

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-1009.01 Kristen Forrestal x4217

SENATE BILL 14-172

SENATE SPONSORSHIP

Tochtrop and Newell,

HOUSE SPONSORSHIP

Kraft-Tharp, McNulty

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING EMPLOYER-PAID BENEFITS TO A FIREFIGHTER FOR**
102 **CARDIAC ILLNESSES RESULTING FROM A STRENUOUS WORK**
103 **EVENT, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

The bill requires a municipality, special district, fire authority, or county improvement district that employs one or more firefighters to

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.

maintain accident insurance, self-insure, or participate in a self-insurance pool or a multiple employer trust in order to provide benefits for firefighters who suffer from a heart and circulatory malfunction resulting from a work event. The bill sets the minimum and maximum benefits that must be paid to the firefighters.

In order for a firefighter to be eligible to receive benefits:

- ! The firefighter must have had a recent medical examination that found no heart and circulatory malfunction;
- ! The firefighter must have had 5 continuous years of full-time employment as a firefighter; and
- ! The heart and circulatory malfunction must have occurred during or within 48 hours after a stressful or strenuous on-the-job work activity.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article
3 5 of title 29 as follows:

4 **PART 3**

5 **FIREFIGHTER HEART AND CIRCULATORY**

6 **MALFUNCTION BENEFITS**

7 **29-5-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "EMPLOYER" MEANS A MUNICIPALITY, SPECIAL DISTRICT, FIRE
10 AUTHORITY, OR COUNTY IMPROVEMENT DISTRICT THAT EMPLOYS ONE OR
11 MORE FIREFIGHTERS.

12 (2) "FIREFIGHTER" MEANS A FULL-TIME, ACTIVE EMPLOYEE OF AN
13 EMPLOYER WHO REGULARLY WORKS AT LEAST ONE THOUSAND SIX
14 HUNDRED HOURS IN ANY CALENDAR YEAR AND WHOSE DUTIES ARE
15 DIRECTLY INVOLVED WITH THE PROVISION OF FIRE PROTECTION SERVICES.

16 (3) "HEART AND CIRCULATORY MALFUNCTION" MEANS A SUDDEN
17 AND SERIOUS MALFUNCTION OF THE HEART AND CIRCULATORY SYSTEM AS
18 OCCURS IN A DIAGNOSIS OF CORONARY THROMBOSIS, CEREBRAL

1 VASCULAR ACCIDENT, MYOCARDIAL INFARCTION, OR CARDIAC ARREST
2 AND THAT MEETS THE REQUIREMENTS OF SECTION 29-5-302 (6). "HEART
3 AND CIRCULATORY MALFUNCTION" DOES NOT INCLUDE HYPERTENSION OR
4 ANGINA.

5 (4) "VOLUNTEER FIREFIGHTER" MEANS A VOLUNTEER FIREFIGHTER
6 AS DEFINED IN SECTION 31-30-1102, C.R.S.

7 (5) "WORK EVENT" MEANS STRESSFUL OR STRENUOUS ACTIVITY
8 RELATED TO FIRE SUPPRESSION, RESCUE, HAZARDOUS MATERIAL
9 RESPONSE, EMERGENCY MEDICAL SERVICES, DISASTER RELIEF, OR OTHER
10 EMERGENCY RESPONSE ACTIVITY. "WORK EVENT" INCLUDES A TRAINING
11 ACTIVITY THAT A FIREFIGHTER ENGAGES IN WHILE ON DUTY AND THAT
12 INVOLVES STRESSFUL OR STRENUOUS ACTIVITY.

13 **29-5-302. Required benefits - conditions of receiving benefits.**

14 (1) AN EMPLOYER SHALL MAINTAIN ACCIDENT INSURANCE, SELF-INSURE,
15 OR PARTICIPATE IN A SELF-INSURANCE POOL OR A MULTIPLE EMPLOYER
16 HEALTH TRUST IN ORDER TO PROVIDE THE BENEFITS SPECIFIED IN THIS
17 SECTION FOR ITS FIREFIGHTERS. IN ADDITION, AN EMPLOYER MAY PROVIDE
18 EQUIVALENT BENEFITS FOR VOLUNTEER FIREFIGHTERS.

