

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 22, 2022

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

SB22-002 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, strike line 5 and substitute "EMERGENCY FUND
2 AND THE WILDLAND FIRE COST".

3 Page 3, line 16, after "(6)" insert "TO PAY FOR THE COSTS OF EQUIPMENT
4 USED IN FIRE SUPPRESSION ACTIVITIES IN RESPONSE TO THE FIRE AND".

5 Page 4, line 12, strike "(3) introductory portion,".

6 Page 4, strike line 27.

7 Page 5, strike lines 1 through 24 and substitute:

8 "(2) The division shall use the ~~moneys~~ MONEY in the fund to
9 award need-based grants to governing bodies and volunteer fire
10 departments to provide funding or reimbursement for equipment and
11 training designed to increase firefighter safety and prevent
12 occupation-related diseases, INCLUDING THE COSTS OF DISPOSING OF AND
13 REPLACING DAMAGED OR OBSOLETE EQUIPMENT. The division may expend
14 up to three percent per year from the fund for its direct and indirect costs
15 in administering the grant program. The general assembly intends that the
16 need-based grants from the fund are in addition to, and do not supplant,
17 other sources of funding regarding firefighting.

18 (3) The director shall promulgate rules governing the award of
19 grants pursuant to subsection (2) of this section, including consideration
20 of:".

21 Page 6, strike lines 12 and 13 and substitute:

1 BENEFITS PROGRAM

2 **29-5-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "BEHAVIORAL HEALTH CARE SERVICES" INCLUDES BUT IS NOT
5 LIMITED TO INPATIENT AND OUTPATIENT SERVICES TO PREVENT, IDENTIFY,
6 AND TREAT SUBSTANCE USE DISORDERS, SUBSTANCE MISUSE, SLEEP
7 DISORDERS, AND MENTAL HEALTH DISORDERS, INCLUDING SERVICES TO
8 SUPPORT AN INDIVIDUAL'S SOCIAL-EMOTIONAL HEALTH.

9 (2) (a) "EMPLOYER" MEANS:

10 (I) A MUNICIPALITY, SPECIAL DISTRICT, FIRE AUTHORITY, OR
11 COUNTY IMPROVEMENT DISTRICT THAT EMPLOYS ONE OR MORE
12 FIREFIGHTERS;

13 (II) THE DIVISION OF FIRE PREVENTION AND CONTROL CREATED IN
14 SECTION 24-33.5-1201; AND

15 (III) A COUNTY SHERIFF, IF THE COUNTY SHERIFF IS THE
16 AUTHORITY WITH JURISDICTION TO PROVIDE FIRE SUPPRESSION AND
17 RESPONSE SERVICES WITHIN THE COUNTY SHERIFF'S JURISDICTION.

18 (b) "EMPLOYER" DOES NOT INCLUDE A POWER AUTHORITY
19 CREATED PURSUANT TO SECTION 29-1-204 OR A MUNICIPALLY OWNED
20 UTILITY.

21 (3) "FIREFIGHTER" MEANS A FULL-OR PART-TIME EMPLOYEE OF AN
22 EMPLOYER WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION
23 OF FIRE PROTECTION SERVICES AND A VOLUNTEER FIREFIGHTER AS
24 DEFINED IN SECTION 31-30-1102, INCLUDING A PERSON MEETING THIS
25 DEFINITION WHO PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY
26 CREATED BY AN INTERGOVERNMENTAL AGREEMENT PROVIDING FIRE
27 PROTECTION.

28 (4) "FUND" MEANS THE FIREFIGHTER BEHAVIORAL HEALTH
29 BENEFIT PROGRAM CASH FUND CREATED IN SECTION 29-5-502 (3).

30 (5) "TRUST" MEANS A MULTIPLE EMPLOYER HEALTH TRUST, AS
31 DESCRIBED IN SECTION 10-3-903.5 (7)(b)(I), ESTABLISHED FOR THE
32 PURPOSES OF THIS PART 5.

