

SENATE COMMITTEE OF REFERENCE REPORT

April 1, 2022

Chair of Committee

Date

Committee on Appropriations.

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 of the Whole with favorable recommendation:

- 1 Strike the Local Government Committee Report, dated February 22, 2022, and substitute:
- 3 "Amend printed bill, page 3, strike line 5 and substitute "EMERGENCY FUND AND THE WILDLAND FIRE COST".
- 5 Page 4, line 12, strike "(3) introductory portion,".
- 6 Page 4, line 13, after "(3.5)" insert "and (5)".
- 7 Page 4, line 15, strike "**rules.**" and substitute "**rules - report.**".
- 8 Page 5, line 5, after the semicolon add "AND".
- 9 Page 5, line 7, strike "diseases; AND" and substitute "diseases.".
- 10 Page 5, strike lines 8 through 15 and substitute:

11 "(II) REIMBURSE A MULTIPLE EMPLOYER BEHAVIORAL HEALTH
12 TRUST FOR THE DIRECT COSTS OF PROVIDING A PROGRAM PURSUANT TO
13 PART 5 OF ARTICLE 5 OF TITLE 29. IN FISCAL YEAR 2022-23, THE TOTAL
14 REIMBURSEMENT PURSUANT TO THIS SUBSECTION (2)(a)(II) MUST NOT
15 EXCEED ONE MILLION DOLLARS. IN SUBSEQUENT FISCAL YEARS, THE FIRE
16 SERVICE TRAINING, CERTIFICATION, AND FIREFIGHTER SAFETY ADVISORY
17 BOARD, CREATED IN SECTION 24-33.5-1204 (1) SHALL MAKE A
18 RECOMMENDATION TO THE DIVISION BASED UPON THE BEHAVIORAL
19 HEALTH CARE AND SAFETY NEEDS OF FIREFIGHTERS AS TO THE AMOUNT OF
20 MONEY IN THE FUND THAT MAY BE USED FOR THIS PURPOSE.".

1 Page 5, strike lines 21 through 24 and substitute:

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

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

6 "(a) DEMONSTRATE THE GREATEST NEED FOR ADDITIONAL
7 FUNDING TO ENSURE THE SAFETY OF VOLUNTEER AND SEASONAL
8 FIREFIGHTERS;".

9 Page 6, strike lines 17 and 18 and substitute:

10 "(c) RELY PRIMARILY OR SOLELY ON VOLUNTEER FIREFIGHTERS
11 AND ARE SERVING COMMUNITIES AFFECTED BY WILDLAND FIRES.".

12 Page 7, line 6, after "(b)" insert "(I)".

13 Page 7, after line 12 insert:

14 "(II) THE DIVISION MAY USE A PORTION OF THE MONEY IN THE
15 FUND TO DIRECTLY PURCHASE AND DISTRIBUTE PROTECTIVE EQUIPMENT
16 TO GOVERNING BODIES AND VOLUNTEER FIRE DEPARTMENTS TO DIRECTLY
17 PAY FOR TRAINING DESIGNED TO INCREASE FIREFIGHTER SAFETY AND
18 PREVENT OCCUPATION-RELATED DISEASES FOR GOVERNING BODIES AND
19 VOLUNTEER FIRE DEPARTMENTS OR TO REIMBURSE GOVERNING BODIES
20 AND VOLUNTEER FIRE DEPARTMENTS FOR THE COSTS OF PROTECTIVE
21 EQUIPMENT AND TRAINING WITHOUT REQUIRING A GRANT APPLICATION
22 AND PEER REVIEW PROCESS PURSUANT TO SUBSECTIONS (2) AND (3) OF
23 THIS SECTION. IN DISTRIBUTING EQUIPMENT, PAYING FOR TRAINING, OR
24 PROVIDING REIMBURSEMENT PURSUANT TO THIS SUBSECTION (4)(b)(II),
25 THE DIVISION SHALL PRIORITIZE GOVERNING BODIES AND VOLUNTEER FIRE
26 DEPARTMENTS IN ACCORDANCE WITH THE CRITERIA SPECIFIED IN
27 SUBSECTION (3.5) OF THIS SECTION.

