

## CHAPTER 25

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**GOVERNMENT - LOCAL**

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**HOUSE BILL 16-1028**

BY REPRESENTATIVE(S) Van Winkle, Buck, Lontine, Ginal, Court, Esgar, Fields, Kraft-Tharp, Melton, Mitsch Bush, Priola, Ransom, Rosenthal, Roupe, Saine, Salazar, Vigil, Williams, Winter;  
also SENATOR(S) Cooke, Crowder, Grantham, Heath, Jones, Martinez Humenik, Merrifield, Todd.

**AN ACT****CONCERNING MODIFICATIONS TO THE STATEWIDE DEATH AND DISABILITY PLAN ADMINISTERED BY THE FIRE AND POLICE PENSION ASSOCIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 31-31-805, **amend** (2) (i) and (2.5) as follows:

**31-31-805. Change in disability status - reexamination.** (2) (i) When a temporary occupational disability ceases to exist and the member is restored to active service with the member's employer, a transfer will be made from the statewide death and disability plan to the member's normal retirement plan in the amount of THE MONTHLY EMPLOYER AND EMPLOYEE CONTRIBUTIONS BEING MADE TO THE MEMBER'S PENSION PLAN AT THE TIME OF DISABILITY BUT NOT MORE THAN sixteen percent of the monthly base salary that the member was being paid at the time of disability retirement, multiplied by the number of months the member received temporary occupational disability benefits. The member will receive service credit for such transfer. A restored member of a local plan which has a contribution rate in excess of sixteen percent shall have the difference between the amount transferred and the amount that would have been contributed at the excess rate, made up by an additional contribution from the employer.

(2.5) When a member on temporary occupational disability satisfies the age and service requirements for a normal retirement, including the time the member was on temporary occupational disability, a transfer shall be made from the statewide death and disability plan to the member's normal retirement plan in the amount of THE MONTHLY EMPLOYER AND EMPLOYEE CONTRIBUTIONS BEING MADE TO THE MEMBER'S PENSION PLAN AT THE TIME OF DISABILITY BUT NOT MORE THAN sixteen

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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.*

percent of the monthly base salary that the member was being paid at the time of disability retirement, multiplied by the number of months the member received temporary occupational disability benefits. A member of a statewide or local retirement plan that has a mandatory contribution rate in excess of sixteen percent shall have the difference between the amount transferred and the amount that would have been contributed at the excess rate made up by an additional contribution from the employer. The member shall then be granted a normal retirement under the member's normal retirement plan and the temporary occupational disability benefits under the statewide death and disability plan shall terminate.

**SECTION 2.** In Colorado Revised Statutes, 31-31-810, **amend** (1) (c) (II) as follows:

**31-31-810. Employer liability - statewide standard health history form.** (1) (c) (II) Every employer of a member who commences employment on or after September 1, 1989, shall furnish the statewide standard health history form to the ~~prospective~~ NEWLY HIRED member and shall require its completion by the ~~prospective~~ NEWLY HIRED member ~~before allowing the member to enter upon employment~~ WITHIN THIRTY DAYS OF THE FIRST DATE OF EMPLOYMENT. The completed form shall be filed with the fire and police pension association ~~by the employer~~ within sixty days from commencement of employment.

**SECTION 3. Applicability.** Section 1 of this act applies to members on temporary occupational disability who are restored to active service or satisfy the age and service requirements for a normal retirement on or after the effective date of this act.

**SECTION 4. 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 10, 2016, if adjournment sine die is on May 11, 2016); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 18, 2016