

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1195.01 Nicole Myers x4326

SENATE BILL 18-247

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

Senate Committees

Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A FUND TO PAY FOR THE
102 CONTINUATION OF CERTAIN BENEFITS FOR DEPENDENTS OF
103 CERTAIN LOCAL GOVERNMENT PUBLIC SAFETY EMPLOYEES WHO
104 DIE IN A WORK-RELATED DEATH.

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://leg.colorado.gov>.)

The bill creates the police officers' and firefighters' continuation of benefits board (board) in the department of the treasury. The board is required to review submissions from counties or municipalities offering

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

police or fire protection service or any special district or county improvement district in the state offering fire protection service (employers) for the continuation of medical and dental benefits for the dependants of any employee who dies in a work-related death and to oversee the payment of such benefits. The board is composed of the state treasurer, the executive director of the department of public safety, and the executive director of the fire and police pension association, or their designees.

The bill specifies that any employer may enter into an agreement with the board to make quarterly contributions to the police officers' and firefighters' continuation of benefits fund (fund), which is created in the bill, on behalf of each person it employs whose duties are directly involved with the provision of police or fire protection. Only employers that make contributions to the fund are eligible to have the continuation of benefits for the dependants of an employee who died in a work-related death paid from the fund.

The board shall determine the amount of the contribution required by each employer and shall determine the method by which each employer shall pay the quarterly contribution to the fund. The bill does not prohibit an employer that chooses not to make contributions to the fund from independently paying for the continuation of benefits for the dependents of any person it employs and who dies in a work-related death.

The bill specifies that the dependents of an employee who dies in a work-related death are automatically qualified for the continuation of medical and dental benefits through the employer's medical and dental benefit coverage for 12 months from the end of the month in which the work-related death occurred, so long as the dependents had medical or dental benefits through the employer at the time of the employee's work-related death. The board will pay the cost of providing medical or dental benefits on behalf of the employee's dependents from the fund only if the employer has an agreement with the board to make contributions to the fund.

At any time, if an employee dies from a work-related death and the money in the fund is insufficient to cover the costs of continuation of benefits for the dependents of the employee, the bill directs the state treasurer to advance sufficient money from the state treasury to cover such costs and to be repaid by the board on a schedule to be set by the board.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-36-122 as

1 follows:

2 **24-36-122. Police officers and firefighters - work-related death**
3 **- continuation of medical benefits for dependants - cash fund -**
4 **created - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE

5 CONTEXT OTHERWISE REQUIRES:

6 (a) "BOARD" MEANS THE POLICE OFFICERS' AND FIREFIGHTERS'
7 CONTINUATION OF BENEFITS BOARD CREATED IN SUBSECTION (2) OF THIS
8 SECTION.

9 (b) "EMPLOYEE" MEANS AN ACTIVE, FULL-TIME OR PART-TIME
10 SALARIED EMPLOYEE OF AN EMPLOYER WHOSE DUTIES ARE DIRECTLY
11 INVOLVED WITH THE PROVISION OF POLICE OR FIRE PROTECTION, AS
12 CERTIFIED BY HIS OR HER EMPLOYER, AND WHO HAS MEDICAL OR DENTAL
13 BENEFIT COVERAGE THROUGH HIS OR HER EMPLOYER.

14 (c) "EMPLOYER" MEANS ANY COUNTY OR MUNICIPALITY IN THE
15 STATE OFFERING POLICE OR FIRE PROTECTION SERVICE EMPLOYING ONE OR
16 MORE PERSONS AND ANY SPECIAL DISTRICT OR COUNTY IMPROVEMENT
17 DISTRICT IN THE STATE OFFERING FIRE PROTECTION SERVICE EMPLOYING
18 ONE OR MORE PERSONS AND THAT CONTRIBUTES TO THE CONTINUATION OF
19 BENEFITS FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION ON BEHALF
20 OF ITS EMPLOYEES.

21 (d) "FUND" MEANS THE POLICE OFFICERS' AND FIREFIGHTERS'
22 CONTINUATION OF BENEFITS FUND CREATED IN SUBSECTION (5) OF THIS
23 SECTION.

24 (e) "WORK-RELATED DEATH" MEANS A DEATH THAT IS THE
25 PROXIMATE RESULT OF AN INJURY ARISING OUT OF AND IN THE COURSE
26 AND SCOPE OF EMPLOYMENT WITH AN EMPLOYER.