33 **29-5-502. Required benefits - firefighter behavioral health**
34 **benefit cash fund - reimbursement.** (1) AN EMPLOYER SHALL PAY
35 CONTRIBUTIONS INTO A MULTIPLE EMPLOYER HEALTH TRUST, AS
36 DESCRIBED IN SECTION 10-3-903.5 (7)(b)(I), THAT IS ESTABLISHED FOR
37 THE PURPOSES OF THIS PART 5 IN ORDER TO PROVIDE BEHAVIORAL HEALTH
38 CARE SERVICES TO ITS FIREFIGHTERS.

39 (2) THE TRUST SHALL ESTABLISH EMPLOYERS' CONTRIBUTION
40 LEVELS AND SHALL PROVIDE THE BEHAVIORAL HEALTH CARE SERVICES TO
41 EACH EMPLOYER'S FIREFIGHTERS FOR UP TO TEN YEARS AFTER THE
42 FIREFIGHTER CEASES EMPLOYMENT OR VOLUNTEERING FOR THE
43 EMPLOYER.

1 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE
2 FIREFIGHTER BEHAVIORAL HEALTH BENEFIT PROGRAM CASH FUND. THE
3 FUND CONSISTS OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY
4 APPROPRIATE OR TRANSFER TO THE FUND.

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

8 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
9 DEPARTMENT OF LOCAL AFFAIRS FOR THE PURPOSE OF REIMBURSING
10 EMPLOYERS FOR THE DIRECT COSTS OF COMPLYING WITH THIS SECTION.

11 (d) SUBJECT TO SUFFICIENT MONEY BEING AVAILABLE IN THE
12 FUND, THE DEPARTMENT OF LOCAL AFFAIRS SHALL FULLY REIMBURSE
13 EMPLOYERS FROM THE FUND FOR THE DIRECT COSTS OF PAYING
14 CONTRIBUTIONS TO THE TRUST IN ACCORDANCE WITH THIS PART 5. THE
15 DEPARTMENT OF LOCAL AFFAIRS MAY USE A PORTION OF THE MONEY IN
16 THE FUND TO PAY ITS DIRECT AND INDIRECT COSTS IN IMPLEMENTING THIS
17 SECTION.

18 (e) IF THE DEPARTMENT OF LOCAL AFFAIRS, IN CONSULTATION
19 WITH THE TRUST, DETERMINES THAT THE MONEY IN THE FUND EXCEEDS
20 THE AMOUNT NEEDED TO FULLY REIMBURSE EMPLOYERS PURSUANT TO
21 SUBSECTION (3)(d) OF THIS SECTION IN A GIVEN FISCAL YEAR, THE
22 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS MAY
23 DIRECT THE STATE TREASURER TO TRANSFER THE EXCESS AMOUNTS TO
24 THE LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION FUND CREATED
25 IN SECTION 24-33.5-1231 (1).

26 (4) (a) FOR EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
27 APPROPRIATE ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE
28 FUND. THE GENERAL ASSEMBLY MAY APPROPRIATE ADDITIONAL MONEY
29 TO THE FUND AS NECESSARY TO MEET THE BEHAVIORAL HEALTH CARE
30 NEEDS OF FIREFIGHTERS ACROSS THE STATE.

31 (b) ON OR BEFORE SEPTEMBER 1, 2032, THE STAFF OF THE JOINT
32 BUDGET COMMITTEE SHALL REVIEW THE IMPLEMENTATION OF THIS PART
33 5 AND MAKE A RECOMMENDATION TO THE JOINT BUDGET COMMITTEE AND
34 TO THE WILDFIRE MATTERS REVIEW COMMITTEE OR ANY SUCCESSOR
35 COMMITTEE AS TO WHETHER THE ANNUAL APPROPRIATION REQUIRED BY
36 SUBSECTION (4)(a) OF THIS SECTION SHOULD BE ADJUSTED BASED ON THE
37 CURRENT BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS.

38 (5) IF, AT ANY TIME, THE FUNDING PROVIDED FOR THE BENEFIT
39 REQUIRED BY THIS SECTION IS INSUFFICIENT TO COVER THE COST OF THE
40 BENEFIT AND TO FULLY REIMBURSE EMPLOYERS FOR THEIR
41 CONTRIBUTIONS, THEN THE REQUIREMENT IN THIS SECTION TO
42 PARTICIPATE IN THE TRUST BECOMES OPTIONAL PURSUANT TO SECTION
43 29-1-304.5.

