

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

INTRODUCED

LLS NO. 01-0191.02 John Hershey

HOUSE BILL 01-1306

HOUSE SPONSORSHIP

Plant

SENATE SPONSORSHIP

(None)

House Committees

Senate Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING WORKERS' COMPENSATION COVERAGE OF FIREFIGHTERS.**

Bill Summary

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

Requires any county sheriff and the state forester to provide workers' compensation coverage to firefighters from local fire departments who are assigned to perform temporary duty and assist in the management of fires for which the sheriff or the state forester has responsibility. Releases the sheriff and the state forester from this obligation when a federal agency assumes responsibility for the fire and provides federal workers' compensation coverage. Requires local fire departments that assist in the management of a fire under the jurisdiction of a federal agency to take steps to qualify their firefighters for federal

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.

workers' compensation coverage.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Firefighters from the fire departments of towns, cities, cities
5 and counties, counties, and fire protection districts are frequently called
6 upon to assist in the management of fires outside their jurisdictions.

7 (b) Fire departments of various towns, cities, cities and counties,
8 counties, and fire protection districts assist each other outside of their
9 respective jurisdictions in the spirit of reciprocity, at their own expense,
10 and under their own workers' compensation coverage.

11 (c) As a fire grows beyond the capacity of individual fire
12 departments to manage, it is managed at increasingly higher levels of
13 government: By county sheriffs, the state forester, and ultimately the
14 national wildfire coordinating group of federal agencies.

15 (d) When the national wildfire coordinating group assumes
16 responsibility for the management of a fire, the firefighters who assist in
17 the effort are covered by federal workers' compensation insurance;
18 however, while the fire is still under the jurisdiction of a county sheriff or
19 the state forester, the firefighters working outside their jurisdictions are
20 covered by the workers' compensation policies held by their fire
21 departments.

22 (e) The risk and expense of providing workers' compensation
23 coverage for firefighters working outside the jurisdiction is a hardship to
24 local fire departments and makes it difficult for these departments to offer
25 assistance in the management of large fires.

1 (f) It is the purpose of this act to require the state forester or any
2 county sheriff who is managing a fire to provide workers' compensation
3 coverage to the firefighters from any town, city, city and county, county,
4 or fire protection district who provide assistance in managing the fire.

5 **SECTION 2.** 29-5-109, Colorado Revised Statutes, is amended
6 to read:

7 **29-5-109. Workers' compensation coverage.** (1) EXCEPT AS
8 PROVIDED BY SUBSECTIONS (2) TO (4) OF THIS SECTION, the coverage of
9 any police officer, deputy sheriff, or firefighter of any town, city, city and
10 county, county, or fire protection district under the "Workers'
11 Compensation Act of Colorado" shall not be affected by reason of the
12 performance of temporary duties in a requesting town, city, city and
13 county, county, or fire protection district under the provisions of sections
14 29-5-103 to 29-5-107, and such police officers, deputy sheriffs, and
15 firefighters shall remain covered by such workers' compensation insurance
16 while performing such temporary duty as fully as if they were performing
17 their regular duties within the assigning jurisdiction.

18 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 8-41-303,
19 C.R.S., WHENEVER THE SHERIFF OF ANY COUNTY ASSUMES RESPONSIBILITY
20 FOR THE MANAGEMENT OF A FIRE PURSUANT TO SECTION 30-10-513 OR
21 30-10-513.5, C.R.S., THE SHERIFF SHALL PROVIDE COVERAGE UNDER THE
22 "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF
23 TITLE 8, C.R.S., TO THE FIREFIGHTERS FROM ANY TOWN, CITY, CITY AND
24 COUNTY, COUNTY, OR FIRE PROTECTION DISTRICT WHO ARE ASSIGNED TO
25 PERFORM TEMPORARY DUTY UNDER THE DIRECTION OF THE SHERIFF AND
26 ASSIST WITH THE MANAGEMENT OF THE FIRE. FOR PURPOSES OF THE
27 "WORKERS' COMPENSATION ACT OF COLORADO", SUCH FIREFIGHTERS

1 SHALL BE CONSIDERED EMPLOYEES OF THE SHERIFF DURING THE TIME IN
2 WHICH THE FIREFIGHTERS ARE PROVIDING ASSISTANCE WITH AND THE
3 SHERIFF HAS RESPONSIBILITY FOR THE MANAGEMENT OF THE FIRE.

4 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 8-41-303,
5 C.R.S., WHENEVER THE STATE FORESTER HAS FINANCIAL RESPONSIBILITY
6 FOR THE MANAGEMENT OF A FIRE PURSUANT TO SECTION 23-30-304,
7 C.R.S., OR HAS ASSUMED RESPONSIBILITY FOR THE MANAGEMENT OF A FIRE
8 FROM A COUNTY SHERIFF PURSUANT TO SECTION 30-10-513, C.R.S., THE
9 STATE FORESTER SHALL PROVIDE COVERAGE UNDER THE "WORKERS'
10 COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8,
11 C.R.S., TO THE FIREFIGHTERS FROM ANY TOWN, CITY, CITY AND COUNTY,
12 COUNTY, OR FIRE PROTECTION DISTRICT WHO ARE ASSIGNED TO PERFORM
13 TEMPORARY DUTY UNDER THE DIRECTION OF THE STATE FORESTER AND
14 ASSIST WITH THE MANAGEMENT OF THE FIRE. FOR PURPOSES OF THE
15 "WORKERS' COMPENSATION ACT OF COLORADO", SUCH FIREFIGHTERS
16 SHALL BE CONSIDERED EMPLOYEES OF THE STATE FORESTER DURING THE
17 TIME IN WHICH THE FIREFIGHTERS ARE PROVIDING ASSISTANCE WITH AND
18 THE STATE FORESTER HAS RESPONSIBILITY FOR THE MANAGEMENT OF THE
19 FIRE.

20 (4) WHENEVER THE NATIONAL WILDFIRE COORDINATING GROUP OR
21 ANY AGENCY OF THE FEDERAL GOVERNMENT ASSUMES RESPONSIBILITY
22 FROM THE STATE FORESTER FOR THE MANAGEMENT OF A FIRE, THE
23 OBLIGATION OF THE STATE FORESTER TO PROVIDE WORKERS'
24 COMPENSATION COVERAGE PURSUANT TO SUBSECTION (3) OF THIS SECTION
25 SHALL CEASE. THE FIRE DEPARTMENT OF ANY TOWN, CITY, CITY AND
26 COUNTY, COUNTY, OR FIRE PROTECTION DISTRICT WHOSE FIREFIGHTERS
27 ARE ASSIGNED TO PERFORM TEMPORARY DUTY AND ASSIST WITH THE

1 MANAGEMENT OF THE FIRE SHALL TAKE ALL REASONABLY NECESSARY
2 STEPS TO QUALIFY THEIR FIREFIGHTERS FOR FEDERAL WORKERS'
3 COMPENSATION INSURANCE FOR THE TIME DURING WHICH THE
4 FIREFIGHTERS ARE PROVIDING SUCH ASSISTANCE. TO THE EXTENT THAT
5 THE FIREFIGHTERS ARE NOT COVERED BY FEDERAL WORKERS'
6 COMPENSATION WHILE PROVIDING SUCH ASSISTANCE FOR ANY REASON, THE
7 FIREFIGHTERS SHALL REMAIN COVERED BY THE WORKERS' COMPENSATION
8 INSURANCE PROVIDED BY THEIR TOWN, CITY, CITY AND COUNTY, COUNTY,
9 OR FIRE PROTECTION DISTRICT.

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