FIRE AND POLICE PENSION ASSOCIATION OF COLORADO (“FPPA”)
NOTICE OF PROPOSED RULEMAKING

This Notice of Proposed Rulemaking is issued in accordance with FPPA Rule 1202(1), C.R.S. §§ 31-31-202 and 31-31.5-102. A public hearing will be held Thursday, October 1, 2026, at 9:00 a.m. in the Thunderbird Conference Room at 7979 E. Tufts Ave., Suite 900, Denver, CO 80237.

On June 12, 2026, pursuant to FPPA Rule 1202(2)(b), the FPPA Board of Directors found the immediate adoption of amendments to the FPPA Rules and Regulations, Statewide Money Purchase Plan Document, and Colorado Springs New Hire Pension Plan Rules and Regulations were imperatively necessary to comply with the passage of Senate Bill 26-039, concerning FPPA’s administration of disability and survivor benefits. These rules were passed with an effective date of August 12, 2026.

On August 20, 2026, the FPPA Board approved Notice of Rulemaking to consider these rules, along with additional proposed amendments, for permanent adoption.

On October 1, 2026, the FPPA Board will consider the amendments temporarily approved on June 12, 2026, on the subjects and issues described below. On December 10, 2026, the FPPA Board will consider the remaining proposed amendments as indicated on this Notice.

Persons desiring to submit written data, views, or arguments regarding the amendments to be considered at the October Rulemaking Hearing to the FPPA Board are asked to submit these to FPPA by September 24, 2026. 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.

October 1, 2026, Rulemaking Hearing – Consider amendments passed on June 12, 2026, for Permanent Adoption

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

- Amend the definition of “Board” to include those representatives of FPPA as delegated by the Board.
- Clarify that a Department Chief is only eligible to participate in the SWD&D Plan if the Chief participates in one of FPPA’s plans.
- Authorize the medical advisor appointed by the Board to assess the needs of each applicant for disability benefits in the SWD&D Plan, and remove the requirement that every applicant have three independent medical exams.
- When a member enters DROP, they are no longer eligible for participation in the FPPA Disability program.
- Add the existing Total Disability and Permanent Occupational Disability benefit payment options into FPPA Rules.
- Update statutory references and make conforming amendments.

A description of the subjects and issues involved in the proposed rulemaking concerning the **Colorado Springs New Hire Pension Rules and Regulations** are as follows:

- Update statutory references.
- Update references to FPPA Rules and Regulations.

A description of the subjects and issues involved in the proposed amendments concerning the **Statewide Money Purchase Plan Document** are as follows:

- Update statutory references and make conforming amendments.

December 10, 2026, Rulemaking Hearing – Additional Amendments for Consideration

At its August 20, 2026, meeting, the FPPA Board approved the Notice of a Proposed Rulemaking to consider additional amendments to the FPPA Rules and Regulations beyond those scheduled for permanent adoption on October 1, 2026. The amendments to be considered at the December 10, 2026, Rulemaking Hearing are as follows:

- Permit administrative staff to affiliate into a plan different from the non-administrative staff of the department. Prior to creation of the SRP, admin could only affiliate if they went into the same plan as the Members. This new rule would allow administrative staff who participate in Social Security to elect to participate in the Social Security Component of the SRP even when their first responders participate in the DB component.
- Permit a Dependent Child's mental or physical incapacity be determined after disability or survivor benefits are awarded, if the condition was diagnosed before age 23.
- Clarify how the salary of a member with less than three years of service is determined for calculating the member's Highest Average Salary (HAS). When a member retires with less than three years of earned service credit (which usually happens with a reentry), then we need rules to specify how we will determine the other years of salary so we can calculate the HAS.
- Remove the word "next" from rule 407, which is simply a typographical error.
- Remove an outdated reference to a paper retirement application since the application is now completed online.
- Clarify language in the rules that for the purposes of DROP, define "eligible member" to mean any member eligible to commence receiving a retirement benefit.
- Clarify that DROP agreements must be submitted to FPPA rather than the Board since DROP agreements do not get submitted directly to the Board.
- Simplify language that DROP distribution must comply with the required beginning date defined in IRS code. Currently the rule cites outdated law from the Internal Revenue Code. The law was updated in Secure Act 2.0 and this rule deletes reference to the outdated language.
- Remove outdated reference to the vested retirement form no longer in use.

- Amend the administrative review procedure rules to remove the board as the last level of review.
- Clarify that reinstatement of suspended benefits begins the first of the month following compliance.
- To determine whether a member who is on total disability is capable of earning 20 percent of their pre-disability earnings, clarify that we will use the member's Base Salary.
- Allows the Chief Benefits Officer's (CBO) designee to serve on the Death and Disability Review Committee in lieu of the CBO.
- Require automatic SRP enrollment of all interim chiefs and allow a chief who is later appointed permanently to opt-out of FPPA plans, rolling any SRP contributions made during the interim appointment into the chief's selected money purchase account.
- Clarify some of the language in the return-to-work rules including amending the rule for members who are in DROP and remain employed beyond the five-year DROP period. This amendment would remove the DROP annulment provision.

At least 20 days prior to the public hearing, copies of the rules will be available for review at www.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 aid may request assistance by contacting Karen Moore at the same address or telephone numbers or via email at kmoore@fppaco.org.