 IN ACCORDANCE WITH THE TERMS,
22 CONDITIONS, AND PROCEDURES ESTABLISHED BY THE BOARD.

23 (b) NO WITHDRAWAL FROM COVERAGE UNDER THE DISABILITY AND
24 SURVIVOR BENEFITS PROVISIONS OF THIS PART 8 IS PERMITTED TO TAKE
25 EFFECT AFTER DECEMBER 31, 2001.

26 (c) IF AN EMPLOYER HAS WITHDRAWN UNDER THIS SUBSECTION (2),
27 REENTRY INTO THE DISABILITY AND SURVIVOR BENEFIT PLAN PROVIDED BY

1 THIS PART 8 IS PERMITTED ONLY ONCE, IN ACCORDANCE WITH TERMS,
2 CONDITIONS, AND PROCEDURES ESTABLISHED BY THE BOARD.

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

8 (4) (a) A MEMBER IS INELIGIBLE FOR DISABILITY RETIREMENT
9 BENEFITS WITH RESPECT TO AN OCCUPATIONAL OR TOTAL DISABILITY THAT
10 IS THE PROXIMATE CONSEQUENCE OR RESULT OF A PRE-EXISTING AND
11 PERMANENT MEDICAL CONDITION.

12 (b) EVERY NEWLY HIRED MEMBER SHALL DISCLOSE THEIR
13 COMPLETE HEALTH HISTORY ON THE STATEWIDE STANDARD HEALTH
14 HISTORY FORM PROVIDED BY THE ASSOCIATION.

15 (c) ANY MEMBER WHO CONCEALS ANY MATERIAL FACT
16 CONCERNING HEALTH HISTORY WHEN COMPLETING THE FORM MAY BE
17 DISQUALIFIED FROM RECEIVING AN AWARD OF DISABILITY RETIREMENT
18 BENEFITS UNDER THIS PART 8 IF THE ASSOCIATION DETERMINES THAT THE
19 CONDITION CONCEALED BY THE MEMBER PROXIMATELY CAUSED THE
20 TOTAL OR OCCUPATIONAL DISABILITY.

21 (5) MEMBERS WHO HAVE COVERAGE UNDER THIS SECTION ARE
22 ELIGIBLE TO APPLY FOR DISABILITY RETIREMENT BENEFITS UNDER THIS
23 PART 8 IF:

24 (a) THE ASSOCIATION RECEIVES AN APPLICATION ON THE
25 ASSOCIATION-APPROVED FORM NO LATER THAN THREE HUNDRED
26 SIXTY-FIVE DAYS AFTER THE LAST DAY ON THE PAYROLL UNDER WHICH
27 DISABILITY COVERAGE UNDER THIS PART 8 IS PROVIDED.

1 (b) THE MEMBER IS NOT ELIGIBLE FOR THE NORMAL RETIREMENT
2 PENSION FROM A PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM
3 PURSUANT TO SECTION 31-31-204 OR A LOCAL DEFINED BENEFIT
4 RETIREMENT PENSION PLAN;

5 (c) THE MEMBER HAS NOT REACHED AGE FIFTY-FIVE WITH
6 TWENTY-FIVE YEARS OF ACCUMULATED SERVICE AS A MEMBER AND IS A
7 PARTICIPANT UNDER THE STATEWIDE MONEY PURCHASE PLAN PURSUANT
8 TO PART 5 OF THIS ARTICLE 31 OR UNDER A LOCAL MONEY PURCHASE
9 PLAN; OR

10 (d) THE MEMBER IS NOT PARTICIPATING IN THE DEFERRED
11 RETIREMENT OPTION PLAN ESTABLISHED PURSUANT TO 31-31.5-409.

12 (6) WITHIN THE APPLICATION FOR DISABILITY RETIREMENT
13 BENEFITS, A MEMBER MAY IRREVOCABLY ELECT NOT TO BE CONSIDERED
14 FOR REINSTATEMENT BY THEIR FORMER EMPLOYER IN THE EVENT THAT
15 SUCH MEMBER BECOMES ELIGIBLE. ANY SUCH ELECTION TERMINATES ANY
16 OBLIGATION FOR REINSTATEMENT BY THE EMPLOYER AS MAY BE REQUIRED
17 BY SECTION 31-31-810 (2) OR 31-31-813.

18 (7) WITHIN THE APPLICATION FOR DISABILITY RETIREMENT
19 BENEFITS, THE EMPLOYER SHALL:

20 (a) MAKE A STATEMENT INDICATING THE REASON FOR THE
21 MEMBER'S SEPARATION FROM EMPLOYMENT; AND

22 (b) STATE ANY ADDITIONAL BASIS FOR DISABILITY UNDER THE
23 DEATH AND DISABILITY PROGRAM THAT THE EMPLOYER BELIEVES EXISTS
24 AND INCLUDE ANY DOCUMENTATION OF RELEVANT MEDICAL EVIDENCE. IF
25 THE MEMBER'S DISABILITY CEASES TO EXIST AND THE MEMBER BECOMES
26 ELIGIBLE TO BE RESTORED TO ACTIVE SERVICE PURSUANT TO SECTION
27 31-31-813 (2), THE ASSOCIATION MAY CONSIDER THE MEMBER FOR A

1 CONTINUING DISABILITY WITH REGARD TO THE ADDITIONAL BASIS
2 PROVIDED BY THE EMPLOYER. THE ASSOCIATION SHALL CONDUCT THE
3 CONSIDERATION AS IF THE MEMBER HAD FILED AN ORIGINAL APPLICATION;
4 EXCEPT THAT LIMITATION PERIODS UNDER SECTION 31-31-813 (2) SHALL
5 ACCRUE FROM THE DATE OF THE ORIGINAL DISABLEMENT. IF THE MEMBER
6 FAILS TO BE EXAMINED WITH REGARD TO THE ADDITIONAL BASIS, THE
7 MEMBER IS ENTITLED TO NEITHER REINSTATEMENT NOR CONTINUING
8 DISABILITY RETIREMENT BENEFITS.

9 (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
10 SECTION, BENEFITS ARE NOT PAYABLE FOR ANY DISABILITY RESULTING IN
11 WHOLE OR IN PART FROM:

12 (I) ADDICTION TO A CONTROLLED SUBSTANCE, THE USE OF WHICH
13 IS PROHIBITED IN ARTICLE 18 OF TITLE 18;

14 (II) ENGAGING IN ANY ACT FOR WHICH THE MEMBER HAS BEEN
15 CONVICTED OF A FELONY; OR

16 (III) AN INTENTIONALLY SELF-INFLICTED INJURY.

17 (b) AS USED IN THIS SUBSECTION (8):

18 (I) "ADDICTION" HAS THE SAME MEANING SET FORTH IN SECTION
19 12-245-801.

20 (II) "CONTROLLED SUBSTANCE" HAS THE SAME MEANING SET
21 FORTH IN SECTION 18-18-102.

22 **31-31-804. Total disability.**

23 (1) A MEMBER WHO MEETS THE DEFINITION OF TOTAL DISABILITY,
24 AS DEFINED BY THIS PART 8 AND THE RULES ADOPTED BY THE BOARD, IS
25 RETIRED FROM ACTIVE SERVICE FOR DISABILITY AND IS ELIGIBLE TO
26 RECEIVE THE DISABILITY RETIREMENT BENEFIT PROVIDED IN SUBSECTION
27 (2) OF THIS SECTION.

1 (2) THE NORMAL ANNUAL DISABILITY RETIREMENT BENEFIT FOR
2 TOTAL DISABILITY IS SEVENTY PERCENT OF THE ANNUAL BASE SALARY
3 PAID TO THE MEMBER IMMEDIATELY PRECEDING RETIREMENT FOR
4 DISABILITY.

5 **31-31-805. Permanent occupational disability.**

6 (1) A MEMBER WHO MEETS THE DEFINITION OF PERMANENTLY
7 OCCUPATIONALLY DISABLED, AS DEFINED BY THIS PART 8 AND THE RULES
8 ADOPTED BY THE BOARD, IS RETIRED FROM ACTIVE SERVICE FOR SUCH
9 TIME AS THE PERMANENT OCCUPATIONAL DISABILITY CONTINUES AND IS
10 ELIGIBLE TO RECEIVE THE DISABILITY RETIREMENT BENEFIT PROVIDED IN
11 SUBSECTION (2) OF THIS SECTION.

12 (2) THE NORMAL ANNUAL DISABILITY RETIREMENT BENEFIT FOR
13 PERMANENT OCCUPATIONAL DISABILITY IS FIFTY PERCENT OF THE ANNUAL
14 BASE SALARY PAID TO THE MEMBER IMMEDIATELY PRECEDING
15 RETIREMENT FOR DISABILITY.

16 (3) THE ASSOCIATION MAY REQUIRE MEMBERS WHO ARE
17 RECEIVING A PERMANENT OCCUPATIONAL DISABILITY RETIREMENT
18 BENEFIT PURSUANT TO THIS SECTION TO PARTICIPATE IN REHABILITATION
19 AND RETRAINING PROGRAMS AS THE ASSOCIATION DEEMS APPROPRIATE.

20 **31-31-806. Retirement options for members receiving a total
21 or permanent occupational disability retirement benefit.**

22 A MEMBER ELIGIBLE FOR THE NORMAL ANNUAL DISABILITY
23 RETIREMENT BENEFIT FOR TOTAL DISABILITY OR PERMANENT
24 OCCUPATIONAL DISABILITY MAY ELECT TO RECEIVE THE NORMAL ANNUAL
25 DISABILITY RETIREMENT BENEFIT OR A REDUCED BENEFIT UNDER ONE OF
26 THE OPTIONS ADOPTED BY THE BOARD THROUGH RULE, WHICH SHALL BE
27 THE ACTUARIAL EQUIVALENT OF THE NORMAL DISABILITY RETIREMENT

1 BENEFIT.

2 **31-31-807. [Similar to former 31-31-803 (2.2)] Temporary**
3 **occupational disability.**

4 (1) A MEMBER WHO MEETS THE DEFINITION OF TEMPORARILY
5 OCCUPATIONALLY DISABLED, AS DEFINED BY THIS PART 8 AND THE RULES
6 ADOPTED BY THE BOARD, IS RETIRED FROM ACTIVE SERVICE FOR SUCH
7 TIME AS THE TEMPORARY OCCUPATIONAL DISABILITY CONTINUES FOR A
8 PERIOD UP TO FIVE YEARS FROM THE DATE OF ORIGINAL DISABLEMENT AND
9 IS ELIGIBLE TO RECEIVE THE DISABILITY RETIREMENT BENEFIT PROVIDED
10 IN THIS SECTION.

11 (2) THE ANNUAL DISABILITY RETIREMENT BENEFIT FOR
12 TEMPORARY OCCUPATIONAL DISABILITY IS FORTY PERCENT OF THE
13 ANNUAL BASE SALARY BEING PAID TO THE MEMBER IMMEDIATELY
14 PRECEDING RETIREMENT FOR DISABILITY.

15 (3) A MEMBER FOUND TO HAVE A TEMPORARY OCCUPATIONAL
16 DISABILITY IS SUBJECT TO REEXAMINATION AT SUCH TIMES AND IN SUCH
17 MANNER AS THE ASSOCIATION MAY DIRECT. THE ASSOCIATION MAY
18 REQUIRE TREATMENT, COUNSELING, OR THERAPY NECESSARY TO
19 REHABILITATE THE MEMBER FOR RETURN TO WORK. AT THE TIME OF
20 REEXAMINATION, A MEMBER WITH A TEMPORARY DISABILITY SHALL
21 PROVIDE EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS
22 ESTABLISHED BY THE ASSOCIATION. THE ASSOCIATION MAY TERMINATE
23 BENEFITS IF THE MEMBER FAILS TO MAKE REHABILITATION EFFORTS, FAILS
24 TO COMPLY WITH THE TREATMENT PLAN, OR FAILS TO PROVIDE EVIDENCE
25 OF A CONTINUING DISABILITY.

