



FIRE AND POLICE PENSION ASSOCIATION OF COLORADO (“FPPA”) **NOTICE OF PROPOSED RULE-MAKING AND PLAN DOCUMENT AMENDMENTS**

This Notice of Proposed Rulemaking and Plan Document Amendments is issued in accordance with FPPA Rule 1202(1) and C.R.S. §§ 31-31-202, 31-30.5-212, 31-31-204(2.5), 31-31-901(1) and (2) and 31-31.5-102(2). A public hearing will be held Thursday, September 28, 2023, at 8:20 a.m. at Stanford Place II, Community Room Main Floor, 7979 E. Tufts Ave., Denver, CO 80237.

The FPPA Board within its authority under FPPA Rule 1202(1) will consider proposed rules and plan document amendments on the subjects and issues described below.

Persons desiring to submit written data, views, or arguments to the FPPA Board are asked to submit them to FPPA by Thursday, September 21, 2023. The Board will consider all written submissions as well as any oral testimony taken at the public hearing. Comments will also be accepted via email at kmoore@fppaco.org. Please include your name and business or home address with all correspondence.


A description of the subjects and issues involved in the proposed rulemaking concerning the **FPPA Rules and Regulations** and the **Statewide Money Purchase Plan** are as follows:


- Amend the Rules to clarify when a Member’s salary in the year of retirement is annualized for calculating the Highest Average Salary.
- Amend the Rules and the Statewide Money Purchase Plan Document to clarify and make consistent the hierarchy of beneficiaries for refunds of contributions.
- Amend the Rules and the Statewide Money Purchase Plan Document to provide that effective January 1, 2027, an on-duty disability benefit retains its tax exemption if the benefit converts to a Normal retirement benefit to comply with the provisions of the SECURE Act 2.0.
- Amend the Rules and the Statewide Money Purchase Plan Document for the age Members are required to begin minimum distributions to comply with provisions of the SECURE Act 2.0.
- Amend the Rules and the Statewide Money Purchase Plan Document to eliminate the requirement that minimum distributions be taken from Roth accounts to comply with provisions of the SECURE Act 2.0.
- Amend the Rules and the Statewide Money Purchase Document to allow a surviving spouse the irrevocable right to elect to be treated as the deceased employee for purposes of the minimum distribution rules to comply with the SECURE Act 2.0.
- Adopt in the Rules an interest rate to charge when benefits have been overpaid.
- Amend the Rules to clarify the effective date of retirement for Members who elect a Normal retirement after having a temporary occupational disability.
- Amend the Rules and the Statewide Money Purchase Plan Document to update references to the Internal Revenue Code, Treasury Regulations and federal legislation.

A description of the subjects and issues involved in the proposed amendments to the **Colorado Springs New Hire Pension (CSNHPP) Plan Rules and Regulations** and the **Colorado Springs New Hire Pension Plan Document for Police Component** are as follows:

- Amend the Rules and the Police Component Plan Document for the age and service requirements for the exception to the 10% early withdrawal penalty to comply with the provisions of the SECURE Act 2.0.
- Amend the Rules to provide that, effective January 1, 2027, an on-duty disability benefit retains its tax exemption if the benefit converts to a Normal retirement benefit to comply with the provisions of the SECURE Act 2.0.
- Amend the Rules for the age Members are required to begin minimum distributions to comply with provisions of the SECURE Act 2.0.
- Amend the Rules to allow a surviving spouse the irrevocable right to elect to be treated as the deceased employee for purposes of the minimum distribution rules to comply with the SECURE Act 2.0.
- Amend the Rules and Plan Document to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation.

A description of the subjects and issues involved in the proposed amendments to the **FPPA Multi-Employer Deferred Compensation Plan** are as follows:

- Amend the Plan Document for the age Members are required to begin minimum distributions to comply with provisions of the SECURE Act 2.0.
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- Amend the Plan Document to eliminate the requirement that deferrals to a Member's account can begin only on the first day of the month after enrolling as a participant in the Plan.
 - Amend the Plan Document to require that catch-up contributions for participants whose wages exceed \$145,000 must be made on a Roth basis to comply with the provisions of the SECURE Act 2.0.
 - Amend the Plan Document effective January 1, 2025, to allow participants attaining the ages of 60, 61, 62, and 63 to increase their catch-up contributions as provided in the SECURE Act 2.0.
 - Amend the Plan Document to allow a surviving spouse the irrevocable right to elect to be treated as the deceased employee for purposes of the minimum distribution rules to comply with the SECURE Act 2.0.
 - Adopt in the Plan Document a new subsection allowing a Member an additional amount of up to \$22,000 in a qualified disaster recovery distribution.
 - Adopt in the Plan Document, effective January 1, 2024, a new subsection to allow in-service distributions to survivors of domestic abuse.
 - Amend the Plan Document to update references to the Internal Revenue Code, Treasury Regulations, and federal legislation.

The Rules and Plan Documents are proposed pursuant to the Board's authority under C.R.S §§ 31-31-202, 31-30.5-212, 31-31-204(2.5), 31-31-901(1) and (2), and 31-31.5-102, as amended, to the FPPA Rules & Regulations, the Statewide Money Purchase Plan Document, the Colorado Springs New Hire Pension Rules and Police Component Plan Document, and the FPPA Multi-Employer Deferred Compensation Plan Document.

The specific proposed amendments to Rules and Plan Documents will be more completely described in the actual proposed amended rules and proposed plan amendments. At least 20 days prior to the public hearing, copies will be available for review at fppaco.org or may be obtained by contacting FPPA's Office of the General Counsel, 7979 E. Tufts Ave., Suite 900, Denver, CO 80237, (303) 770-3772, or (800) 332-3772 during regular business hours. Individuals with disabilities needing auxiliary aids may request assistance by contacting Karen Moore at the same address or telephone numbers.