19 (2) (a) AN EMPLOYER SHALL PROVIDE THE FOLLOWING MINIMUM
20 BENEFITS:

21 (I) A FOUR-THOUSAND-DOLLAR-LUMP-SUM PAYMENT IF A MEDICAL
22 EXAMINATION REVEALS THAT A FIREFIGHTER HAS A HEART AND
23 CIRCULATORY MALFUNCTION;

24 (II) A ONE-THOUSAND-FIVE-HUNDRED-DOLLAR PAYMENT PER
25 WEEK, UP TO A MAXIMUM OF SEVEN WEEKS, IF A FIREFIGHTER MADE AN
26 EMERGENCY ROOM VISIT AND WAS HOSPITALIZED FOR UP TO FORTY-EIGHT
27 HOURS FOR A HEART AND CIRCULATORY MALFUNCTION;

1 (III) A TWO-THOUSAND-DOLLAR PAYMENT PER WEEK, UP TO A
2 MAXIMUM OF TWENTY-FIVE WEEKS, IF A FIREFIGHTER MADE AN
3 EMERGENCY ROOM VISIT AND WAS HOSPITALIZED FOR MORE THAN
4 FORTY-EIGHT HOURS FOR A HEART AND CIRCULATORY MALFUNCTION;

5 (IV) A TWO-THOUSAND-FIVE-HUNDRED-DOLLAR PAYMENT, UP TO
6 A MAXIMUM OF EIGHTY WEEKS, IF A FIREFIGHTER HAS A HEART AND
7 CIRCULATORY MALFUNCTION THAT PROHIBITS THE FIREFIGHTER FROM
8 RETURNING TO EMPLOYMENT TO A POSITION THAT THE FIREFIGHTER IS
9 TRAINED FOR OR REASONABLY COULD BE TRAINED TO PERFORM;

10 (V) A PAYMENT OF UP TO TWENTY-FIVE THOUSAND DOLLARS FOR
11 REHABILITATIVE EMPLOYMENT SERVICES RELATING TO A HEART AND
12 CIRCULATORY MALFUNCTION;

13 (VI) A TEN-THOUSAND-DOLLAR PAYMENT IF A FIREFIGHTER
14 INCURS COSMETIC DISFIGUREMENT RESULTING FROM A HEART AND
15 CIRCULATORY MALFUNCTION; AND

16 (VII) IN ADDITION TO THE BENEFITS SET OUT IN SUBPARAGRAPH
17 (II), (III), OR (IV) OF THIS PARAGRAPH (a), A LUMP-SUM PAYMENT OF UP
18 TO TWENTY-FIVE THOUSAND DOLLARS IF THE HEART AND CIRCULATORY
19 MALFUNCTION IS DIAGNOSED AS TERMINAL.

20 (b) THE RECEIPT OF A PAYMENT PURSUANT TO SUBPARAGRAPH (II)
21 OR (III) OF PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT PROHIBIT
22 THE FIREFIGHTER FROM RECEIVING AN ADDITIONAL BENEFIT.

23 (c) IF A FIREFIGHTER RETURNS TO THE SAME POSITION OF
24 EMPLOYMENT AFTER A HEART AND CIRCULATORY MALFUNCTION, THE
25 FIREFIGHTER IS ENTITLED TO THE BENEFITS IN THIS SUBSECTION (2) FOR
26 ANY SUBSEQUENT HEART AND CIRCULATORY MALFUNCTION.

27 (d) THE MAXIMUM AMOUNT THAT MAY BE PAID TO A FIREFIGHTER

1 FOR EACH HEART AND CIRCULATORY MALFUNCTION IS TWO HUNDRED
2 FIFTY THOUSAND DOLLARS.

3 (3) THE BENEFITS AND MAXIMUM PAYMENT AMOUNT IN
4 SUBSECTION (2) OF THIS SECTION ARE INCREASED BY THE SAME
5 PERCENTAGE AND AT THE SAME TIME AS ANY FIRE AND POLICE PENSION
6 ASSOCIATION INCREASE IN THE PENSION BENEFIT PAID TO ITS MEMBERS
7 PURSUANT TO SECTION 31-31-407, C.R.S.