26 (4) A MEMBER WHO REMAINS DISABLED MAY APPLY FOR AN
27 UPGRADE TO PERMANENT OCCUPATIONAL DISABILITY OR TO TOTAL

1 DISABILITY NO LATER THAN SIX MONTHS PRIOR TO THE END OF FIVE YEARS
2 FROM THE DATE OF ORIGINAL DISABLEMENT. THE ASSOCIATION MAY
3 UPGRADE A MEMBER TO A PERMANENT OCCUPATIONAL DISABILITY UPON
4 A FINDING BY THE ASSOCIATION THAT THE MEMBER MEETS THE DEFINITION
5 OF PERMANENT OCCUPATIONAL DISABILITY. THE ASSOCIATION MAY
6 UPGRADE A MEMBER TO A TOTAL DISABILITY UPON A FINDING BY THE
7 ASSOCIATION THAT THE MEMBER MEETS THE DEFINITION OF TOTAL
8 DISABILITY. AFTER THE FIVE-YEAR PERIOD, BENEFITS CEASE UNLESS THE
9 MEMBER HAS BEEN UPGRADED TO EITHER PERMANENT OCCUPATIONAL
10 DISABILITY OR TOTAL DISABILITY.

11 (5) A MEMBER WHO IS ON TEMPORARY OCCUPATIONAL DISABILITY
12 IS NOT ENTITLED TO ANY COST OF LIVING ADJUSTMENT.

13 **31-31-808. [Similar to former 31-31-803 (2)] Disability prior**
14 **to October 1, 2002.**

15 (1) A MEMBER WHO BECOMES OCCUPATIONALLY DISABLED AND
16 WAS AWARDED DISABILITY PRIOR TO OCTOBER 1, 2002, IS RETIRED FROM
17 ACTIVE SERVICE FOR SUCH TIME AS THE OCCUPATIONAL DISABILITY
18 CONTINUES AND IS ELIGIBLE TO RECEIVE THE DISABILITY RETIREMENT
19 BENEFIT PROVIDED BY SUBSECTION (2) OF THIS SECTION.

20 (2) THE ANNUAL DISABILITY RETIREMENT BENEFIT FOR
21 OCCUPATIONAL DISABILITY FOR A MEMBER WHO IS RETIRED PURSUANT TO
22 SUBSECTION (1) OF THIS SECTION IS THIRTY PERCENT OF THE ANNUAL BASE
23 SALARY PAID TO THE MEMBER IMMEDIATELY PRECEDING RETIREMENT FOR
24 DISABILITY. THE BENEFIT IS INCREASED BY:

25 (a) TEN PERCENT OF THE ANNUAL BASE SALARY IF THE MEMBER
26 HAD A SPOUSE AT THE TIME OF BECOMING OCCUPATIONALLY DISABLED,
27 FOR SO LONG AS SUCH SPOUSE SURVIVES AND IS MARRIED TO THE MEMBER

1 OR IS LEGALLY ENTITLED TO MAINTENANCE FROM THE MEMBER IN AN
2 AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT OF THE INCREASE IN
3 THE BENEFIT AUTHORIZED BY THIS SUBSECTION (2)(a). IF THE AMOUNT OF
4 MAINTENANCE IS LESS THAN THE AMOUNT OF THE INCREASE IN THE
5 BENEFIT AUTHORIZED BY THIS SUBSECTION (2)(a), THE BENEFIT IS
6 INCREASED BY AN AMOUNT EQUAL TO THE AMOUNT OF THE MAINTENANCE;
7 EXCEPT THAT, FOR ANY MEMBER WHO IS RECEIVING THE BENEFIT
8 AUTHORIZED BY THIS SUBSECTION (2)(a) AND WHO BECOMES LEGALLY
9 REQUIRED TO PAY MAINTENANCE PRIOR TO JUNE 1, 2001, THE AMOUNT OF
10 THE BENEFIT IS TEN PERCENT OF THE ANNUAL BASE SALARY.

11 (b) TEN PERCENT OF THE ANNUAL BASE SALARY IF SUCH MEMBER
12 HAS ANY DEPENDENT CHILDREN.

13 **31-31-809. [Similar to former 31-31-806.5] Disability**
14 **retirement benefits - on-duty.**

15 (1) THE ASSOCIATION SHALL DETERMINE WHETHER THE DISABILITY
16 IS THE RESULT OF AN INJURY INCURRED WHILE PERFORMING OFFICIAL
17 DUTIES OR AN OCCUPATIONAL DISEASE ARISING OUT OF AND IN THE
18 COURSE OF THE MEMBER'S EMPLOYMENT. AN ON-DUTY DETERMINATION
19 DOES NOT CHANGE THE BENEFIT AMOUNT AWARDED.

20 (2) THE BOARD SHALL ADOPT RULES THAT SPECIFY STANDARDS
21 FOR DETERMINING WHETHER A MEMBER'S DISABILITY IS THE RESULT OF AN
22 INJURY INCURRED WHILE PERFORMING OFFICIAL DUTIES OR AN
23 OCCUPATIONAL DISEASE ARISING OUT OF AND IN THE COURSE OF
24 EMPLOYMENT AND THAT ESTABLISH PROCEDURES FOR MAKING SUCH
25 DETERMINATION.

26 (3) THE DETERMINATIONS MADE BY THE ASSOCIATION PURSUANT
27 TO THIS SUBSECTION (3) SHALL BE MADE SOLELY ON THE BASIS OF THE

1 MEDICAL EVIDENCE THAT WAS PREVIOUSLY SUBMITTED IN CONNECTION
2 WITH THE MEMBER'S APPLICATION FOR DISABILITY AND OTHER RELEVANT
3 EVIDENCE THAT IS CONTEMPORANEOUS IN TIME WITH THE TERMINATION
4 OF THE MEMBER'S EMPLOYMENT.

5 **31-31-810. Disability decisions and appeals.**

6 (1) (a) THE ASSOCIATION MAKES THE DETERMINATION OF
7 DISABILITY, WHETHER THE DISABILITY IS OCCUPATIONAL OR TOTAL,
8 WHETHER THE DISABLING CONDITION IS ON-DUTY, AND THE AMOUNT OF
9 THE DISABILITY RETIREMENT BENEFIT. THE ASSOCIATION MAY CONSIDER
10 ANY EVIDENCE IT DEEMS RELEVANT IN MAKING THE DETERMINATION,
11 INCLUDING REPORTS MADE BY PHYSICIANS, WHO MAY BE APPOINTED UPON
12 THE RECOMMENDATION OF A MEDICAL ADVISOR WITH WHOM THE BOARD
13 SHALL CONTRACT TO PROVIDE ADVISORY SERVICES.

14 (b) THE ASSOCIATION MAY REQUEST THAT ANY PHYSICIAN
15 APPOINTED TO EXAMINE THE DISABILITY APPLICANT ALSO PROVIDE AN
16 OPINION AS TO WHETHER THE APPLICANT'S INJURY WAS RECEIVED WHILE
17 PERFORMING OFFICIAL DUTIES OR WHETHER THE APPLICANT'S
18 OCCUPATIONAL DISEASE AROSE OUT OF AND IN THE COURSE OF THE
19 APPLICANT'S EMPLOYMENT. THE ASSOCIATION MAY INVESTIGATE CLAIMS
20 AT THE TIME OF INITIAL APPLICATION FOR BENEFITS OR SUBSEQUENT TO AN
21 AWARD OF BENEFITS TO DETERMINE ELIGIBILITY OR CONTINUING
22 ELIGIBILITY FOR SUCH BENEFITS. THE ASSOCIATION MAY APPOINT
23 INVESTIGATORS AND OTHER PERSONNEL AS NECESSARY TO CARRY OUT
24 THIS FUNCTION.

25 (c) AN APPLICANT MAY APPEAL THE DECISIONS MADE BY THE
26 ASSOCIATION PURSUANT TO THIS SUBSECTION (1) THROUGH THE
27 ADMINISTRATIVE REVIEW PROCEDURES SET FORTH IN THE RULES ADOPTED

1 BY THE BOARD. A FINAL DECISION FROM THE ASSOCIATION CAN ONLY BE
2 REVIEWED BY PROPER COURT ACTION SUBJECT TO RULE 106 (a)(4) OF THE
3 COLORADO RULES OF CIVIL PROCEDURE.

4 (d) IN CONNECTION WITH THIS SUBSECTION (1), THE BOARD:

5 (I) MAY APPOINT HEARING OFFICERS TO CONDUCT HEARINGS ON
6 ANY ISSUE RELATING TO AN APPLICANT'S DISABILITY; AND

7 (II) MAY ADOPT RULES TO ESTABLISH A PROCESS FOR THE
8 ADMINISTRATIVE REVIEW OF DISABILITY APPLICATIONS, INCLUDING
9 STANDARDS OF REVIEW FOR THE APPLICATIONS, WITHOUT BOARD REVIEW.

10 (2) IF THE ASSOCIATION DETERMINES THAT AN APPLICANT FOR
11 DISABILITY IS NOT DISABLED AND THE APPLICANT IS ON SICK LEAVE,
12 DISABILITY LEAVE, OR OTHER TYPE OF LEAVE OF ABSENCE, IS SERVING IN
13 A TEMPORARY POSITION PENDING THE DETERMINATION OF AN
14 APPLICATION, OR HAS BEEN TERMINATED FROM EMPLOYMENT BY THE
15 EMPLOYER ON THE BASIS OF AN ALLEGED DISABILITY, THE EMPLOYER
16 SHALL REINSTATE THE APPLICANT TO ACTIVE SERVICE IN THE SAME
17 POSITION THE APPLICANT HELD PRIOR TO THE COMMENCEMENT OF SUCH
18 LEAVE, ASSIGNMENT TO A TEMPORARY POSITION, OR TERMINATION. IF THE
19 EMPLOYER REFUSES TO REINSTATE THE APPLICANT TO THE APPLICANT'S
20 PRIOR POSITION, THE EMPLOYER SHALL THEREAFTER PAY BENEFITS TO THE
21 APPLICANT AS IF THE APPLICANT HAD BEEN DETERMINED
22 OCCUPATIONALLY DISABLED BY THE ASSOCIATION. THE EMPLOYER SHALL
23 CONTINUE TO PAY SUCH BENEFITS UNTIL THE APPLICANT IS REINSTATED TO
24 THE APPLICANT'S PRIOR POSITION OR DECLINES AN OFFER OF
25 REINSTATEMENT.

26 (3) A MEMBER WHOSE DISABILITY RETIREMENT BENEFITS CEASE
27 AND WHO IS NOT RESTORED TO ACTIVE SERVICE OR A MEMBER WHO

1 ELECTS TO TERMINATE THEIR DISABILITY RETIREMENT BENEFITS IS
2 ENTITLED TO:

3 (a) ANY VESTED BENEFIT EARNED THROUGH THEIR YEARS OF
4 SERVICE PRIOR TO BECOMING DISABLED, PAYABLE AT NORMAL
5 RETIREMENT AGE; OR

6 (b) A REFUND OF THE MEMBER'S CONTRIBUTIONS IF NO BENEFIT IS
7 VESTED.

8 **31-31-811. [Similar to former 31-31-803 (6)] Cost of living**
9 **adjustments.**

10 (1) COST OF LIVING ADJUSTMENTS PAYABLE UNDER THE
11 STATEWIDE DEATH AND DISABILITY PLAN ESTABLISHED IN THIS PART 8 ARE
12 PAID EFFECTIVE OCTOBER 1 EACH YEAR, AND THE REDETERMINED
13 AMOUNT OF THE BENEFIT IS PAYABLE FOR THE FOLLOWING TWELVE
14 MONTHS. TO BE ELIGIBLE FOR A COST OF LIVING ADJUSTMENT,
15 RETIREMENT BENEFITS SHALL HAVE BEEN PAID FOR AT LEAST TWELVE
16 CALENDAR MONTHS PRIOR TO THE EFFECTIVE DATE OF THE COST OF LIVING
17 ADJUSTMENT.

