

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0620.02 Nicole Myers x4326

HOUSE BILL 24-1139

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A BILL FOR AN ACT

101 **CONCERNING THE PAYMENT OF DEATH BENEFITS AFTER REMARRIAGE**
102 **TO A SURVIVING SPOUSE OF A STATE EMPLOYEE WHO WORKED**
103 **IN A JOB WITH A HIGH-RISK CLASSIFICATION.**

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>.)

Pursuant to the "Workers' Compensation Act of Colorado", if an employee dies, death benefits are paid to a dependent surviving spouse of the employee for life or until remarriage. The bill specifies that death benefits will be paid to a dependent surviving spouse of a deceased employee for life, regardless of remarriage, if the surviving spouse

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

SENATE
Amended 2nd Reading
March 12, 2024

HOUSE
3rd Reading Unamended
February 12, 2024

HOUSE
Amended 2nd Reading
February 9, 2024

receives death benefits pursuant to current law, and the deceased employee was a state employee who worked in a job with a high-risk classification.

The bill specifies that a job with a "high-risk classification" includes certain employees of the Colorado state patrol, certain employees of the Colorado bureau of investigation, certain employees of the department of corrections, certain firefighters employed by the division of fire prevention and control in the department of public safety, wildlife officers and parks and recreation officers employed by the division of wildlife in the department of natural resources, and employees of the department of transportation responsible for highway safety and maintenance.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-42-120 as
3 follows:

4 **8-42-120. Termination of right to benefits - definition.**

5 (1) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(b) OF THIS
6 SECTION, death benefits shall be paid to a dependent widow or widower
7 for life or until remarriage, and, if there are no dependent children, as
8 defined in section 8-41-501 (1)(b) and (1)(c), at the time of remarriage,
9 a two-year lump-sum benefit without discount, less any lump sums
10 previously paid, shall be paid to such widow or widower.

11 (b) (I) DEATH BENEFITS SHALL BE PAID TO A DEPENDENT WIDOW
12 OR WIDOWER FOR LIFE IF:

13 (A) THE DEPENDENT WIDOW OR WIDOWER RECEIVES A DEATH
14 BENEFIT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION; AND

15 (B) THE DECEASED WAS A STATE EMPLOYEE WHO WORKED IN A
16 JOB WITH A HIGH-RISK CLASSIFICATION.

17 (II) AS USED IN THIS SUBSECTION (1)(b), UNLESS THE CONTEXT
18 OTHERWISE REQUIRES, "JOB WITH A HIGH-RISK CLASSIFICATION" MEANS:

19 (A) AN EMPLOYEE OF THE COLORADO STATE PATROL WHO IS

1 VESTED WITH THE POWERS OF A PEACE OFFICER AS PROVIDED IN SECTION
2 24-33.5-212 OR IS A PORT OF ENTRY OFFICER AS DESCRIBED IN SECTION
3 16-2.5-115;

4 (B) AN EMPLOYEE OF THE COLORADO BUREAU OF INVESTIGATION
5 WHO IS VESTED WITH THE POWERS OF A PEACE OFFICER AS PROVIDED IN
6 SECTION 24-33.5-409;

7 (C) AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS WHO IS
8 CLASSIFIED IN THE CORRECTIONS OFFICER I THROUGH CORRECTIONS
9 OFFICER IV CLASS TITLES;

10 (D) AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS WHO IS
11 A COMMUNITY PAROLE OFFICER AS DESCRIBED IN SECTION 16-2.5-136;

12 (E) AN EMPLOYEE OF THE DIVISION OF FIRE PREVENTION AND
13 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY WHO IS CLASSIFIED
14 AS A FIREFIGHTER, INVESTIGATOR, OR FIRE MARSHAL;

15 (F) AN EMPLOYEE OF THE DIVISION OF PARKS AND WILDLIFE IN THE
16 DEPARTMENT OF NATURAL RESOURCES WHO IS A WILDLIFE OFFICER AS
17 DEFINED IN SECTION 16-2.5-116(1) OR A PARKS AND RECREATION OFFICER
18 AS DEFINED IN SECTION 16-2.5-117 (1); ==

19 (G) AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION WHO
20 IS RESPONSIBLE FOR HIGHWAY SAFETY AND MAINTENANCE;

21 (H) AN EMPLOYEE OF THE DEPARTMENT OF REVENUE WHO IS
22 VESTED WITH THE POWERS OF A PEACE OFFICER AS PROVIDED IN SECTIONS
23 16-2.5-121 TO 16-2.5-126; OR

24 (I) AN EMPLOYEE OF A STATE INSTITUTION OF HIGHER EDUCATION
25 WHO IS VESTED WITH THE POWERS OF A PEACE OFFICER AS PROVIDED IN
26 SECTION 16-2.5-148.

27 (2) Death benefits shall terminate upon the happening of any of

1 the following contingencies and shall thereupon survive to the remaining
2 dependents, if any: Upon the death of any dependent; when a child or
3 brother or sister of the deceased reaches the age of eighteen years, except
4 as otherwise provided in sections 8-41-501 (1)(b) and (1)(c) and
5 8-41-502; and upon the expiration of six years from the date of the death
6 of the injured employee in the case of partial dependents.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2024 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.