8 (4) (a) THE BENEFITS PAID PURSUANT TO THIS SECTION MUST BE
9 OFFSET BY ANY PAYMENTS MADE:

10 (I) UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO",
11 ARTICLES 40 TO 47 OF TITLE 8, C.R.S.;

12 (I) BY THE FIRE AND POLICE PENSION ASSOCIATION;

13 (III) PURSUANT TO SOCIAL SECURITY OR A RETIREMENT PLAN; OR

14 (IV) AS PART OF ANY OTHER EMPLOYER-PAID INCOME BENEFIT
15 THAT IS MADE AS A RESULT OF A HEART AND CIRCULATORY MALFUNCTION.

16 (b) THE OFFSETS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION
17 (4) APPLY ONLY FROM THE DATE OF THE DETERMINATION OF ENTITLEMENT
18 FOR THE PAYMENTS AND DO NOT REQUIRE THE REPAYMENT OF ANY MONEY
19 RECEIVED PRIOR TO THE DETERMINATION.

20 (5) THE BENEFITS IN THIS SECTION ARE REDUCED BY TWENTY-FIVE
21 PERCENT IF A FIREFIGHTER SMOKED A TOBACCO PRODUCT WITHIN FIVE
22 YEARS IMMEDIATELY PRECEDING THE WORK EVENT.

23 (6) IN ORDER FOR A FIREFIGHTER TO BE ELIGIBLE FOR THE BENEFITS
24 IN SUBSECTION (2) OF THIS SECTION, THE FOLLOWING CONDITIONS MUST
25 BE MET:

26 (a) PRIOR TO THE WORK EVENT THAT RESULTS IN A HEART AND
27 CIRCULATORY MALFUNCTION AND AFTER THE FIREFIGHTER BECAME

1 EMPLOYED BY AN EMPLOYER, THE FIREFIGHTER HAD A MEDICAL
2 EXAMINATION THAT WOULD REASONABLY HAVE FOUND AN ILLNESS OR
3 INJURY THAT COULD HAVE CAUSED THE HEART AND CIRCULATORY
4 MALFUNCTION AND NO ILLNESS OR INJURY WAS FOUND AT THE MOST
5 RECENT MEDICAL EXAMINATION;

6 (b) THE FIREFIGHTER HAS AT LEAST FIVE YEARS OF CONTINUOUS,
7 FULL-TIME EMPLOYMENT WITH AN EMPLOYER; AND

8 (c) THE HEART AND CIRCULATORY MALFUNCTION OCCURRED
9 DURING OR WITHIN FORTY-EIGHT HOURS AFTER A WORK EVENT.

10 (7) FOR THE PURPOSE OF EMPLOYER POLICIES AND BENEFITS, A
11 HEART AND CIRCULATORY MALFUNCTION IS TREATED AS AN ON-THE-JOB
12 INJURY OR ILLNESS. THIS SUBSECTION (7) DOES NOT AFFECT ANY
13 DETERMINATION AS TO WHETHER THE HEART AND CIRCULATORY
14 MALFUNCTION IS COVERED UNDER THE "WORKERS' COMPENSATION ACT
15 OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S.

16 (8) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
17 FIREFIGHTER BENEFITS CASH FUND. THE FUND CONSISTS OF MONEYS
18 APPROPRIATED FROM THE GENERAL FUND BY THE GENERAL ASSEMBLY.
19 THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY
20 THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LOCAL AFFAIRS FOR THE
21 PURPOSE OF REIMBURSING EMPLOYERS FOR THE DIRECT COSTS OF
22 MAINTAINING ACCIDENT INSURANCE, SELF-INSURANCE, OR PARTICIPATION
23 IN A SELF-INSURANCE POOL OR MULTIPLE EMPLOYER HEALTH TRUST AS
24 REQUIRED BY THIS PART 3.

25 (b) THE DEPARTMENT OF LOCAL AFFAIRS SHALL REIMBURSE
26 EMPLOYERS FOR THE DIRECT COSTS OF MAINTAINING ACCIDENT
27 INSURANCE, SELF-INSURANCE, OR PARTICIPATION IN A SELF-INSURANCE

1 POOL OR MULTIPLE EMPLOYER HEALTH TRUST AS REQUIRED BY THIS PART

2 3.