28 (5) THE DIVISION SHALL SUBMIT AN ANNUAL REPORT ON THE
29 EXPENDITURES FROM THE LOCAL FIREFIGHTER SAFETY AND DISEASE
30 PREVENTION FUND TO THE WILDFIRE MATTERS REVIEW COMMITTEE
31 CREATED IN SECTION 2-3-1602. THE REPORT MUST INCLUDE INFORMATION
32 ON THE NUMBER OF GRANTS MADE AND THE NUMBER OF VOLUNTEER AND
33 PAID FIREFIGHTERS IN EACH FIRE DEPARTMENT THAT RECEIVED A GRANT,
34 EQUIPMENT, OR TRAINING PURSUANT TO THIS SECTION.
35 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),

1 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION
2 (5) CONTINUES INDEFINITELY.

3 **SECTION 4.** In Colorado Revised Statutes, **add** part 5 to article
4 of title 29 as follows:

5 **PART 5**
6 **FIREFIGHTER BEHAVIORAL HEALTH**
7 **BENEFITS PROGRAM**

8 **29-5-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "EMPLOYER" MEANS A MUNICIPALITY, SPECIAL DISTRICT, FIRE
11 AUTHORITY, OR COUNTY IMPROVEMENT DISTRICT THAT EMPLOYS ONE OR
12 MORE FIREFIGHTERS. "EMPLOYER" ALSO MEANS THE DIVISION OF FIRE
13 PREVENTION AND CONTROL CREATED IN SECTION 24-33.5-1201.
14 "EMPLOYER" DOES NOT INCLUDE A POWER AUTHORITY CREATED
15 PURSUANT TO SECTION 29-1-204 OR A MUNICIPALLY OWNED UTILITY.

16 (2) "FIREFIGHTER" MEANS A FULL- OR PART-TIME EMPLOYEE OF AN
17 EMPLOYER WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION
18 OF FIRE PROTECTION SERVICES AND A VOLUNTEER FIREFIGHTER AS
19 DEFINED IN SECTION 31-30-1102. "FIREFIGHTER" INCLUDES A PERSON
20 MEETING THIS DEFINITION WHO PROVIDES VOLUNTEER SERVICES TO A FIRE
21 AUTHORITY CREATED BY AN INTERGOVERNMENTAL AGREEMENT
22 PROVIDING FIRE PROTECTION.

23 (3) "TRUST" MEANS A MULTIPLE EMPLOYER BEHAVIORAL HEALTH
24 TRUST DESCRIBED IN SECTION 10-3-903.5 (7)(e), ESTABLISHED FOR THE
25 PURPOSES OF THIS PART 5.

26 **29-5-502. Required program - reimbursement.** (1) AN
27 EMPLOYER SHALL PARTICIPATE IN A MULTIPLE EMPLOYER BEHAVIORAL
28 HEALTH TRUST IN ORDER TO PROVIDE THE PROGRAM SPECIFIED IN THIS
29 SECTION FOR ITS FIREFIGHTERS. IF AT ANY TIME THE FUNDING PROVIDED
30 PURSUANT TO SUBSECTION (4) OF THIS SECTION IS INSUFFICIENT TO COVER
31 THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THEN THE
32 REQUIREMENT TO PARTICIPATE IN THE PROGRAM BECOMES OPTIONAL
33 PURSUANT TO SECTION 29-1-304.5.

34 (2) A TRUST SHALL PROVIDE A PROGRAM PLANNED, ORGANIZED,
35 OPERATED, AND MAINTAINED TO PROVIDE BASIC SERVICES TO
36 FIREFIGHTERS FOR THE PREVENTION, DIAGNOSIS, AND INITIAL TREATMENT
37 OF EMOTIONAL, BEHAVIORAL, OR MENTAL HEALTH DISORDERS. SERVICES
38 PROVIDED UNDER THE PROGRAM SHALL BE RENDERED PRIMARILY ON AN
39 OUTPATIENT AND CONSULTATIVE BASIS, INCLUDING SERVICES DELIVERED
40 TELEPHONICALLY OR REMOTELY.

41 (3) SUBJECT TO AVAILABLE APPROPRIATIONS AND THE
42 REQUIREMENTS OF SECTION 24-33.5-1231 (2)(a)(II), THE DIVISION OF FIRE
43 PREVENTION AND CONTROL SHALL REIMBURSE A MULTIPLE EMPLOYER

1 BEHAVIORAL HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING A
2 PROGRAM AS REQUIRED BY THIS PART 5 FROM THE LOCAL FIREFIGHTER
3 SAFETY AND DISEASE PREVENTION FUND CREATED IN SECTION
4 24-33.5-1231 (1).