18 (2) (a) FOR THE COST OF LIVING ADJUSTMENT OF PERMANENT
19 OCCUPATIONAL DISABILITY RETIREMENT BENEFITS, THE AMOUNT OF THE
20 BENEFIT ON THE EFFECTIVE DATE OF THE BENEFIT IS INCREASED BY A
21 PERCENTAGE TO BE DETERMINED BY THE BOARD BUT NOT MORE THAN
22 THREE PERCENT FOR EACH FULL YEAR CONTAINED IN THE PERIOD
23 COMMENCING WITH THE EFFECTIVE DATE OF THE BENEFIT AND ENDING
24 WITH THE EFFECTIVE DATE OF THE COST OF LIVING ADJUSTMENT.

25 (b) FOR THE COST OF LIVING ADMUSTMENT OF TOTAL DISABILITY
26 RETIREMENT BENEFITS, THE AMOUNT OF THE BENEFIT ON THE EFFECTIVE
27 DATE OF THE BENEFIT IS INCREASED BY THREE PERCENT FOR EACH FULL

1 YEAR CONTAINED IN THE PERIOD COMMENCING WITH THE EFFECTIVE DATE
2 OF THE BENEFIT AND ENDING WITH THE EFFECTIVE DATE OF THE COST OF
3 LIVING ADJUSTMENT. IN THE CASE OF A MEMBER CHANGING STATUS FROM
4 OCCUPATIONAL DISABILITY TO TOTAL DISABILITY, THE THREE PERCENT
5 COST OF LIVING ADJUSTMENT BEGINS WITH THE EFFECTIVE DATE OF THE
6 BENEFIT AND THERE IS NO RETROACTIVE COST OF LIVING ADJUSTMENT
7 APPLIED TO THE BENEFIT FOR ANY PERIOD THAT THE MEMBER WAS
8 RECEIVING AN OCCUPATIONAL DISABILITY BENEFIT.

9 (3) THE COST OF THE ADJUSTMENT OF BENEFITS PROVIDED BY THIS
10 SECTION IS FUNDED IN THE SAME MANNER AS OTHER BENEFITS
11 ESTABLISHED BY THIS PART 8.

12 **31-31-812. [Similar to former 31-31-804] Reduction of**
13 **disability retirement benefits.**

14 (1) (a) THE BENEFITS PAYABLE PURSUANT TO THIS PART 8 TO ANY
15 MEMBER WHO IS AWARDED AN OCCUPATIONAL DISABILITY BENEFIT PRIOR
16 TO OCTOBER 1, 2002, A TOTAL DISABILITY BENEFIT, OR WHO IS
17 PERMANENTLY OCCUPATIONALLY DISABLED AND WHO IS ALSO ELIGIBLE TO
18 RECEIVE PAYMENTS FROM THE MEMBER'S INDIVIDUAL ACCOUNT PURSUANT
19 TO PART 5 OF ARTICLE 31.5 OF THIS TITLE 31 OR A SIMILAR PROVISION IN
20 A LOCAL PENSION PLAN IS REDUCED BY AN AMOUNT THAT IS THE
21 ACTUARIAL EQUIVALENT OF THE BENEFITS SUCH MEMBER IS ELIGIBLE TO
22 RECEIVE FROM THE SEPARATE RETIREMENT ACCOUNT, WHETHER THE
23 BENEFITS RECEIVED FROM THE ACCOUNT ARE PAID ON A PERIODIC BASIS OR
24 IN A LUMP SUM.

25 (b) THE BENEFITS PAYABLE PURSUANT TO THIS PART 8 TO ANY
26 MEMBER WHO IS AWARDED A TOTAL DISABILITY BENEFIT OR WHO IS
27 PERMANENTLY OCCUPATIONALLY DISABLED AND WHO IS ALSO ELIGIBLE TO

1 RECEIVE A DEFINED BENEFIT FROM A STATEWIDE OR LOCAL PENSION PLAN
2 IS REDUCED BY THE AMOUNT OF THE DEFINED BENEFIT.

3 (c) ANY DISABILITY RETIREMENT BENEFIT PROVIDED PURSUANT TO
4 THIS PART 8 IS REDUCED BY THE PRO RATA AMOUNT OF ANY SOCIAL
5 SECURITY BENEFIT RECEIVED BY THE MEMBER ATTRIBUTABLE TO THE
6 MEMBER'S QUARTERS OF SOCIAL SECURITY COVERAGE DERIVED FROM
7 EMPLOYMENT AS A MEMBER.

8 (d) ANY MEMBER RECEIVING AN OCCUPATIONAL DISABILITY
9 BENEFIT PURSUANT TO THIS PART 8 AND A SOCIAL SECURITY BENEFIT
10 ATTRIBUTABLE TO THE MEMBER'S QUARTERS OF SOCIAL SECURITY
11 COVERAGE DERIVED FROM EMPLOYMENT AS A MEMBER SHALL FILE AN
12 ANNUAL REPORT CONCERNING ANY SOCIAL SECURITY INCOME. IF SUCH
13 MEMBER KNOWINGLY FAILS TO FILE SUCH REPORT OR FILES A FRAUDULENT
14 REPORT, THE DISABILITY RETIREMENT BENEFIT IS DISCONTINUED.

15 (2) THE BENEFITS PAYABLE PURSUANT TO THIS PART 8 TO ANY
16 MEMBER WHO IS OCCUPATIONALLY DISABLED PRIOR TO OCTOBER 1, 2002,
17 IS PERMANENTLY OCCUPATIONALLY DISABLED, OR WHO IS TOTALLY
18 DISABLED AND WHO AT THE TIME OF THE AWARD OF SUCH BENEFITS IS A
19 MEMBER OF A MONEY PURCHASE PLAN PURSUANT TO THIS ARTICLE 31 OR
20 ARTICLE 30.5 OF THIS TITLE 31, INCLUDING ANY DEPARTMENT CHIEF, WHO
21 AT THE TIME OF THE AWARD OF SUCH BENEFITS HAS BEEN EXEMPTED FROM
22 THE STATEWIDE RETIREMENT PLAN AS PERMITTED BY SECTION
23 31-31.5-203, IS REDUCED BY AN AMOUNT THAT IS THE ACTUARIAL
24 EQUIVALENT OF THE BENEFITS SUCH MEMBER RECEIVES FROM ANY SUCH
25 MONEY PURCHASE PLAN, WHETHER THE BENEFITS RECEIVED FROM THE
26 MONEY PURCHASE PLAN ARE PAID ON A PERIODIC BASIS OR IN A LUMP SUM.
27 A REDUCTION SHALL NOT EXCEED THE ACTUARIAL EQUIVALENT OF MONEY

1 PURCHASE PLAN BENEFITS IF SUCH BENEFITS HAD BEEN FUNDED AT THE
2 SAME RATE OF CONTRIBUTIONS SPECIFIED IN SECTION 31-31.5-301.

3 **31-31-813. [Similar to former 31-31-805] Change in disability**
4 **status - reexamination.**

5 (1) AT ANY TIME THAT A TOTAL DISABILITY CEASES TO EXIST,
6 BASED UPON PERIODIC REEXAMINATION AS MAY BE REQUIRED BY THE
7 ASSOCIATION OR BASED UPON OTHER EVIDENCE OF ABILITY TO ENGAGE IN
8 SUBSTANTIAL GAINFUL ACTIVITY, A MEMBER RETIRED FOR SUCH
9 DISABILITY SHALL BE DECLARED PERMANENTLY OCCUPATIONALLY
10 DISABLED, AND THE BENEFITS PROVIDED BY SECTION 31-31-804 ARE
11 REDUCED TO THE LEVEL PROVIDED IN SECTION 31-31-805.

12 (2) (a) AT ANY TIME THAT AN OCCUPATIONAL DISABILITY CEASES
13 TO EXIST, BASED UPON PERIODIC REEXAMINATION AS MAY BE REQUIRED
14 BY THE ASSOCIATION, A MEMBER RETIRED FOR SUCH DISABILITY MAY BE
15 RESTORED TO ACTIVE SERVICE, AND THE BENEFITS ARE DISCONTINUED.
16 THE MEMBER SHALL BE RESTORED TO ACTIVE SERVICE BY THE MEMBER'S
17 FORMER EMPLOYER IF A VACANCY EXISTS IN THE SAME POSITION THE
18 MEMBER HELD PRIOR TO RETIREMENT, OR IF THERE IS A POSITION OF EQUAL
19 BASE PAY AVAILABLE, OR IF THE MEMBER AGREES TO ACCEPT ANOTHER
20 AVAILABLE POSITION THAT MAY NOT BE THE SAME OR OF EQUAL BASE PAY
21 TO THE MEMBER'S FORMER POSITION.

22 (b) IF THE POSITION TO WHICH THE MEMBER WILL BE RESTORED
23 REQUIRES, AS A MATTER OF STATE LAW, THAT THE MEMBER MAINTAIN ANY
24 TYPE OF STATE CERTIFICATION, THE EMPLOYER NEED NOT RESTORE THE
25 MEMBER TO SUCH POSITION IF THE MEMBER DOES NOT HAVE THE
26 NECESSARY CERTIFICATION OR THE MEMBER'S CERTIFICATION HAS
27 OTHERWISE LAPSED, EXPIRED, OR BEEN REVOKED. THE EMPLOYER,

1 HOWEVER, MUST AFFORD THE MEMBER AN OPPORTUNITY TO ATTAIN
2 CERTIFICATION, RECERTIFICATION, OR REACTIVATION OF AN EXISTING
3 CERTIFICATION AND MUST HOLD OPEN ANY POSITION THAT THE MEMBER
4 HAS AGREED TO ACCEPT PURSUANT TO THIS SUBSECTION (2) FOR A PERIOD
5 NOT TO EXCEED ONE YEAR. THE BOARD IS DIRECTED TO EVALUATE THE
6 IMPACT OF THIS REQUIREMENT ON EMPLOYERS OF ASSOCIATION MEMBERS.
7 THE ONE-YEAR PERIOD MAY EXTEND BEYOND THE FIVE-YEAR LIMITATION
8 SET FORTH IN SUBSECTION (2)(f) OF THIS SECTION, AS LONG AS THE
9 OPENING OCCURS WITHIN THE FIVE-YEAR PERIOD. DISABILITY RETIREMENT
10 BENEFITS WILL BE CONTINUED DURING ANY PERIOD, NOT TO EXCEED ONE
11 YEAR, THAT THE MEMBER IS ATTEMPTING TO ATTAIN CERTIFICATION,
12 RECERTIFICATION, OR REACTIVATION.

13 (c) IF, AT THE TIME OF A FINDING BY THE ASSOCIATION THAT A
14 MEMBER'S OCCUPATIONAL DISABILITY HAS CEASED TO EXIST, THERE IS NO
15 OPENING IN THE SAME POSITION THE MEMBER HELD PRIOR TO RETIREMENT
16 OR ONE OF EQUAL BASE PAY AND THERE IS NO OPENING IN A POSITION OF
17 LESSER BASE PAY THAT THE MEMBER AGREES TO ACCEPT, THE
18 ASSOCIATION MAY ORDER THE MEMBER TO PROCEED WITH ANY
19 NECESSARY TRAINING IN ORDER TO ATTAIN, REINSTATE, OR REACTIVATE
20 ANY CERTIFICATION REQUIRED FOR THE POSITION FROM WHICH THE
21 MEMBER RETIRED. DISABILITY RETIREMENT BENEFITS ARE CONTINUED
22 DURING THE TRAINING PERIOD UP TO A MAXIMUM OF ONE YEAR.