3 **SECTION 2.** In Colorado Revised Statutes, 10-3-903.5, **amend**
4 (7) (b) introductory portion and (7) (b) (I) as follows:

5 **10-3-903.5. Jurisdiction over providers of health care benefits.**

6 (7) (b) A multiple employer health trust is any trust ~~which~~ THAT is:

7 (I) Sponsored, maintained, and funded by one or more entities of
8 state government or political subdivisions of the state organized pursuant
9 to state law and is for the benefit of the entity's employees, INCLUDING A
10 MULTIPLE EMPLOYER HEALTH TRUST ESTABLISHED FOR THE PURPOSES OF
11 PART 3 OF ARTICLE 5 OF TITLE 29, C.R.S.; or

12 **SECTION 3.** In Colorado Revised Statutes, 24-10-115.5, **amend**
13 (9) as follows:

14 **24-10-115.5. Authority for public entities to pool insurance**
15 **coverage.** (9) In addition to liability coverage pursuant to subsection (1)
16 of this section and property coverage pursuant to section 29-13-102,
17 C.R.S., a self-insurance pool authorized by subsection (1) of this section
18 may provide workers' compensation coverage pursuant to section
19 8-44-204, C.R.S., AND FIREFIGHTER HEART AND CIRCULATORY
20 MALFUNCTION BENEFITS PURSUANT TO SECTION 29-5-302, C.R.S.

21 **SECTION 4.** In Colorado Revised Statutes, 29-13-102, **amend**
22 (7) as follows:

23 **29-13-102. Authority for units of local government to pool**
24 **insurance coverage.** (7) In addition to property coverage pursuant to
25 subsection (1) of this section and liability coverage pursuant to section
26 24-10-115.5, C.R.S., a self-insurance pool authorized by subsection (1)
27 of this section may provide workers' compensation coverage pursuant to

1 section 8-44-204, C.R.S., AND FIREFIGHTER HEART AND CIRCULATORY
2 MALFUNCTION BENEFITS PURSUANT TO SECTION 29-5-302.

3 **SECTION 5. Appropriation** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 general fund, not otherwise appropriated, to the department of local
6 affairs, for the fiscal year beginning July 1, 2014, the sum of \$51,639 and
7 0.5 FTE, or so much thereof as may be necessary, to be allocated to the
8 division of local government for the implementation of this act as
9 follows:

10 (a) \$30,497 and 0.5 FTE for personal services and operating
11 expenses;

12 (b) \$20,960 for the purchase of computer center services; and

13 (c) \$182 for the purchase of legal services.

14 (2) In addition to any other appropriation, there is hereby
15 appropriated to the governor - lieutenant governor - state planning and
16 budgeting, for the fiscal year beginning July 1, 2014, the sum of \$20,960,
17 or so much thereof as may be necessary, for allocation to the office of
18 information technology, for the provision of computer center services for
19 the department of local affairs related to the implementation of this act.
20 Said sum is from reappropriated funds received from the department of
21 local affairs out of the appropriation made in paragraph (b) of subsection
22 (1) of this section.

23 (3) In addition to any other appropriation, there is hereby
24 appropriated to the department of law, for the fiscal year beginning July
25 1, 2014, the sum of \$182, or so much thereof as may be necessary, for the
26 provision of legal services for the department of local affairs related to
27 the implementation of this act. Said sum is from reappropriated funds

1 received from the department of local affairs out of the appropriation
2 made in paragraph (c) of subsection (1) of this section.

3 (4) In addition to any other appropriation, for the fiscal year
4 beginning July 1, 2014, there is hereby appropriated, out of any moneys
5 in the general fund not otherwise appropriated, to the firefighters benefits
6 cash fund created in section 29-5-302 (8) (a), Colorado Revised Statutes,
7 the sum of \$850,350, and said sum, or so much thereof as may be
8 necessary, is further appropriated to the department of local affairs, for
9 the implementation of this act.

10 **SECTION 6. Effective date.** This act takes effect January 1,
11 2015.

12 **SECTION 7. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.