

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0959.01 Josh Schultz x5486

SENATE BILL 24-155

SENATE SPONSORSHIP

Winter F.,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING ENSURING ACCURATE PAYMENT OF FAMILY AND
102 MEDICAL LEAVE BENEFITS.

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 specifies that a judgment for a debt for overpayment of paid family and medical leave benefits is eligible to be assigned, released, or commuted and is not exempt from claims of creditors or from levy, execution, and attachment or other remedy or recovery or collection of a debt. The bill adds family and medical leave benefits to the list of exceptions for which workers' compensation benefits may be assigned,

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.

levied, or attached.

The bill also allows the division of family and medical leave insurance (division) in the department of labor and employment to obtain reimbursement from a workers' compensation insurer if an employee received both family and medical leave benefits and temporary indemnity benefits for the same absence and allows the insurer to offset benefits in the amount reimbursed. The division may access records regarding compensability and benefit payments of workers' compensation claims for the purpose of coordinating family and medical leave benefits.

The department of revenue may provide the division with tax information and may enter into an agreement with the division providing for payment of the costs related to supplying the information and providing for periodic updating of the information supplied.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-42-124, **amend** (1)
3 and (6); and **add** (9) as follows:

4 **8-42-124. Assignability and exemption of claims - payment to**
5 **employers - when.** (1) Except for amounts due under court-ordered
6 support or for a judgment for a debt for fraudulently obtained public
7 assistance, fraudulently obtained overpayments of public assistance, or
8 excess public assistance paid for which the recipient was ineligible, OR
9 OVERPAYMENT OF PAID FAMILY AND MEDICAL LEAVE BENEFITS PAID
10 PURSUANT TO ARTICLE 13.3 OF THIS TITLE 8, claims for compensation or
11 benefits due, or any proceeds thereof, under articles 40 to 47 of this title
12 TITLE 8 shall not be assigned, released, or commuted except as provided
13 in ~~said articles~~ ARTICLES 40 TO 47 OF THIS TITLE 8 and ~~shall be~~ ARE
14 exempt from all claims of creditors and from levy, execution, and
15 attachment or other remedy or recovery or collection of a debt, which
16 exemption may not be waived.

17 (6) Nothing in this section ~~shall be construed to limit in any way~~
18 LIMITS the right of any employee to full payment of any award which

1 THAT may be granted to ~~said~~ THE employee for permanent partial or
2 permanent total disability under the provisions of articles 40 to 47 of this
3 ~~title~~ TITLE 8; except that benefits for permanent total disability and
4 permanent partial disability ~~shall be~~ ARE subject to wage assignment or
5 income assignment as wages pursuant to section 14-14-102 (9), ~~€R.S.~~,
6 ~~and~~ subject to garnishment as earnings pursuant to section 13-54.5-101
7 (2)(b), ~~€R.S.~~, and subject to administrative lien and attachment pursuant
8 to section 26-13-122 ~~€R.S.~~, for purposes of enforcement of
9 court-ordered child support. ~~and~~ BENEFITS FOR PERMANENT TOTAL
10 DISABILITY AND PERMANENT PARTIAL DISABILITY ARE ALSO subject to
11 garnishment as earnings pursuant to sections 13-54-104 (1)(b)(IV) and
12 13-54.5-101 (2)(d) ~~€R.S.~~, for purposes of enforcement of a judgment for
13 a debt for fraudulently obtained public assistance, fraudulently obtained
14 overpayments of public assistance, ~~or~~ excess public assistance paid for
15 which the recipient was ineligible, OR OVERPAYMENT OF PAID FAMILY
16 AND MEDICAL LEAVE BENEFITS PAID PURSUANT TO ARTICLE 13.3 OF THIS
17 TITLE 8.

18 (9) (a) UPON RECEIVING NOTICE OF A LIEN FROM THE FAMILY AND
19 MEDICAL LEAVE INSURANCE PROGRAM, CREATED PURSUANT TO SECTION
20 8-13.3-516, DUE TO PAYMENT OF FAMILY AND MEDICAL LEAVE BENEFITS
21 PURSUANT TO ARTICLE 13.3 OF THIS TITLE 8, SO LONG AS SUCH NOTICE IS
22 PROVIDED PRIOR TO THE PAYMENT OF WORKERS' COMPENSATION
23 TEMPORARY TOTAL DISABILITY OR TEMPORARY PARTIAL DISABILITY
24 BENEFITS IN AN ADMITTED CLAIM, AN INSURER OR A SELF-INSURED
25 EMPLOYER SHALL REIMBURSE THE FAMILY AND MEDICAL LEAVE
26 INSURANCE PROGRAM FOR CONCURRENTLY PAID OR DUE FAMILY AND
27 MEDICAL LEAVE BENEFITS AND ADMITTED COMPENSATION BY DIVERTING

1 UNPAID BENEFITS FOR TEMPORARY TOTAL DISABILITY OR TEMPORARY
2 PARTIAL DISABILITY TO THE FAMILY AND MEDICAL LEAVE INSURANCE
3 PROGRAM, IN ACCORDANCE WITH SECTION 8-13.3-513 (2), NOT TO EXCEED
4 ONE HUNDRED PERCENT OF ONGOING WORKERS' COMPENSATION
5 TEMPORARY TOTAL DISABILITY OR TEMPORARY PARTIAL DISABILITY
6 BENEFITS.