1 (6) FOR THE PURPOSE OF EMPLOYER POLICIES AND BENEFITS, THE
2 NEED FOR BEHAVIORAL HEALTH CARE SCREENING OR SERVICES IS TREATED
3 AS AN ON-THE-JOB INJURY OR ILLNESS. THIS SUBSECTION (6) DOES NOT
4 AFFECT ANY DETERMINATION AS TO WHETHER THE BEHAVIORAL HEALTH
5 CARE NEED IS COVERED UNDER THE "WORKERS' COMPENSATION ACT OF
6 COLORADO", ARTICLES 40 TO 47 OF TITLE 8.

7 (7) THE BENEFITS COVERED OR PAID FOR PURSUANT TO THIS
8 SECTION MUST BE OFFSET BY ANY PAYMENTS MADE UNDER THE
9 "WORKERS COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF
10 TITLE 8.

11 **29-5-503. Authority of the trust - rules - report.** (1) IN
12 ADDITION TO ANY OTHER AUTHORITY GIVEN TO THE TRUST, THE TRUST
13 HAS THE AUTHORITY TO:

14 (a) CREATE A PROGRAM DESCRIPTION TO FURTHER DEFINE THE
15 BENEFITS AVAILABLE PURSUANT TO THIS PART 5;

16 (b) ESTABLISH AND MODIFY THE CONTRIBUTION RATES, BENEFIT
17 LEVELS, AND STRUCTURE OF THE BENEFITS PROVIDED BASED ON
18 ACTUARIAL RECOMMENDATIONS AND WITH INPUT FROM A COMMITTEE OF
19 THE TRUST CONSISTING OF REPRESENTATIVES FROM LABOR, MANAGEMENT,
20 VOLUNTEER, AND TRUST ADMINISTRATION; AND

21 (c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION
22 OF THE TRUST.

23 (2) ON OR BEFORE OCTOBER 1, 2024, THE TRUST, TOGETHER WITH
24 THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
25 PUBLIC SAFETY AND THE DEPARTMENT OF LOCAL AFFAIRS, SHALL SUBMIT
26 A REPORT TO THE WILDFIRE MATTERS REVIEW COMMITTEE ON THE
27 IMPLEMENTATION OF THIS PART 5. THE REPORT MUST, AT A MINIMUM:

28 (a) DISCUSS THE EXTENT TO WHICH THE FIREFIGHTER BEHAVIORAL
29 HEALTH BENEFITS PROGRAM IS MEETING THE BEHAVIORAL HEALTH CARE
30 NEEDS OF FIREFIGHTERS IN THE STATE;

31 (b) ASSESS THE ONGOING FUNDING NEEDS OF THE TRUST AND
32 WHETHER THE APPROPRIATION REQUIRED BY SECTION 29-5-502 (4)(a) IS
33 SUFFICIENT TO ALLOW THE TRUST TO MEET THE BEHAVIORAL HEALTH
34 CARE NEEDS OF FIREFIGHTERS; AND

35 (c) RECOMMEND ANY CHANGES NEEDED TO MORE EFFECTIVELY
36 MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS ACROSS
37 THE STATE."

38 Renumber succeeding sections accordingly.

39 Page 8, after line 21 insert:

40 **"SECTION 8.** In Colorado Revised Statutes, 10-3-903.5, **amend**

1 (7)(b)(I) as follows:

2 **10-3-903.5. Jurisdiction over providers of health-care benefits**

3 - **rules.** (7) (b) A multiple employer health trust is any trust that is:

4 (I) Sponsored, maintained, and funded by one or more entities of
5 state government or political subdivisions of the state organized pursuant
6 to state law and is for the benefit of the entity's employees, including a
7 multiple employer health trust established for the purposes of part 3, or
8 4, OR 5 of article 5 of title 29; or".

9 Renumber succeeding section accordingly.

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