23 (d) IF THE MEMBER REFUSES TO TAKE THE STEPS NECESSARY TO
24 ATTAIN CERTIFICATION, RECERTIFICATION, OR REACTIVATION AS
25 REQUIRED BY SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, OR IF AT
26 THE END OF THE ONE-YEAR LIMITATION ON ATTAINING CERTIFICATION,
27 RECERTIFICATION, OR REACTIVATION THE MEMBER HAS NOT ATTAINED THE

1 NECESSARY CERTIFICATION, RECERTIFICATION, OR REACTIVATION,
2 DISABILITY RETIREMENT BENEFITS ARE DISCONTINUED, AND THE
3 EMPLOYER IS RELIEVED OF FURTHER OBLIGATIONS PURSUANT TO THIS
4 SUBSECTION (2).

5 (e) IF A MEMBER REFUSES TO ACCEPT THE SAME OR A POSITION OF
6 EQUAL BASE PAY, THE DISABILITY RETIREMENT BENEFITS ARE
7 DISCONTINUED, BUT A MEMBER SHALL NOT LOSE BENEFITS IF THERE IS NO
8 SUCH VACANCY OR IF THE MEMBER REFUSES TO ACCEPT A POSITION THAT
9 IS NOT THE SAME OR OF EQUAL BASE PAY TO THE MEMBER'S FORMER
10 POSITION, OR IF THE EMPLOYER REFUSES TO RESTORE THE MEMBER TO
11 ACTIVE SERVICE, EXCEPT AS PROVIDED PURSUANT TO SUBSECTION (2)(b)
12 OF THIS SECTION.

13 (f) IF THE ASSOCIATION DETERMINES THAT A DISABILITY CEASES
14 TO EXIST, AND IF NO APPROPRIATE VACANCY IS AVAILABLE AT THAT TIME,
15 THE MEMBER HAS THE FIRST RIGHT OF REFUSAL TO FILL A VACANCY IF IT
16 OCCURS WITHIN FIVE YEARS FROM THE DATE OF ORIGINAL DISABLEMENT.
17 IF AN OCCUPATIONAL DISABILITY IS BASED ON A MEDICAL DETERMINATION
18 OF MENTAL IMPAIRMENT OR DISEASE, THE ASSOCIATION MUST DETERMINE,
19 THAT THE OCCUPATIONAL DISABILITY CEASES TO EXIST BEFORE THE
20 MEMBER IS GRANTED A FIRST RIGHT OF REFUSAL.

21 (g) AT LEAST THIRTY DAYS PRIOR TO MAKING ITS DETERMINATION,
22 THE ASSOCIATION SHALL PROVIDE WRITTEN NOTICE TO THE EMPLOYER
23 AND MEMBER OF THE OPPORTUNITY FOR A HEARING, UPON REQUEST OF
24 THE EMPLOYER OR MEMBER. IF A HEARING IS REQUESTED, THE
25 ASSOCIATION SHALL PROVIDE THE EMPLOYER WITH COPIES OF ANY
26 MEDICAL REPORTS PREPARED BY THE PHYSICIANS WITH RESPECT TO ANY
27 EXAMINATION OR REEXAMINATION OF THE MEMBER. NEITHER THE

1 EMPLOYER, THE AGENTS OF THE EMPLOYER, INCLUDING ANY PHYSICIAN
2 RETAINED TO REVIEW SUCH REPORTS, NOR THE ASSOCIATION SHALL
3 RELEASE SUCH REPORTS TO ANY OTHER PERSON EXCEPT AS OTHERWISE
4 ALLOWED IN SECTION 24-72-204 (3)(a)(I).

5 (h) IF THE MEMBER REFUSES A VACANCY IN THE SAME POSITION
6 THE MEMBER HELD PRIOR TO RETIREMENT OR IN A POSITION OF EQUAL
7 BASE PAY TO THE MEMBER'S FORMER POSITION, THE DISABILITY
8 RETIREMENT BENEFITS ARE DISCONTINUED. EXCEPT AS OTHERWISE
9 PROVIDED IN THIS SUBSECTION (2), IF THE EMPLOYER REFUSES TO ALLOW
10 A MEMBER WHO EXERCISES SUCH FIRST RIGHT OF REFUSAL TO FILL THE
11 VACANCY, THE EMPLOYER SHALL THEREAFTER PAY THE COST OF THE
12 BENEFITS.

13 (i) WHEN A TEMPORARY OCCUPATIONAL DISABILITY CEASES TO
14 EXIST AND THE MEMBER IS RESTORED TO ACTIVE SERVICE WITH THE
15 MEMBER'S EMPLOYER, A TRANSFER WILL BE MADE FROM THE STATEWIDE
16 DEATH AND DISABILITY PLAN TO THE MEMBER'S NORMAL RETIREMENT
17 PLAN IN THE AMOUNT OF THE MONTHLY EMPLOYER AND EMPLOYEE
18 CONTRIBUTIONS BEING MADE TO THE MEMBER'S PENSION PLAN AT THE
19 TIME OF DISABILITY BUT NOT MORE THAN SIXTEEN PERCENT OF THE
20 MONTHLY BASE SALARY THAT THE MEMBER WAS BEING PAID AT THE TIME
21 OF DISABILITY RETIREMENT, MULTIPLIED BY THE NUMBER OF MONTHS THE
22 MEMBER RECEIVED TEMPORARY OCCUPATIONAL DISABILITY RETIREMENT
23 BENEFITS. THE MEMBER WILL RECEIVE SERVICE CREDIT FOR SUCH
24 TRANSFER. A RESTORED MEMBER OF A LOCAL PLAN THAT HAS A
25 CONTRIBUTION RATE IN EXCESS OF SIXTEEN PERCENT SHALL HAVE THE
26 DIFFERENCE BETWEEN THE AMOUNT TRANSFERRED AND THE AMOUNT
27 THAT WOULD HAVE BEEN CONTRIBUTED AT THE EXCESS RATE, MADE UP BY

1 AN ADDITIONAL CONTRIBUTION FROM THE EMPLOYER.

2 (3) WHEN A MEMBER ON TEMPORARY OCCUPATIONAL DISABILITY
3 SATISFIES THE AGE AND SERVICE REQUIREMENTS FOR A NORMAL
4 RETIREMENT, INCLUDING THE TIME THE MEMBER WAS ON TEMPORARY
5 OCCUPATIONAL DISABILITY, A TRANSFER IS MADE FROM THE STATEWIDE
6 DEATH AND DISABILITY PLAN TO THE MEMBER'S NORMAL RETIREMENT
7 PLAN IN THE AMOUNT OF THE MONTHLY EMPLOYER AND EMPLOYEE
8 CONTRIBUTIONS BEING MADE TO THE MEMBER'S PENSION PLAN AT THE
9 TIME OF DISABILITY BUT NOT MORE THAN SIXTEEN PERCENT OF THE
10 MONTHLY BASE SALARY THAT THE MEMBER WAS BEING PAID AT THE TIME
11 OF DISABILITY MULTIPLIED BY THE NUMBER OF MONTHS THE MEMBER
12 RECEIVED TEMPORARY OCCUPATIONAL DISABILITY RETIREMENT BENEFITS.
13 A MEMBER OF A STATEWIDE OR LOCAL RETIREMENT PLAN THAT HAS A
14 MANDATORY CONTRIBUTION RATE IN EXCESS OF SIXTEEN PERCENT SHALL
15 HAVE THE DIFFERENCE BETWEEN THE AMOUNT TRANSFERRED AND THE
16 AMOUNT THAT WOULD HAVE BEEN CONTRIBUTED AT THE EXCESS RATE
17 MADE UP BY AN ADDITIONAL CONTRIBUTION FROM THE EMPLOYER. THE
18 MEMBER SHALL THEN BE GRANTED A NORMAL RETIREMENT UNDER THE
19 MEMBER'S RETIREMENT PLAN AND THE TEMPORARY OCCUPATIONAL
20 DISABILITY RETIREMENT BENEFITS UNDER THE STATEWIDE DEATH AND
21 DISABILITY PLAN SHALL TERMINATE.

22 (4) WITHIN FIVE YEARS FROM THE DATE OF A FINDING OF
23 OCCUPATIONAL DISABILITY PURSUANT TO SUBSECTION (1) OF THIS SECTION
24 OR FROM THE DATE OF ORIGINAL DISABLEMENT PURSUANT TO SECTION
25 31-31-805, 31-31-807, OR 31-31-808, A MEMBER RETIRED FOR SUCH
26 DISABILITY MAY BE DECLARED TOTALLY DISABLED BASED UPON PERIODIC
27 REEXAMINATION AS ORDERED BY THE ASSOCIATION IN ITS DISCRETION. IF

1 THE MEMBER IS DECLARED TOTALLY DISABLED, THE BENEFITS PROVIDED
2 BY SECTION 31-31-805, 31-31-807, OR 31-31-808 ARE INCREASED TO THE
3 LEVEL PROVIDED IN SECTION 31-31-804. COST OF LIVING ADJUSTMENTS
4 ARE PAID PROSPECTIVELY IN ACCORDANCE WITH SECTION 31-31-811.

5 **31-31-814. [Similar to former 31-31-806] Disqualification upon**
6 **reemployment.**

7 IF, SUBSEQUENT TO DISABILITY RETIREMENT BENEFITS BEING
8 AWARDED TO A MEMBER PURSUANT TO THIS PART 8, BUT PRIOR TO A
9 DECISION OF THE ASSOCIATION THAT AN OCCUPATIONAL DISABILITY
10 CEASES TO EXIST, A MEMBER IS EMPLOYED OR REEMPLOYED IN THIS STATE
11 OR ANY OTHER JURISDICTION, PURSUANT TO EITHER AN AGREEMENT OR
12 COURT ORDER, IN A FULL-TIME SALARIED POSITION THAT NORMALLY
13 INVOLVES WORKING AT LEAST ONE THOUSAND SIX HUNDRED HOURS IN
14 ANY GIVEN CALENDAR YEAR AND THE DUTIES OF WHICH ARE DIRECTLY
15 INVOLVED WITH THE PROVISION OF POLICE OR FIRE PROTECTION AS
16 DETERMINED BY THE ASSOCIATION, THE DISABILITY RETIREMENT BENEFITS
17 PROVIDED PURSUANT TO THIS PART 8 ARE DISCONTINUED. ANY
18 APPLICATION FOR RETIREMENT FOR DISABILITY MADE BY THE MEMBER
19 AFTER SUCH APPOINTMENT OR REINSTATEMENT SHALL BE TREATED IN ALL
20 RESPECTS AS A NEW APPLICATION.

21 **31-31-815. [Similar to former 31-31-807] Death of member -**
22 **survivor benefits.**

23 (1) (a) IF A MEMBER DIES WHILE IN ACTIVE SERVICE OR WHILE ON
24 TEMPORARY OCCUPATIONAL DISABILITY AND LEAVES A SURVIVING SPOUSE
25 OR DEPENDENT CHILDREN, OR BOTH, ONE OF THE SURVIVOR BENEFITS
26 DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION ARE PAID IF THE
27 MEMBER:

1 (I) IS NOT ELIGIBLE FOR A NORMAL RETIREMENT PENSION UNDER
2 AN OLD HIRE PENSION PLAN ESTABLISHED PURSUANT TO ARTICLE 30.5 OF
3 THIS TITLE 31 THAT PROVIDES FOR POSTRETIREMENT SURVIVOR BENEFITS
4 TO A SPOUSE AND DEPENDENT CHILDREN IN THE EVENT THE MEMBER DIES
5 IN ACTIVE SERVICE WHILE ELIGIBLE FOR NORMAL RETIREMENT; AND

6 (II) (A) IS NOT ELIGIBLE FOR THE NORMAL RETIREMENT PENSION
7 FROM A PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM PURSUANT
8 TO SECTION 31-31-204; OR

9 (B) HAS NOT REACHED AGE FIFTY-FIVE WITH TWENTY-FIVE YEARS
10 OF ACCUMULATED SERVICE AS A MEMBER AND IS A PARTICIPANT UNDER
11 THE STATEWIDE MONEY PURCHASE PLAN PURSUANT TO PART 5 OF THIS
12 ARTICLE 31 OR UNDER A LOCAL MONEY PURCHASE PLAN.