27 (2) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF THE

1 TREASURY THE POLICE OFFICERS' AND FIREFIGHTERS' CONTINUATION OF
2 BENEFITS BOARD. THE BOARD SHALL REVIEW SUBMISSIONS FROM
3 EMPLOYERS FOR THE CONTINUATION OF MEDICAL AND DENTAL BENEFITS
4 FOR THE DEPENDANTS OF ANY EMPLOYEE WHO DIES IN A WORK-RELATED
5 DEATH AND SHALL OVERSEE THE PAYMENT OF SUCH BENEFITS. IN THE
6 COURSE OF ITS DUTIES, THE BOARD MAY COORDINATE AND CONFER WITH
7 THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF LOCAL
8 AFFAIRS, THE FIRE AND POLICE PENSION ASSOCIATION, ANY EMPLOYER AS
9 DEFINED IN SUBSECTION (1)(c) OF THIS SECTION, OR ANY OTHER ENTITY AS
10 DEEMED NECESSARY AND APPROPRIATE BY THE BOARD.

11 (b) THE BOARD IS COMPOSED OF THE FOLLOWING MEMBERS:

12 (I) THE STATE TREASURER OR HIS OR HER DESIGNEE;

13 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
14 SAFETY OR HIS OR HER DESIGNEE; AND

15 (III) THE EXECUTIVE DIRECTOR OF THE FIRE AND POLICE PENSION
16 ASSOCIATION OR HIS OR HER DESIGNEE.

17 (c) THE MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION
18 BUT SHALL BE REIMBURSED BY THE DEPARTMENT OF THE TREASURY FOR
19 ANY NECESSARY EXPENSES INCURRED IN THE CONDUCT OF THEIR OFFICIAL
20 DUTIES AND SHALL SUFFER NO LOSS OF SALARY FROM AN EMPLOYER FOR
21 SERVICE ON THE BOARD.

22 (d) STAFF SERVICES FOR THE BOARD SHALL BE PROVIDED BY THE
23 DEPARTMENT OF THE TREASURY.

24 (3) (a) ANY COUNTY OR MUNICIPALITY IN THE STATE OFFERING
25 POLICE OR FIRE PROTECTION SERVICE EMPLOYING ONE OR MORE PERSONS
26 AND ANY SPECIAL DISTRICT OR COUNTY IMPROVEMENT DISTRICT IN THE
27 STATE OFFERING FIRE PROTECTION SERVICE EMPLOYING ONE OR MORE

1 PERSONS MAY ENTER INTO AN AGREEMENT WITH THE BOARD TO MAKE
2 QUARTERLY CONTRIBUTIONS TO THE FUND CREATED IN SUBSECTION (6) OF
3 THIS SECTION ON BEHALF OF EACH PERSON IT EMPLOYS WHOSE DUTIES ARE
4 DIRECTLY INVOLVED WITH THE PROVISION OF POLICE OR FIRE PROTECTION.
5 ONLY COUNTIES, MUNICIPALITIES, SPECIAL DISTRICTS, OR COUNTY
6 IMPROVEMENT DISTRICTS THAT MAKE CONTRIBUTIONS TO THE FUND
7 PURSUANT TO THIS SUBSECTION (3) AND PURSUANT TO ITS AGREEMENT
8 WITH THE BOARD ARE EMPLOYERS FOR PURPOSES OF THIS SECTION, AND
9 ONLY EMPLOYERS ARE ELIGIBLE TO HAVE THE CONTINUATION OF BENEFITS
10 FOR THE DEPENDANTS OF AN EMPLOYEE WHO DIED IN A WORK-RELATED
11 DEATH PAID FROM THE FUND.

12 (b) THE BOARD SHALL DETERMINE THE AMOUNT OF THE
13 CONTRIBUTION REQUIRED BY EACH EMPLOYER AND SHALL DETERMINE THE
14 METHOD BY WHICH EACH EMPLOYER SHALL PAY THE QUARTERLY
15 CONTRIBUTION TO THE FUND.

16 (c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
17 A COUNTY, MUNICIPALITY, SPECIAL DISTRICT, OR COUNTY IMPROVEMENT
18 DISTRICT THAT CHOOSES NOT TO MAKE CONTRIBUTIONS TO THE FUND
19 FROM INDEPENDENTLY PAYING FOR THE CONTINUATION OF BENEFITS FOR
20 THE DEPENDENTS OF ANY PERSON IT EMPLOYS AND WHO DIES IN A
21 WORK-RELATED DEATH.

