

CHAPTER 338

GOVERNMENT - LOCAL

SENATE BILL 18-247

BY SENATOR(S) Gardner, Aguilar, Court, Crowder, Donovan, Fields, Garcia, Guzman, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Priola, Tate, Todd, Zenzinger, Grantham;
also REPRESENTATIVE(S) Landgraf and Kraft-Tharp, Bridges, Buckner, Carver, Exum, Gray, Herod, Hooton, Lee, Liston, Michaelson Jenet, Reyher, Roberts, Rosenthal, Saine, Valdez, Winkler.

AN ACT

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

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

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

24-36-122. Law enforcement officers and firefighters - work-related death - continuation of medical benefits for dependants - cash fund - created - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BOARD" MEANS THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' CONTINUATION OF BENEFITS BOARD CREATED IN SUBSECTION (2) OF THIS SECTION.

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

(c) "EMPLOYER" MEANS ANY COUNTY OR MUNICIPALITY IN THE STATE OFFERING LAW ENFORCEMENT OR FIRE PROTECTION SERVICE EMPLOYING ONE OR MORE PERSONS AND ANY SPECIAL DISTRICT OR COUNTY IMPROVEMENT DISTRICT IN THE STATE OFFERING FIRE PROTECTION SERVICE EMPLOYING ONE OR MORE PERSONS AND THAT CONTRIBUTES TO THE CONTINUATION OF BENEFITS FUND PURSUANT TO

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUBSECTION (3) OF THIS SECTION ON BEHALF OF ITS EMPLOYEES.

(d) "FUND" MEANS THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' CONTINUATION OF BENEFITS FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

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

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

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

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

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

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

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

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

(3) (a) ANY COUNTY OR MUNICIPALITY IN THE STATE OFFERING LAW ENFORCEMENT OR FIRE PROTECTION SERVICE EMPLOYING ONE OR MORE PERSONS AND ANY SPECIAL DISTRICT OR COUNTY IMPROVEMENT DISTRICT IN THE STATE OFFERING FIRE PROTECTION SERVICE EMPLOYING ONE OR MORE PERSONS MAY ENTER INTO AN AGREEMENT WITH THE BOARD TO MAKE QUARTERLY CONTRIBUTIONS TO THE FUND CREATED IN SUBSECTION (6) OF THIS SECTION ON BEHALF OF EACH PERSON IT EMPLOYS WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION OF LAW ENFORCEMENT OR FIRE PROTECTION. ONLY COUNTIES, MUNICIPALITIES, SPECIAL DISTRICTS, OR COUNTY IMPROVEMENT DISTRICTS THAT MAKE CONTRIBUTIONS TO THE FUND PURSUANT TO THIS SUBSECTION (3) AND PURSUANT TO ITS AGREEMENT WITH THE BOARD ARE EMPLOYERS FOR PURPOSES OF THIS SECTION, AND ONLY EMPLOYERS ARE ELIGIBLE TO HAVE THE CONTINUATION OF BENEFITS FOR THE DEPENDENTS OF AN EMPLOYEE WHO DIED IN A WORK-RELATED DEATH PAID FROM

THE FUND.

(b) 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.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A COUNTY, MUNICIPALITY, SPECIAL DISTRICT, OR COUNTY IMPROVEMENT DISTRICT 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.

(4) 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 TWELVE 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 MEDICAL OR DENTAL BENEFITS ALLOWED TO DEPENDENTS PURSUANT TO THIS SECTION SHALL BE THE SAME COVERAGE THAT THE DEPENDENTS WERE ENROLLED IN AT THE TIME OF THE EMPLOYEE'S WORK-RELATED DEATH.

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

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

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

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

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

(7) 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 THE CONTINUATION OF BENEFITS FOR THE DEPENDENTS OF THE EMPLOYEE, THE STATE TREASURER SHALL ADVANCE SUFFICIENT MONEY FROM THE STATE TREASURY TO THE FUND TO COVER SUCH COSTS. ANY MONEY ADVANCED TO THE FUND SHALL BE REPAYED BY THE BOARD

ON A SCHEDULE TO BE SET BY THE BOARD.

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

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

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

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

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

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

SECTION 2. 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.

Approved: May 30, 2018