13 (b) ONE OF THE FOLLOWING SURVIVOR BENEFITS IS PAID IF THE
14 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION ARE SATISFIED:

15 (I) WHEN THERE IS A SURVIVING SPOUSE AND NO DEPENDENT
16 CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY
17 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

18 (II) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT
19 CHILD, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY BASE
20 SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

21 (III) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE
22 DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE
23 MONTHLY BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING
24 DEATH.

25 (IV) WHEN THERE IS NO SURVIVING SPOUSE AND THREE OR MORE
26 DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE
27 MONTHLY BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING

1 DEATH.

2 (V) WHEN THERE IS NO SURVIVING SPOUSE AND TWO DEPENDENT
3 CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY
4 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

5 (VI) WHEN THERE IS NO SURVIVING SPOUSE AND ONE DEPENDENT
6 CHILD, THE MONTHLY BENEFIT SHALL BE FORTY PERCENT OF THE MONTHLY
7 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

8 (2) ANY BENEFIT PROVIDED IN ACCORDANCE WITH THIS SECTION
9 TO THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A MEMBER WHO DIES
10 WHILE IN ACTIVE SERVICE TERMINATES UPON THE DEATH OF THE
11 SURVIVING SPOUSE OR UPON THE DEATH OR TERMINATION OF DEPENDENCY
12 OF SUCH DEPENDENT CHILD, AS APPLICABLE.

13 (3) (a) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT
14 CHILD RESIDING IN A SEPARATE HOUSEHOLD FROM THE SURVIVING SPOUSE,
15 THE SURVIVING SPOUSE RECEIVES TWENTY-FIVE PERCENT OF THE
16 MONTHLY BASE SALARY AND THE CHILD SHALL RECEIVE THE BALANCE OF
17 THE BENEFIT PURSUANT TO SUBSECTION (1)(b)(II) OF THIS SECTION.

18 (b) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE
19 DEPENDENT CHILDREN RESIDING IN A SEPARATE HOUSEHOLD FROM THE
20 SURVIVING SPOUSE, THE SURVIVING SPOUSE RECEIVES TWENTY-FIVE
21 PERCENT OF THE MONTHLY BASE SALARY AND THE CHILDREN RECEIVE THE
22 BALANCE OF THE BENEFIT PURSUANT TO SUBSECTION (1)(b)(III) OF THIS
23 SECTION.

24 (c) UPON THE TERMINATION OF THE BENEFIT PAYABLE TO THE
25 CHILD OR CHILDREN PURSUANT TO SUBSECTION (3)(a) OR (3)(b) OF THIS
26 SECTION, THE SURVIVING SPOUSE RECEIVES THE BENEFIT PURSUANT TO
27 SUBSECTION (1)(b)(I) OF THIS SECTION.

1 (4) IF A SURVIVOR BENEFIT IS PAYABLE FOR THE BENEFIT OF MORE
2 THAN ONE DEPENDENT CHILD OF THE MEMBER PURSUANT TO SUBSECTION
3 (1)(b)(III), (1)(b)(IV), OR (1)(b)(V) OF THIS SECTION AND THE DEPENDENT
4 CHILDREN RESIDE IN SEPARATE HOUSEHOLDS FROM EACH OTHER, THE
5 BENEFIT IS DIVIDED EQUALLY AMONG THE CHILDREN.

6 (5) ANY SURVIVING SPOUSE OR DEPENDENT CHILD RECEIVING
7 BENEFITS PURSUANT TO SUBSECTION (1)(b)(I) OR (1)(b)(VI) OF THIS
8 SECTION PRIOR TO JANUARY 1, 2002, RECEIVE ANY INCREASED BENEFIT
9 ESTABLISHED IN SUBSECTION (1)(b)(I) OR (1)(b)(VI) OF THIS SECTION ON
10 JANUARY 1, 2002, AS APPLICABLE.

11 (6) (a) THE SURVIVOR BENEFITS PAYABLE UNDER THE STATEWIDE
12 DEATH AND DISABILITY PLAN ESTABLISHED IN THIS PART 8 IS
13 REDETERMINED EFFECTIVE OCTOBER 1 EACH YEAR, AND THE
14 REDETERMINED AMOUNT IS PAYABLE FOR THE FOLLOWING TWELVE
15 MONTHS. TO BE ELIGIBLE FOR REDETERMINATION, THE BENEFITS SHALL
16 HAVE BEEN PAID FOR AT LEAST TWELVE CALENDAR MONTHS PRIOR TO THE
17 EFFECTIVE DATE OF REDETERMINATION. THE ANNUAL REDETERMINATION
18 OF BENEFITS MADE PURSUANT TO THIS SECTION IS IN LIEU OF ANY OTHER
19 ANNUAL COST OF LIVING ADJUSTMENT.

20 (b) FOR THE REDETERMINATION OF SURVIVOR BENEFITS PAYABLE
21 PURSUANT TO THIS SECTION, THE AMOUNT OF THE BENEFIT ON THE
22 EFFECTIVE DATE OF THE BENEFIT IS INCREASED BY A PERCENTAGE TO BE
23 DETERMINED BY THE BOARD BUT NOT MORE THAN THREE PERCENT FOR
24 EACH FULL YEAR CONTAINED IN THE PERIOD COMMENCING WITH THE
25 EFFECTIVE DATE OF THE BENEFIT AND ENDING WITH THE EFFECTIVE DATE
26 OF THE REDETERMINATION.

27 (c) THE COST OF THE ADJUSTMENT OF BENEFITS PROVIDED BY THIS

1 SECTION IS FUNDED IN THE SAME MANNER AS OTHER BENEFITS
2 ESTABLISHED BY THIS PART 8.

3 **31-31-816. [Similar to former 31-31-807.5] Death of member**
4 **- line-of-duty - survivor benefits.**

5 (1) (a) IF A MEMBER DIES WHILE IN ACTIVE SERVICE AS THE DIRECT
6 AND PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED WHILE
7 PERFORMING OFFICIAL DUTIES OR AS A RESULT OF AN OCCUPATIONAL
8 DISEASE ARISING OUT OF AND IN THE COURSE OF THE MEMBER'S
9 EMPLOYMENT, AND IF SUCH MEMBER QUALIFIES FOR LINE-OF-DUTY STATUS
10 UNDER SECTION 101 (h) OF THE FEDERAL "INTERNAL REVENUE CODE OF
11 1986", AND LEAVES A SURVIVING SPOUSE OR DEPENDENT CHILDREN, OR
12 BOTH, ONE OF THE SURVIVOR BENEFITS DESCRIBED IN EITHER SUBSECTION
13 (1)(b) OR (1)(c) OF THIS SECTION IS PAID IF THE MEMBER:

14 (I) IS NOT ELIGIBLE FOR A NORMAL RETIREMENT PENSION UNDER
15 AN OLD HIRE PENSION ESTABLISHED PURSUANT TO ARTICLE 30.5 OF THIS
16 TITLE 31 THAT PROVIDES FOR POSTRETIREMENT SURVIVOR BENEFITS TO A
17 SPOUSE AND DEPENDENT CHILDREN IN THE EVENT THE MEMBER DIES IN
18 ACTIVE SERVICE WHILE ELIGIBLE FOR NORMAL RETIREMENT; AND

19 (II) (A) IS NOT ELIGIBLE FOR THE NORMAL RETIREMENT PENSION
20 FROM A PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM PURSUANT
21 TO SECTION 31-31-204; OR

22 (B) HAS NOT REACHED AGE FIFTY-FIVE WITH TWENTY-FIVE YEARS
23 OF ACCUMULATED SERVICE AS A MEMBER AND IS A PARTICIPANT UNDER
24 THE STATEWIDE MONEY PURCHASE PLAN PURSUANT TO PART 5 OF THIS
25 ARTICLE 31 OR UNDER A LOCAL MONEY PURCHASE PLAN.

26 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF
27 THIS SECTION, ONE OF THE FOLLOWING SURVIVOR BENEFITS IS PAID IF THE

1 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION ARE SATISFIED:

2 (I) WHEN THERE IS A SURVIVING SPOUSE AND NO DEPENDENT
3 CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY
4 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

5 (II) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT
6 CHILD, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY BASE
7 SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

8 (III) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE
9 DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE
10 MONTHLY BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING
11 DEATH.

12 (IV) WHEN THERE IS NO SURVIVING SPOUSE AND THREE OR MORE
13 DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE
14 MONTHLY BASE SALARY PAID TO EACH MEMBER IMMEDIATELY PRECEDING
15 DEATH.

16 (V) WHEN THERE IS NO SURVIVING SPOUSE AND TWO DEPENDENT
17 CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY
18 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

19 (VI) WHEN THERE IS NO SURVIVING SPOUSE AND ONE DEPENDENT
20 CHILD, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY BASE
21 SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

22 (c) FOR SURVIVORS WHO BECOME ELIGIBLE FOR SURVIVOR
23 BENEFITS ON OR AFTER OCTOBER 15, 2002, ONE OF THE FOLLOWING
24 SURVIVOR BENEFITS IS PAID IF THE REQUIREMENTS OF SUBSECTION (1)(a)
25 OF THIS SECTION ARE SATISFIED:

26 (I) THE MONTHLY BENEFIT WHEN THERE IS A SURVIVING SPOUSE,
27 EITHER WITH OR WITHOUT CHILDREN, IS SEVENTY PERCENT OF THE

1 MONTHLY BASE SALARY BEING PAID TO SUCH MEMBER IMMEDIATELY
2 PRECEDING DEATH.

3 (II) THE MONTHLY BENEFIT WHEN THERE IS NO SURVIVING SPOUSE
4 BUT A SURVIVING CHILD OR CHILDREN IS:

5 (A) SEVENTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID
6 TO SUCH MEMBER IMMEDIATELY PRIOR TO DEATH IF THE CHILD OR
7 CHILDREN WERE LIVING IN THE MEMBER'S HOME AT THE TIME OF THE
8 MEMBER'S DEATH; OR

9 (B) FORTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID
10 TO SUCH MEMBER IMMEDIATELY PRIOR TO DEATH FOR ONE CHILD AND
11 FIFTEEN PERCENT FOR EACH ADDITIONAL CHILD; EXCEPT THAT THE TOTAL
12 BENEFIT RECEIVED SHALL NOT BE GREATER THAN SEVENTY PERCENT OF
13 THE MONTHLY BASE SALARY IF THE CHILD OR CHILDREN WERE NOT LIVING
14 IN THE MEMBER'S HOME AT THE TIME OF THE MEMBER'S DEATH.

