Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction

LLS NO. 02-0624.02 Bart Miller **SENATE BILL** 02-173

SENATE SPONSORSHIP

Linkhart,

HOUSE SPONSORSHIP

Mace,

Senate Committees
Business, Labor, and Finance

House Committees

A BILL FOR AN ACT

CONCERNING THE DELETION OF PROVISIONS REQUIRING THE OFFSET FROM WORKERS' COMPENSATION BENEFITS OF AMOUNTS RECEIVED BY INJURED FIREFIGHTERS AND PEACE OFFICERS UNDER EMPLOYEE BENEFIT PLANS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Deletes provisions requiring the offset of firefighters' and peace officers' periodic disability benefits from workers' compensation benefits. Specifies that except for social security disability benefits, amounts received by firefighters and peace officers as periodic disability benefits shall not be offset against workers' compensation benefits.

SENATE
3rd Reading Unamended
April 16, 2002

SENATE
Amended 2nd Reading
April 11, 2002

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

SECTION 1. 8-42-103 (1) (d) (III), Colorado Revised Statutes, is amended to read:

8-42-103. Disability indemnity payable as wages - period of disability. (1) If the injury or occupational disease causes disability, a disability indemnity shall be payable as wages pursuant to the provisions of section 8-42-105 (2) (a) subject to the following limitations:

(d) (III) ~~The provisions of this paragraph (d) shall apply to a disability pension paid pursuant to article 30.5 or 31 of title 31, C.R.S.; except that said reduction shall not reduce the combined weekly disability benefits below a sum equal to one hundred percent of the state average weekly wage as defined in section 8-47-106 and applicable to the year in which the weekly disability benefits are being paid.~~ (A) THE PROVISIONS OF THIS PARAGRAPH (d) SHALL APPLY TO A PENSION PAID AS A RESULT OF A TEMPORARY TOTAL OR TEMPORARY PARTIAL DISABILITY PURSUANT TO ARTICLE 30.5 OR 31 OF TITLE 31, C.R.S.; EXCEPT THAT SAID REDUCTION SHALL NOT REDUCE THE COMBINED WEEKLY DISABILITY BENEFITS BELOW A SUM EQUAL TO ONE HUNDRED PERCENT OF THE STATE AVERAGE WEEKLY WAGE AS DEFINED IN SECTION 8-47-106 AND APPLICABLE TO THE YEAR IN WHICH THE WEEKLY DISABILITY BENEFITS ARE BEING PAID.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, EXCEPT FOR PERIODIC BENEFITS GRANTED BY THE FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT, THE OFFSET REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO PERIODIC BENEFITS PAYABLE TO A FIREFIGHTER OR A PEACE OFFICER PAID PURSUANT TO ARTICLE 30.5 OR 31 OF TITLE 31, C.R.S., WHEN BENEFITS ARE AWARDED UNDER SECTION

8-42-107 OR 8-42-111.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to any firefighter or peace officer, who, as a result of a work-related injury, applies for periodic benefits under a pension or disability plan under article 30.5 or 31 of title 31, Colorado Revised Statutes, on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.