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

8 (a) CREATE A PROGRAM DESCRIPTION TO FURTHER DEFINE THE
9 SERVICES AVAILABLE PURSUANT TO THIS PART 5;

10 (b) STRUCTURE THE SERVICES PROVIDED UNDER THE PROGRAM
11 BASED ON ACTUARIAL RECOMMENDATIONS AND WITH INPUT FROM A
12 COMMITTEE OF THE TRUST CONSISTING OF REPRESENTATIVES OF LABOR,
13 MANAGEMENT, ADMINISTRATION, AND EMPLOYERS SERVING DIFFERENT
14 SIZED POPULATIONS; AND

15 (c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION
16 OF THE TRUST.

17 (2) ON OR BEFORE OCTOBER 1, 2024, THE TRUST, TOGETHER WITH
18 THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
19 PUBLIC SAFETY, SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS
20 REVIEW COMMITTEE ON THE IMPLEMENTATION OF THIS PART 5. THE
21 REPORT MUST, AT A MINIMUM:

22 (a) DISCUSS THE EXTENT TO WHICH THE PROGRAM PROVIDED
23 UNDER THIS PART 5 IS MEETING THE BEHAVIORAL HEALTH CARE NEEDS OF
24 FIREFIGHTERS IN THE STATE;

25 (b) ASSESS THE ONGOING FUNDING NEEDS OF THE TRUST AND
26 WHETHER THE AVAILABLE FUNDING IS SUFFICIENT TO ALLOW THE TRUST
27 TO MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS; AND

28 (c) RECOMMEND ANY CHANGES NEEDED TO MORE EFFECTIVELY
29 MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS ACROSS
30 THE STATE.".

31 Renumber succeeding sections accordingly.

32 Page 8, after line 21 insert:

33 **"SECTION 8.** In Colorado Revised Statutes, 10-3-903.5, **amend**
34 **(7)(a); and add (7)(e) as follows:**

35 **10-3-903.5. Jurisdiction over providers of health-care benefits**
36 **- rules.** (7) (a) The provisions of this section and any other laws of this
37 state that regulate insurance or insurance companies shall not apply to any
38 multiple employer health trust ~~which~~ THAT meets the requirements of
39 ~~paragraph (b) of this subsection (7) or~~ SUBSECTION (7)(b) OF THIS
40 SECTION, any multiple employer welfare arrangement ~~which~~ THAT meets

1 the requirements of paragraph (c) of this subsection (7) SUBSECTION
2 (7)(c) OF THIS SECTION, OR ANY MULTIPLE EMPLOYER BEHAVIORAL
3 HEALTH TRUST THAT MEETS THE REQUIREMENTS OF SUBSECTION (7)(e) OF
4 THIS SECTION. Any such trust or arrangement shall be subject to the
5 requirements of this subsection (7) and section 10-3-1104. The exemption
6 provided by this subsection (7) shall not apply to any entity if the division
7 of insurance determines that its operation is hazardous to the public or to
8 individuals receiving benefits.

9 (e) A MULTIPLE EMPLOYER BEHAVIORAL HEALTH TRUST IS ANY
10 TRUST THAT IS SPONSORED AND MAINTAINED BY ONE OR MORE ENTITIES
11 OF STATE GOVERNMENT OR POLITICAL SUBDIVISIONS OF THE STATE,
12 ORGANIZED PURSUANT TO STATE LAW, AND FUNDED BY THE STATE FOR
13 THE BENEFIT OF THE ENTITIES' EMPLOYEES, INCLUDING A MULTIPLE
14 EMPLOYER BEHAVIORAL HEALTH TRUST ESTABLISHED FOR THE PURPOSES
15 OF PART 5 OF ARTICLE 5 OF TITLE 29. ".

16 Renumber succeeding section accordingly.".

17 Amend printed bill, page 8, before line 22 insert:

18 **"SECTION 7. Appropriation.** (1) For the 2022-23 state fiscal
19 year, \$5,000,000 is appropriated to the local firefighter safety and disease
20 prevention fund created in section 24-33.5-1231 (1), C.R.S. This
21 appropriation is from the General Fund. The department of public safety
22 is responsible for the accounting related to this appropriation.".

23 Renumber succeeding section accordingly.

24 Page 1, line 103, strike "FIREFIGHTERS." and substitute "FIREFIGHTERS,
25 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

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