15 (2) (a) ON OR AFTER OCTOBER 1, 2001, IF A MEMBER DIES WHILE
16 IN ACTIVE SERVICE AS THE DIRECT AND PROXIMATE RESULT OF A
17 PERSONAL INJURY SUSTAINED WHILE PERFORMING OFFICIAL DUTIES OR AS
18 A RESULT OF AN OCCUPATIONAL DISEASE ARISING OUT OF AND IN THE
19 COURSE OF THE MEMBER'S EMPLOYMENT, AND IF SUCH MEMBER QUALIFIES
20 FOR LINE-OF-DUTY STATUS UNDER SECTION 101 (h) OF THE FEDERAL
21 "INTERNAL REVENUE CODE OF 1986", AND LEAVES A SURVIVING SPOUSE
22 OR DEPENDENT CHILDREN, OR BOTH, ONE OF THE SURVIVOR BENEFITS
23 DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION IS PAID IF THE MEMBER:

24 (I) IS ELIGIBLE FOR A NORMAL RETIREMENT PENSION UNDER AN
25 OLD HIRE PENSION ESTABLISHED PURSUANT TO ARTICLE 30.5 OF THIS TITLE
26 31 THAT PROVIDES FOR POSTRETIREMENT SURVIVOR BENEFITS TO A
27 SPOUSE AND DEPENDENT CHILDREN IN THE EVENT THE MEMBER DIES IN

1 ACTIVE SERVICE WHILE ELIGIBLE FOR NORMAL RETIREMENT;

2 (II) IS ELIGIBLE FOR THE NORMAL RETIREMENT PENSION FROM A
3 PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM PURSUANT TO
4 SECTION 31-31-204; OR

5 (III) HAS REACHED AGE FIFTY-FIVE WITH TWENTY-FIVE YEARS OF
6 ACCUMULATED SERVICE AS A MEMBER AND IS A PARTICIPANT UNDER THE
7 STATEWIDE MONEY PURCHASE PLAN PURSUANT TO PART 5 OF THIS ARTICLE
8 31 OR UNDER A LOCAL MONEY PURCHASE PLAN.

9 (b) ONE OF THE FOLLOWING SURVIVOR BENEFITS IS PAID IF THE
10 REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION ARE SATISFIED AND
11 IF THE SURVIVOR BENEFIT CURRENTLY RECEIVED PURSUANT TO
12 SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS SECTION IS LESS
13 THAN SEVENTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID TO
14 THE MEMBER IMMEDIATELY PRECEDING DEATH:

15 (I) THE MONTHLY BENEFIT TO BE PAID IN ADDITION TO THE
16 MONTHLY RETIREMENT BENEFIT OTHERWISE PAYABLE WHEN THERE IS A
17 SURVIVING SPOUSE, EITHER WITH OR WITHOUT CHILDREN, IS THE
18 DIFFERENCE BETWEEN SEVENTY PERCENT OF THE MONTHLY BASE SALARY
19 PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH AND THE
20 AMOUNT PAYABLE PURSUANT TO BENEFITS RECEIVED UNDER THE PLAN
21 IDENTIFIED IN SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS
22 SECTION.

23 (II) THE MONTHLY BENEFIT TO BE PAID IN ADDITION TO THE
24 MONTHLY RETIREMENT BENEFIT OTHERWISE PAYABLE WHEN THERE IS NO
25 SURVIVING SPOUSE BUT THERE IS A SURVIVING CHILD OR CHILDREN IS:

26 (A) IF THE CHILD OR CHILDREN WERE LIVING IN THE MEMBER'S
27 HOME AT THE TIME OF THE MEMBER'S DEATH, THE DIFFERENCE BETWEEN

1 SEVENTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID TO SUCH
2 MEMBER IMMEDIATELY PRECEDING DEATH AND THE AMOUNT PAYABLE
3 PURSUANT TO BENEFITS RECEIVED UNDER THE PLAN IDENTIFIED IN
4 SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS SECTION; OR

5 (B) IF THE CHILD OR CHILDREN WERE NOT LIVING IN THE MEMBER'S
6 HOME AT THE TIME OF THE MEMBER'S DEATH, THE SUM OF FORTY PERCENT
7 OF THE MONTHLY BASE SALARY BEING PAID TO SUCH MEMBER
8 IMMEDIATELY PRIOR TO DEATH FOR THE FIRST CHILD PLUS FIFTEEN
9 PERCENT FOR EACH ADDITIONAL CHILD, THE TOTAL OF WHICH SHALL NOT
10 BE GREATER THAN SEVENTY PERCENT OF THE MONTHLY BASE SALARY LESS
11 THE AMOUNT PAYABLE PURSUANT TO BENEFITS RECEIVED UNDER THE
12 PLAN IDENTIFIED IN SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS
13 SECTION.

14 (3) THE BOARD SHALL ADOPT RULES THAT SPECIFY STANDARDS
15 AND ESTABLISH PROCEDURES FOR DETERMINING WHETHER A MEMBER'S
16 DEATH IS THE DIRECT AND PROXIMATE RESULT OF A PERSONAL INJURY
17 SUSTAINED WHILE PERFORMING OFFICIAL DUTIES OR AN OCCUPATIONAL
18 DISEASE ARISING OUT OF AND IN THE COURSE OF A MEMBER'S
19 EMPLOYMENT AND, IN THE CASE OF A LINE-OF-DUTY DEATH, WHETHER
20 ANY OF THE EXCEPTIONS SPECIFIED IN SECTION 101 (h)(2) OF THE FEDERAL
21 "INTERNAL REVENUE CODE OF 1986", ARE APPLICABLE. SUCH DECISIONS
22 BY THE ASSOCIATION MAY BE APPEALED THROUGH THE ADMINISTRATIVE
23 REVIEW PROCEDURES SET FORTH IN THE RULES ADOPTED BY THE BOARD
24 AND SUCH FINAL DECISION BY THE ASSOCIATION CAN ONLY BE REVIEWED
25 BY PROPER COURT ACTION SUBJECT TO RULE 106 (a)(4) THE COLORADO
26 RULES OF CIVIL PROCEDURE. THE BOARD MAY APPOINT HEARING OFFICERS
27 TO CONDUCT HEARINGS ON ANY ISSUE RELATING TO SURVIVOR BENEFITS.

1 (4) (a) THE BOARD SHALL ADOPT RULES THAT SPECIFY THE
2 METHOD OF REVIEWING EXISTING SURVIVOR BENEFIT AWARDS TO:

3 (I) DETERMINE WHETHER A MEMBER'S DEATH WAS THE DIRECT
4 AND PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED WHILE
5 PERFORMING OFFICIAL DUTIES OR AS A RESULT OF AN OCCUPATIONAL
6 DISEASE ARISING OUT OF AND IN THE COURSE OF THE MEMBER'S
7 EMPLOYMENT;

8 (II) DETERMINE, IN THE CASE OF LINE-OF-DUTY DEATHS
9 OCCURRING AFTER DECEMBER 31, 1996, WHETHER ANY OF THE
10 EXCEPTIONS SPECIFIED IN SECTION 101 (h)(2) OF THE FEDERAL "INTERNAL
11 REVENUE CODE OF 1986", ARE APPLICABLE;

12 (III) ESTABLISH PROCEDURES FOR MAKING SUCH DETERMINATIONS
13 AND THE APPEALS THROUGH THE ADMINISTRATIVE REVIEW PROCEDURES,
14 INCLUDING THE APPOINTMENT OF HEARING OFFICERS TO CONDUCT
15 HEARINGS. FINAL DECISIONS BY THE ASSOCIATION CAN ONLY BE REVIEWED
16 BY PROPER COURT ACTION SUBJECT TO RULE 106 (a)(4) OF THE COLORADO
17 RULES OF CIVIL PROCEDURE.

18 (b) THE DETERMINATIONS MADE BY THE BOARD PURSUANT TO THIS
19 SUBSECTION (4) ARE MADE ON THE BASIS OF THE MEDICAL EVIDENCE THAT
20 WAS PREVIOUSLY SUBMITTED IN CONNECTION WITH THE APPLICATION FOR
21 SURVIVOR BENEFITS AND OTHER RELEVANT NONTESTIMONIAL EVIDENCE.

22 (c) ANY DECISION MADE BY THE BOARD TO CHANGE AN EXISTING
23 SURVIVOR BENEFIT AWARD TO AN ON-DUTY SURVIVOR BENEFIT UNDER
24 THIS SUBSECTION (4) OPERATES ON A PROSPECTIVE BASIS FROM THE DATE
25 OF THE BOARD'S DECISION.

26 (5) ANY BENEFIT PROVIDED IN ACCORDANCE WITH THIS SECTION
27 TO THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A MEMBER WHO DIES

1 WHILE IN ACTIVE SERVICE TERMINATES UPON THE DEATH OF THE
2 SURVIVING SPOUSE OR UPON THE DEATH OR TERMINATION OF DEPENDENCY
3 OF THE DEPENDENT CHILD, AS APPLICABLE.

4 (6) (a) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT
5 CHILD RESIDING IN A SEPARATE HOUSEHOLD FROM THE SURVIVING SPOUSE,
6 THE SURVIVING SPOUSE RECEIVES TWO-THIRDS OF THE BENEFIT AND THE
7 CHILD RECEIVES THE BALANCE OF THE BENEFIT PURSUANT TO SUBSECTION
8 (1) OR (2) OF THIS SECTION.

9 (b) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE
10 DEPENDENT CHILDREN RESIDING IN A SEPARATE HOUSEHOLD FROM THE
11 SURVIVING SPOUSE, THE SURVIVING SPOUSE RECEIVES FIFTY PERCENT OF
12 THE BENEFIT AND THE CHILDREN RECEIVE THE BALANCE OF THE BENEFIT
13 PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION.

14 (c) UPON THE TERMINATION OF THE BENEFIT PAYABLE TO THE
15 CHILD OR CHILDREN PURSUANT TO SUBSECTION (6)(a) OR (6)(b) OF THIS
16 SECTION, THE SURVIVING SPOUSE RECEIVES THE ENTIRE BENEFIT
17 PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION.

18 (7) IF A SURVIVOR BENEFIT IS PAYABLE FOR THE BENEFIT OF MORE
19 THAN ONE DEPENDENT CHILD OF THE MEMBER PURSUANT TO SUBSECTION
20 (1) OR (2) OF THIS SECTION AND THE DEPENDENT CHILDREN RESIDE IN
21 SEPARATE HOUSEHOLDS FROM EACH OTHER, THE CHILDREN'S BENEFIT IS
22 DIVIDED EQUALLY AMONG THE CHILDREN.

23 (8) IF A MEMBER DIES WHILE IN ACTIVE SERVICE AS THE DIRECT
24 AND PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED WHILE
25 PERFORMING OFFICIAL DUTIES OR AS A RESULT OF AN OCCUPATIONAL
26 DISEASE ARISING OUT OF AND IN THE COURSE OF THE MEMBER'S
27 EMPLOYMENT AND OTHERWISE QUALIFIES FOR BENEFITS UNDER

1 SUBSECTION (2) OF THIS SECTION, BUT FALLS WITHIN ONE OR MORE OF THE
2 EXCEPTIONS SPECIFIED IN SECTION 101 (h)(2) OF THE FEDERAL "INTERNAL
3 REVENUE CODE OF 1986", AND LEAVES A SURVIVING SPOUSE OR
4 DEPENDENT CHILDREN, OR BOTH, SAID SURVIVORS SHALL:

5 (a) RECEIVE BENEFITS AS ALLOWED UNDER SECTION 31-31-815; OR

6 (b) RECEIVE BENEFITS AS ALLOWED UNDER THE MEMBER'S
7 NORMAL RETIREMENT PLAN.

8 **31-31-817. [Similar to former 31-31-808] Reduction of**
9 **survivor benefits.**

10 (1) THE BENEFITS PAYABLE UNDER SECTIONS 31-31-815 AND
11 31-31-816 TO THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF ANY
12 MEMBER, WHO AT THE TIME OF THE MEMBER'S DEATH WAS A MEMBER OF
13 A MONEY PURCHASE PLAN ESTABLISHED UNDER THIS ARTICLE OR ARTICLE
14 30.5 OF THIS TITLE 31, INCLUDING ANY DEPARTMENT CHIEF, WHO AT THE
15 TIME OF THE CHIEF'S DEATH HAD BEEN EXEMPTED FROM THE STATEWIDE
16 RETIREMENT PLAN AS PERMITTED BY SECTION 31-31.5-203, ARE REDUCED
17 BY AN AMOUNT THAT IS THE ACTUARIAL EQUIVALENT OF THE BENEFITS
18 SUCH SURVIVING SPOUSE AND DEPENDENT CHILDREN RECEIVE FROM THE
19 MONEY PURCHASE PLAN, WHETHER THE BENEFITS RECEIVED FROM THE
20 MONEY PURCHASE PLAN ARE PAID ON A PERIODIC BASIS OR IN A LUMP SUM.
21 NO SUCH REDUCTION SHALL EXCEED THE ACTUARIAL EQUIVALENT OF
22 MONEY PURCHASE PLAN BENEFITS IF SUCH BENEFITS HAD BEEN FUNDED AT
23 THE SAME RATE OF CONTRIBUTIONS SPECIFIED IN SECTION 31-31.5-301.