7 (b) THIS SUBSECTION (9) APPLIES ONLY IF THE FAMILY AND
8 MEDICAL LEAVE AND WORKERS' COMPENSATION BENEFITS ARE FOR THE
9 SAME INJURY OR OCCUPATIONAL ILLNESS NEXUS.

10 **SECTION 2.** In Colorado Revised Statutes, 8-47-203, **amend** (1)
11 introductory portion and (1)(c)(I) as follows:

12 **8-47-203. Access to files, records, and orders - definition.**

13 (1) Notwithstanding the provisions of section 8-47-202, the filing of a
14 claim for compensation is deemed to be a limited waiver of the
15 doctor-patient privilege to persons who are necessary to resolve the claim.
16 The release of mental health records pursuant to this section must comply
17 with section 8-47-203.2. Access to claim files maintained by the division
18 ~~will be~~ ARE permitted only as follows:

19 (c) (I) (A) The director may permit access to other governmental
20 entities only as required for the performance of their official duties and
21 only if those official duties relate to enforcement of provisions of articles
22 40 to 47 of this title; ~~except that the department of revenue may access~~
23 ~~results of any inquiry made by the division to determine whether an~~
24 ~~employer has any liability pursuant to articles 22 to 29 of title 39, C.R.S.~~
25 TITLE 8. As used in this ~~subparagraph (I)~~ SUBSECTION (1)(c)(I),
26 "enforcement" includes duties of governmental entities involved in the
27 administration of the provisions of articles 40 to 47 of this title TITLE 8 or

1 if such duties relate to the enforcement of child support under section
2 26-13-122. ~~C.R.S.~~ This ~~provision~~ SUBSECTION (1)(c)(I)(A) is not intended
3 to restrict the rights of persons otherwise provided for in articles 40 to 47
4 of this ~~title~~ TITLE 8 to inspect and copy files.

5 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 8,
6 THE DEPARTMENT OF REVENUE MAY ACCESS RESULTS OF AN INQUIRY
7 MADE BY THE DIVISION TO DETERMINE WHETHER AN EMPLOYER HAS
8 LIABILITY PURSUANT TO ARTICLES 22 TO 29 OF TITLE 39.

9 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 8,
10 THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE MAY ACCESS
11 RECORDS REGARDING COMPENSABILITY AND BENEFIT PAYMENTS OF
12 WORKERS' COMPENSATION CLAIMS FOR THE PURPOSES OF COORDINATING
13 THE BENEFITS OF AND OTHERWISE ENFORCING ARTICLE 13.3 OF THIS TITLE
14 8.

15 **SECTION 3.** In Colorado Revised Statutes, 39-21-113, **add** (34)
16 as follows:

17 **39-21-113. Reports and returns - rule - repeal.**

18 (34) NOTWITHSTANDING THIS SECTION, THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT OF REVENUE MAY PROVIDE THE DIVISION OF FAMILY AND
20 MEDICAL LEAVE INSURANCE, CREATED IN SECTION 8-13.3-508 (1), WITH
21 INFORMATION OBTAINED PURSUANT TO THIS SECTION AND MAY ENTER
22 INTO AN AGREEMENT WITH THE DIVISION OF FAMILY AND MEDICAL LEAVE
23 INSURANCE PROVIDING FOR PAYMENT OF THE COSTS INCURRED IN
24 CONNECTION WITH SUPPLYING THE INFORMATION AND PROVIDING FOR
25 PERIODIC UPDATING OF THE INFORMATION SUPPLIED. INFORMATION
26 SUPPLIED TO THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE
27 PURSUANT TO THIS SUBSECTION (34) IS SUBJECT TO THE RULES OF

1 CONFIDENTIALITY SET FORTH IN SECTION 8-13.3-516 (5) TO THE SAME
2 EXTENT AS INFORMATION SUPPLIED BY AN INDIVIDUAL OR EMPLOYER TO
3 THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE. ALL
4 EMPLOYEES OF THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE
5 ARE SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4) OF THIS
6 SECTION AND THE PENALTIES SPECIFIED IN SUBSECTION (6) OF THIS
7 SECTION.

8 **SECTION 4. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2024 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.