22 (4) THE DEPENDENTS OF AN EMPLOYEE WHO DIES IN A
23 WORK-RELATED DEATH ARE AUTOMATICALLY QUALIFIED FOR THE
24 CONTINUATION OF MEDICAL AND DENTAL BENEFITS THROUGH THE
25 EMPLOYER'S MEDICAL AND DENTAL BENEFIT COVERAGE FOR TWELVE
26 MONTHS FROM THE END OF THE MONTH IN WHICH THE WORK-RELATED
27 DEATH OCCURRED, SO LONG AS THE DEPENDENTS HAD MEDICAL OR

1 DENTAL BENEFITS THROUGH THE EMPLOYER AT THE TIME OF THE
2 EMPLOYEE'S WORK-RELATED DEATH. THE MEDICAL OR DENTAL BENEFITS
3 ALLOWED TO DEPENDENTS PURSUANT TO THIS SECTION SHALL BE THE
4 SAME COVERAGE THAT THE DEPENDENTS WERE ENROLLED IN AT THE TIME
5 OF THE EMPLOYEE'S WORK-RELATED DEATH.

6 (5) THE BOARD SHALL PAY THE COST OF PROVIDING MEDICAL OR
7 DENTAL BENEFITS ON BEHALF OF THE EMPLOYEE'S DEPENDENTS FOR THE
8 TWELVE-MONTH PERIOD PURSUANT TO SUBSECTION (4) OF THIS SECTION
9 FROM THE FUND. THE BOARD SHALL MAKE ARRANGEMENTS WITH THE
10 EMPLOYER TO PAY SUCH COSTS.

11 (6) (a) THE POLICE OFFICERS' AND FIREFIGHTERS' CONTINUATION
12 OF BENEFITS FUND IS HEREBY CREATED IN THE STATE TREASURY. THE
13 FUND CONSISTS OF CONTRIBUTIONS TO THE FUND PAID BY EMPLOYERS
14 PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER MONEY
15 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
16 FUND.

17 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
18 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
19 FUND TO THE FUND.

20 (c) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
21 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
22 YEAR TO THE FUND.

23 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
24 ASSEMBLY, THE BOARD MAY EXPEND MONEY FROM THE FUND TO PAY THE
25 COST OF PROVIDING MEDICAL OR DENTAL BENEFITS ON BEHALF OF AN
26 EMPLOYEE'S DEPENDENTS WHEN THE EMPLOYEE DIED IN A WORK-RELATED
27 DEATH. THE BOARD SHALL MAKE ARRANGEMENTS WITH THE EMPLOYER TO

1 PAY SUCH COSTS.

2 (7) AT ANY TIME, IF AN EMPLOYEE DIES FROM A WORK-RELATED
3 DEATH AND THE MONEY IN THE FUND IS INSUFFICIENT TO COVER THE COSTS
4 OF THE CONTINUATION OF BENEFITS FOR THE DEPENDENTS OF THE
5 EMPLOYEE, THE STATE TREASURER SHALL ADVANCE SUFFICIENT MONEY
6 FROM THE STATE TREASURY TO THE FUND TO COVER SUCH COSTS. ANY
7 MONEY ADVANCED TO THE FUND SHALL BE REPAID BY THE BOARD ON A
8 SCHEDULE TO BE SET BY THE BOARD.

9 (8) THE BOARD MAY DEVELOP POLICIES OR PROCEDURES TO
10 IMPLEMENT THIS SECTION. SUCH POLICIES OR PROCEDURES MAY INCLUDE:

11 (a) THE TIME AND MANNER BY WHICH A COUNTY, MUNICIPALITY,
12 SPECIAL DISTRICT, OR COUNTY IMPROVEMENT DISTRICT MAY ENTER INTO
13 AN AGREEMENT WITH THE BOARD TO MAKE CONTRIBUTIONS TO THE FUND;

14 (b) THE METHOD BY WHICH AN EMPLOYER MAKES CONTRIBUTIONS
15 TO THE FUND;

16 (c) THE MANNER IN WHICH AN EMPLOYER NOTIFIES THE BOARD
17 THAT AN EMPLOYEE DIED IN A WORK-RELATED DEATH AND HAS
18 DEPENDENTS WHO ARE ELIGIBLE FOR A CONTINUATION OF BENEFITS
19 PURSUANT TO THIS SECTION;

20 (d) PROCEDURES FOR THE PAYMENT OF CONTINUATION OF
21 BENEFITS AFTER AN EMPLOYEE DIES IN A WORK-RELATED DEATH; AND

22 (e) POLICIES OR PROCEDURES TO ADDRESS ANY OTHER ISSUE
23 DEEMED NECESSARY AND APPROPRIATE BY THE BOARD.

24 **SECTION 2. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.