24 (2) THE BENEFITS PAYABLE UNDER SECTIONS 31-31-815 AND
25 31-31-816 TO THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF ANY
26 MEMBER WHO ARE ALSO RECEIVING PAYMENTS FROM THE MEMBER'S
27 SEPARATE RETIREMENT ACCOUNT PURSUANT TO SECTIONS 31-31-412

1 (1)(c) AND 31-31.5-304 (2) ARE REDUCED BY AN AMOUNT THAT IS THE
2 ACTUARIAL EQUIVALENT OF THE BENEFITS SUCH SURVIVING SPOUSE AND
3 DEPENDENT CHILDREN RECEIVE FROM THE SEPARATE RETIREMENT
4 ACCOUNT, WHETHER THE BENEFITS RECEIVED FROM THE ACCOUNT ARE
5 PAID ON A PERIODIC BASIS OR IN A LUMP SUM.

6 (3) THE BENEFITS PAYABLE UNDER SECTIONS 31-31-815 AND
7 31-31-816 TO THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF ANY
8 MEMBER WHO ARE ALSO RECEIVING PAYMENTS FROM A STATEWIDE OR
9 LOCAL COLORADO FIRE OR POLICE DEFINED BENEFIT PENSION PLAN ARE
10 REDUCED BY THE AMOUNT OF THE DEFINED BENEFIT PAYMENTS TO BE
11 RECEIVED.

12 **31-31-818. [Similar to former 31-31-809] Termination of**
13 **benefits.**

14 EXCEPT AS OTHERWISE PROVIDED IN SECTION 31-31-815 (2), ANY
15 BENEFIT PROVIDED IN ACCORDANCE WITH THIS PART 8 TO A SURVIVING
16 SPOUSE SHALL TERMINATES UPON THE DEATH OF THE SURVIVING SPOUSE.
17 EXCEPT AS OTHERWISE PROVIDED IN SECTION 31-31-815 (2), ANY BENEFIT
18 PROVIDED IN ACCORDANCE WITH THIS PART 8 TO A DEPENDENT CHILD
19 TERMINATES UPON THE DEATH OF THE DEPENDENT CHILD OR THE
20 TERMINATION OF DEPENDENCY OF THE DEPENDENT CHILD.

21 **31-31-819. [Similar to former 31-31-811] Funding of death and**
22 **disability benefits.**

23 (1) FOR MEMBERS WHO DIE OR ARE DISABLED ON OR AFTER
24 JANUARY 1, 1980, THE DEATH AND DISABILITY BENEFITS PROVIDED TO
25 ANY MEMBER PURSUANT TO THIS PART 8 IS PAID FOR BY STATE MONEY
26 TRANSFERRED TO THE FIRE AND POLICE MEMBERS' BENEFIT INVESTMENT
27 FUND CREATED BY SECTION 31-31-301 (1)(a), SUBJECT TO THE

1 LIMITATIONS IMPOSED BY THIS SECTION. MONEY IN THE DISABILITY AND
2 DEATH BENEFITS TRUST FUND CREATED BY SECTION 31-31-821 SHALL NOT
3 BE USED FOR ANY PURPOSE OTHER THAN THE PAYMENT OF THE DEATH AND
4 DISABILITY BENEFITS ESTABLISHED BY THIS PART 8.

5 (2) THE BOARD SHALL SUBMIT AN ANNUAL ACTUARIAL VALUATION
6 REPORT DATED JANUARY 1 OF THE YEAR IN WHICH THE REPORT IS
7 SUBMITTED, REGARDING THE BENEFIT LIABILITIES ACCRUED UNDER THIS
8 PART 8 TO THE STATE AUDITOR, THE LEGISLATIVE AUDIT COMMITTEE, AND
9 THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, TOGETHER
10 WITH ANY RECOMMENDATIONS CONCERNING SUCH LIABILITIES AS
11 ACCRUED.

12 (3) (a) TO ENSURE THAT THERE IS SUFFICIENT MONEY TO PAY
13 DEATH AND DISABILITY BENEFITS FOR MEMBERS HIRED BEFORE JANUARY
14 1, 1997, THE STATE TREASURER SHALL ISSUE WARRANTS TO THE FIRE AND
15 POLICE PENSION ASSOCIATION ON JULY 1, 2022, AND JULY 1, 2023, IN AN
16 AMOUNT EQUAL TO SIX MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS
17 FOR EACH WARRANT AND ON JULY 1, 2025, AND EVERY JULY 1
18 THEREAFTER THROUGH JULY 1, 2059, IN AN AMOUNT EQUAL TO TWO
19 MILLION FIFTY THOUSAND DOLLARS FOR EACH WARRANT. THE WARRANT
20 ISSUED ON JULY 1, 2022, IS TO BE PAID FROM THE GENERAL FUND, AND THE
21 REMAINING WARRANTS ARE TO BE PAID FROM THE DEATH AND DISABILITY
22 PAYMENT CASH FUND CREATED IN SUBSECTION (3)(b) OF THIS SECTION.
23 THE BOARD SHALL DEPOSIT THIS MONEY IN THE STATEWIDE DEATH AND
24 DISABILITY TRUST FUND CREATED IN SECTION 31-31-821.

25 (b) (I) THE DEATH AND DISABILITY PAYMENT CASH FUND IS
26 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
27 TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTIONS (3)(b)(II)

1 AND (3)(b)(III) OF THIS SECTION. IN ACCORDANCE WITH SECTION
2 24-36-114 (1), THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
3 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
4 FUND TO THE GENERAL FUND. THE STATE TREASURER SHALL USE THE
5 MONEY IN THE FUND FOR THE WARRANTS ISSUED ON JULY 1, 2023, JULY 1,
6 2025, AND EVERY JULY 1 THEREAFTER THROUGH JULY 1, 2059, IN
7 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

8 (II) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER SIX
9 MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL
10 FUND TO THE DEATH AND DISABILITY PAYMENT CASH FUND CREATED IN
11 SUBSECTION (3) OF THIS SECTION.

12 (III) ON JULY 1, 2025, AND EVERY JULY 1 THEREAFTER THROUGH
13 JULY 1, 2059, THE STATE TREASURER SHALL TRANSFER TWO MILLION FIFTY
14 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEATH AND
15 DISABILITY PAYMENT CASH FUND CREATED IN SECTION (3)(b)(I) OF THIS
16 SECTION.

17 (4) FOR EACH MEMBER HIRED ON OR AFTER JANUARY 1, 1997, WHO
18 IS ELIGIBLE FOR THE DEATH AND DISABILITY COVERAGE PROVIDED BY THIS
19 PART 8, A CONTRIBUTION SHALL BE MADE TO THE DEATH AND DISABILITY
20 ACCOUNT IN THE FUND FOR THE YEAR 2021 IN AN AMOUNT NOT GREATER
21 THAN THREE PERCENT OF THE MEMBER'S SALARY. THEREAFTER, THE
22 BOARD, BASED ON AN ANNUAL ACTUARIAL VALUATION, MAY ADJUST THE
23 CONTRIBUTION RATE EVERY YEAR, BUT IN NO EVENT MAY THE
24 ADJUSTMENT FOR ANY ONE-YEAR PERIOD EXCEED TWO-TENTHS OF ONE
25 PERCENT OF THE MEMBER'S SALARY. ANY EMPLOYER AND ANY LOCAL
26 PENSION BOARD OR AUTHORITY SHALL PROVIDE SUCH INFORMATION AS
27 MAY BE REQUIRED BY THE BOARD IN ORDER TO COMPLETE THE ANNUAL

1 ACTUARIAL VALUATIONS. THE ACTUARY APPOINTED BY THE BOARD MAY
2 USE EITHER THE ENTRY AGE-NORMAL COST METHOD OR THE AGGREGATE
3 COST METHOD FOR PURPOSES OF THE STUDY REQUIRED BY THIS
4 SUBSECTION (4). ANY UNFUNDED ACCRUED LIABILITY SHALL BE FUNDED
5 OVER A PERIOD NOT TO EXCEED THIRTY YEARS. THE ACTUARIAL STUDY
6 SHALL NOT INCLUDE ANY CONSIDERATION OF A COST OF LIVING
7 ADJUSTMENT TO BENEFITS AWARDED TO MEMBERS WHO ARE
8 OCCUPATIONALLY DISABLED. PAYMENTS SHALL BE MADE BY THE
9 EMPLOYER AND ARE DUE NO LATER THAN TEN DAYS FOLLOWING THE DATE
10 OF PAYMENT OF SALARY TO THE MEMBER. THE PAYMENTS REQUIRED BY
11 THIS SECTION ARE SUBJECT TO INTEREST IF NOT SUBMITTED WHEN DUE.
12 ANY DECISION REGARDING WHETHER THE CONTRIBUTION REQUIRED BY
13 THIS SUBSECTION (4) ARE ASSESSED AGAINST THE EMPLOYER OR THE
14 MEMBER, OR SHALL IN SOME MANNER BE ASSESSED JOINTLY AGAINST THE
15 EMPLOYER AND THE MEMBER, WILL BE MADE AT THE LOCAL LEVEL USING
16 THE USUAL PROCESS FOR DETERMINING EMPLOYEE BENEFITS. IF IT IS NOT
17 ALREADY PART OF THE USUAL PROCESS FOR DETERMINING EMPLOYEE
18 BENEFITS, THE EMPLOYER SHALL CONFER WITH THE EMPLOYEES OR THEIR
19 REPRESENTATIVE PRIOR TO MAKING A DETERMINATION ON HOW THE
20 CONTRIBUTION WILL BE ASSESSED.

21 **31-31-820. [Similar to former 31-31-812] Military leave of**
22 **absence.**

23 (1) AUTHORIZED LEAVE OF ABSENCE INCLUDES LEAVE FOR
24 MILITARY SERVICE AS ALLOWED BY THE BOARD. THE BOARD SHALL ADOPT
25 RULES REGARDING AUTHORIZED LEAVE OF ABSENCE FOR MILITARY
26 SERVICE, INCLUDING, BUT NOT LIMITED TO:

27 (a) LIMITS ON THE LENGTH OF THE TERM OF THE LEAVE OF

1 ABSENCE;

2 (b) ASSESSMENT OF COSTS FOR COVERAGE DURING THE LEAVE OF
3 ABSENCE; AND

4 (c) ANY OTHER MATTER THAT THE BOARD DEEMS NECESSARY FOR
5 COVERAGE UNDER THE STATEWIDE DEATH AND DISABILITY PLAN.

6 (2) THE BENEFITS PAYABLE TO THE MEMBER, THE SURVIVING
7 SPOUSE OF THE MEMBER, AND THE DEPENDENT CHILDREN OF THE MEMBER
8 PURSUANT TO THIS PART 8 ARE REDUCED BY AN AMOUNT THAT IS THE
9 ACTUARIAL EQUIVALENT OF ANY MILITARY BENEFIT RECEIVED AS A
10 RESULT OF THE DEATH OR DISABILITY OF A MEMBER WHILE ON
11 AUTHORIZED LEAVE FOR MILITARY SERVICE WHETHER THE BENEFITS ARE
12 PAID ON A PERIODIC BASIS OR IN A LUMP SUM.

