

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0804.01 Julie Hoerner

**SENATE BILL 01-152**

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**SENATE SPONSORSHIP**

**Fitz-Gerald**

**HOUSE SPONSORSHIP**

**(None)**

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**Senate Committees**

Business, Labor, and Finance

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE CRITERIA APPLICABLE TO PERSONS ENGAGED IN**  
102             **MILITARY SERVICE TO QUALIFY SUCH PERSONS FOR WORKERS'**  
103             **COMPENSATION BENEFITS.**

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**Bill Summary**

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

Eliminates the requirements that members of the military forces be under orders from a competent authority and in active service to be eligible for workers' compensation insurance benefits, replacing those requirements with a requirement that such persons be "on duty".

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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.*

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

2 **SECTION 1.** 8-40-202 (1) (a) (I) (A), Colorado Revised Statutes,  
3 is amended to read:

4 **8-40-202. Employee.** (1) "Employee" means:

5 (a) (I) (A) Every person in the service of the state, or of any  
6 county, city, town, or irrigation, drainage, or school district or any other  
7 taxing district therein, or of any public institution or administrative board  
8 thereof under any appointment or contract of hire, express or implied; and  
9 every elective official of the state, or of any county, city, town, or  
10 irrigation, drainage, or school district or any other taxing district therein,  
11 or of any public institution or administrative board thereof; and every  
12 member of the military forces of the state of Colorado while ~~engaged in~~  
13 ~~active service on behalf of the state under orders from competent authority~~  
14 ON DUTY. Police officers and firefighters who are regularly employed  
15 shall be deemed employees within the meaning of this paragraph (a), as  
16 shall also sheriffs and deputy sheriffs, regularly employed, and all persons  
17 called to serve upon any posse in pursuance of the provisions of section  
18 30-10-516, C.R.S., during the period of their service upon such posse, and  
19 all members of volunteer fire departments, including any person receiving  
20 a retirement pension under section 31-30-1122, C.R.S., who serves as an  
21 active volunteer firefighter of a fire department subsequent to retirement  
22 pursuant to section 31-30-1132, C.R.S., or any person ordered by the  
23 chief or a designee of the chief's at the scene of an emergency or during  
24 the period of an emergency to become a member of that department for  
25 the duration of an emergency, and to perform the duties of a firefighter,  
26 and only if the person who is so ordered reports any claim within ten days  
27 of the cessation of the emergency, volunteer rescue teams or groups,

1 volunteer disaster teams, volunteer ambulance teams or groups, and  
2 volunteer search teams in any county, city, town, municipality, or legally  
3 organized fire protection district or ambulance district in the state of  
4 Colorado, and all members of the civil air patrol, Colorado wing, while  
5 said persons are actually performing duties as volunteer firefighters or as  
6 members of such volunteer rescue teams or groups, volunteer disaster  
7 teams, volunteer ambulance teams or groups, or volunteer search teams or  
8 as members of the civil air patrol, Colorado wing, and while engaged in  
9 organized drills, practice, or training necessary or proper for the  
10 performance of such duties. Members of volunteer police departments,  
11 volunteer police reserves, and volunteer police teams or groups in any  
12 county, city, town, or municipality, while actually performing duties as  
13 volunteer police officers, may be deemed employees within the meaning  
14 of this paragraph (a) at the option of the governing body of such county  
15 or municipality.

16 **SECTION 2.** 28-3-801, Colorado Revised Statutes, is amended  
17 to read:

18 **28-3-801. Disability and death benefits.** A member of the  
19 military forces of the state of Colorado who dies or is disabled while ~~in,~~  
20 ~~or as a result of, active service on behalf of this state ordered by~~  
21 ~~competent authority which~~ ON DUTY, AND IF SUCH death or disability arises  
22 out of and in the course of ~~his employment in the active service of~~ THE  
23 MEMBER'S DUTY TO the state of Colorado, is entitled to workers'  
24 compensation benefits in accordance with the provisions of the "Workers'  
25 Compensation Act of Colorado"; but no workers' compensation benefits  
26 shall be paid under this section in any case where ~~similar~~ DUPLICATE  
27 benefits are payable under the provisions of any federal law or regulation.

1           **SECTION 3. Effective date - applicability.** This act shall take  
2 effect July 1, 2001, and shall apply to injuries occurring on or after said  
3 date.

4           **SECTION 4. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.