13 **31-31-821. [Similar to former 31-31-813] Statewide death and**
14 **disability trust fund - created.**

15 (1) THERE IS CREATED A DISABILITY AND DEATH BENEFITS TRUST
16 FUND WITHIN THE ASSOCIATION INTO WHICH CONTRIBUTIONS FOR DEATH
17 AND DISABILITY BENEFITS, INCLUDING STATE CONTRIBUTIONS MADE
18 PURSUANT TO SECTION 31-31-819 ARE DEPOSITED. THE BENEFITS
19 PROVIDED BY THIS PART 8, TOGETHER WITH THE EXPENSES OF
20 ADMINISTERING SAID PART, ARE PAID FROM THE FUND.

21 (2) THE ASSETS OF THE DISABILITY AND DEATH BENEFITS TRUST
22 FUND SHALL BE INVESTED IN THE FIRE AND POLICE MEMBERS' BENEFIT
23 INVESTMENT FUND.

24 **31-31-822. [Similar to former 31-31-814] Suspension and**
25 **termination of benefits for noncompliance.**

26 IF A MEMBER REFUSES TO SUBMIT TO A MEDICAL EXAMINATION
27 REQUIRED BY THE ASSOCIATION AND AUTHORIZED BY THIS PART 8, FAILS

1 TO PROVIDE INFORMATION NECESSARY FOR THE ASSOCIATION TO ASSESS
2 ELIGIBILITY OR CONTINUING ELIGIBILITY FOR BENEFITS, OR OBSTRUCTS
3 THE ASSOCIATION FROM RECEIVING SUCH NECESSARY INFORMATION, ALL
4 RIGHTS TO COLLECT OR TO BEGIN OR MAINTAIN ANY PROCEEDING FOR THE
5 COLLECTION OF BENEFITS PURSUANT TO THIS PART 8 ARE SUSPENDED, AND
6 ALL RIGHTS TO BENEFITS THAT ACCRUE AND BECOME PAYABLE DURING
7 THE PERIOD OF SUCH REFUSAL OR OBSTRUCTION ARE BARRED. IF THE
8 MEMBER CONTINUES TO REFUSE TO SUBMIT TO THE EXAMINATION OR TO
9 PROVIDE THE ADDITIONAL INFORMATION AFTER DIRECTION BY THE
10 ASSOCIATION OR ITS HEARING OFFICER OR IN ANY WAY OBSTRUCTS THE
11 SAME, THE BOARD SHALL TERMINATE THE BENEFIT.

12 **31-31-823. [Similar to former 31-31-815] Amendment of plan**
13 **provisions.**

14 THE BOARD MAY AMEND THE PROVISIONS FOR DISABILITY AND
15 SURVIVOR BENEFITS UNDER THIS PART 8 AS IT DEEMS PRUDENT AND
16 NECESSARY TO COMPLY WITH STATE AND FEDERAL LAW OR AS IT DEEMS
17 NECESSARY TO EFFICIENTLY ADMINISTER THE BENEFITS UNDER THE PLAN.

18 **SECTION 2.** In Colorado Revised Statutes, **amend** 31-31-101 as
19 follows:

20 **31-31-101. Legislative declaration.**

21 The general assembly hereby declares that the establishment of
22 police officers' and firefighters' pension plans in this state is a matter of
23 statewide concern that affects the public safety and general welfare, that
24 the ability of pension funds to pay earned benefits to present and future
25 members is a necessary corollary to the establishment of pension plans,
26 and that statewide pension plans establishing pension benefits that can be
27 fully funded with local moneys will permit the continuation of pension

1 plans for police officers and firefighters in this state. In addition, the
2 general assembly declares that any pension plan must be actuarially sound
3 ~~in order~~ to assure the security of the pension system and that this article
4 is enacted to provide for the stability and security of police officers' and
5 firefighters' pension plans in this state. The general assembly further
6 declares that state ~~moneys~~ MONEY provided to municipalities, fire
7 protection districts, and county improvement districts do not constitute a
8 continuing obligation of the state to participate in the ongoing normal
9 costs of pension plan benefits, except for state funding of death and
10 disability RETIREMENT benefits as specified in this article, but are
11 provided in recognition that the local governments are currently burdened
12 with financial obligations relating to pensions in excess of their present
13 financial capacities. It is the intent of the general assembly in providing
14 state ~~moneys~~ MONEY to assist the local governments that state
15 participation decrease annually, terminating at the earliest possible date.

16 **SECTION 3.** In Colorado Revised Statutes, 31-31-102, **amend**
17 (2) as follows:

18 **31-31-102. Definitions.**

19 As used in this article 31, unless the context otherwise requires:

20 (2) "Board" means the board of directors established as the
21 governing body of the fire and police pension association as provided in
22 section 31-31-201 (2). "BOARD" INCLUDES REPRESENTATIVES OF THE
23 ASSOCIATION AS DELEGATED BY THE BOARD.

24 **SECTION 4.** In Colorado Revised Statutes, 31-31-202, **amend**
25 (1)(c) and (1)(j); **repeal** (2); **add** (1)(l); and **add with amended and**
26 **relocated provisions** (1)(m) as follows:

27 **31-31-202. Powers and duties of the board.**

1 (1) The board shall:

2 (c) Establish criteria for the determination of disability to
3 administer the provisions of ~~section 31-31-803~~ PART 8 OF THIS ARTICLE
4 31;

5 (j) ~~Promulgate~~ ADOPT such rules as may be necessary to
6 implement the provisions of this ~~article~~ ARTICLE 31, ~~and~~ article 30.5, AND
7 ARTICLE 31.5 of this ~~title~~ TITLE 31;

8 (l) DELEGATE ANY AUTHORITY TO THE EXECUTIVE DIRECTOR,
9 OFFICERS, COMMITTEES, OR OTHER CONTRACTORS AS IT DEEMS
10 APPROPRIATE FOR THE ADMINISTRATION OF THE PLANS;

11 (m) **[Formerly 31-31-202 (2)]** ~~The board has the sole power to~~
12 Determine eligibility for retirement for disability, whether total or
13 occupational, for any police officer or firefighter in this state whether or
14 not such member is covered by the provisions of this article, IN
15 ACCORDANCE WITH THE RULES ADOPTED BY THE BOARD PURSUANT TO
16 SUBSECTION (1)(j) OF THIS SECTION, except for the following:

17 (I) Those police officers and firefighters having social security
18 coverage and not affiliated as to disability; and

19 (II) Those police officers and firefighters whose employers have
20 established exempt alternative pension plans, including exempt
21 alternative defined benefit plans that are administered on an actuarially
22 sound basis, based upon assumptions and methodology adopted by the
23 board for statewide use, on or before December 1, 1978, in accordance
24 with the provisions of part 8 of article 30.5 of this title, unless such plans
25 have elected to become covered under the statewide death and disability
26 plan pursuant to ~~section 31-31-802 (1)~~ PART 8 OF THIS ARTICLE 31.

27 ~~(H) Except as provided in this subsection (2), the final power to~~

1 determine disability status is vested in the board, but each employer shall
2 determine whether positions are available for disabled members and shall
3 make such appointments to such positions as it deems necessary.

4 (2) (a) ~~The board has the sole power to determine eligibility for~~
5 ~~retirement for disability, whether total or occupational, for any police~~
6 ~~officer or firefighter in this state whether or not such member is covered~~
7 ~~by the provisions of this article, except for the following:~~

8 (I) ~~Those police officers and firefighters having social security~~
9 ~~coverage and not affiliated as to disability; and~~

10 (II) ~~Those police officers and firefighters whose employers have~~
11 ~~established exempt alternative pension plans, including exempt~~
12 ~~alternative defined benefit plans that are administered on an actuarially~~
13 ~~sound basis, based upon assumptions and methodology adopted by the~~
14 ~~board for statewide use, on or before December 1, 1978, in accordance~~
15 ~~with the provisions of part 8 of article 30.5 of this title, unless such plans~~
16 ~~have elected to become covered under the statewide death and disability~~
17 ~~plan pursuant to section 31-31-802 (1).~~

18 (b) ~~Except as provided in this subsection (2), the final power to~~
19 ~~determine disability status is vested in the board, but each employer shall~~
20 ~~determine whether positions are available for disabled members and shall~~
21 ~~make such appointments to such positions as it deems necessary.~~

22 **SECTION 5.** In Colorado Revised Statutes, 31-31-501, **amend**
23 (6)(b)(IV) as follows:

24 **31-31-501. Withdrawal into statewide money purchase plan.**

25 (6) (b) (IV) If members who have made such an election die or
26 become disabled prior to termination of employment, neither they nor
27 their survivors shall be eligible for benefits under the statewide retirement

1 plan, but rather they shall be limited to those benefits provided in sections
2 ~~31-31-803, 31-31-807, and 31-31-807.5~~ PART 8 OF THIS ARTICLE 31.

3 **SECTION 6.** In Colorado Revised Statutes, 31-31.5-203, **amend**
4 (3) as follows:

5 **31-31.5-203. Department chief - exemption by written**
6 **agreement - definition.**

7 (3) A department chief exempted FROM THE STATEWIDE
8 RETIREMENT PLAN pursuant to subsection (1) of this section may maintain
9 coverage for disability and survivor benefits under part 8 of article 31 of
10 this title 31 if the department chief participates in the statewide money
11 purchase plan. ~~the statewide retirement plan, or a local money purchase~~
12 ~~plan that is qualified under section 401 (a) of the federal "Internal~~
13 ~~Revenue Code of 1986" and that has a contribution rate of not less than~~
14 ~~eighteen percent~~

15 **SECTION 7.** In Colorado Revised Statutes, 31-31.5-401, **amend**
16 (2)(b) and (4) as follows:

17 **31-31.5-401. Vesting and benefit eligibility.**

18 (2) A member is eligible for a normal retirement when:

19 (b) The member has attained age fifty, the member's combined
20 age and years of accrued service is equal to at least eighty, and the
21 member is not receiving benefits pursuant to ~~section 31-31-803~~ PART 8 OF
22 ARTICLE 31 OF THIS TITLE 31.

23 (4) An active or inactive vested member who is not eligible for
24 normal retirement, who has attained age fifty, who is not receiving or has
25 terminated benefits pursuant to ~~section 31-31-803~~ PART 8 OF ARTICLE 31
26 OF THIS TITLE 31, and who has terminated employment is eligible for an
27 early retirement pension. The early retirement pension for a member is the

1 benefit that the member would have received at age fifty-five reduced on
2 an actuarial equivalent basis to reflect the early receipt of the benefit as
3 determined by the board.

4 **SECTION 8.** In Colorado Revised Statutes, 33-4-104.5, **amend**
5 (2) as follows:

6 **33-4-104.5. Free licenses issued - first responders with a**
7 **permanent occupational disability - definition.**

8 (2) For purposes of this section, "first responder with a permanent
9 occupational disability" means an individual who is a resident, as defined
10 in section 33-1-102 (38), and:

11 (a) Is a retired member of the fire and police pension association,
12 as defined in section 31-31-102 (6), who has established to the division
13 that he or she has been found to have, as the result of an injury received
14 while performing official duties or an occupational disease arising out of
15 and in the course of performing official duties, a permanent occupational
16 disability, as defined in ~~section 31-31-801 (3.2)~~ SECTION 31-31-802, by
17 the fire and police pension association; or

18 (b) Served as a peace officer, as defined in section 16-2.5-101, or
19 as a firefighter, as defined in section 29-5-203 (10), and has established
20 to the division that he or she has, as the result of an injury received while
21 performing official duties or an occupational disease arising out of and in
22 the course of performing official duties, a permanent occupational
23 disability as defined in ~~section 31-31-801 (3.2)~~ SECTION 31-31-802.

24 **SECTION 9. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2026 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.