

SB002_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.

SB22-002 be amended as follows:

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

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

4 Page 4, strike line 27.

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

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

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

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

20 "(a) DEMONSTRATE THE GREATEST NEED FOR ADDITIONAL
21 FUNDING TO ENSURE THE SAFETY OF VOLUNTEER AND SEASONAL
22 FIREFIGHTERS;"

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

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

26 Page 6, line 21, strike "FIVE" and substitute "FOUR".

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

28 Page 7, after line 12 insert:

29 "(II) THE DIVISION MAY USE A PORTION OF THE MONEY IN THE

1 FUND TO DIRECTLY PURCHASE AND DISTRIBUTE PROTECTIVE EQUIPMENT
2 TO GOVERNING BODIES AND VOLUNTEER FIRE DEPARTMENTS TO DIRECTLY
3 PAY FOR TRAINING DESIGNED TO INCREASE FIREFIGHTER SAFETY AND
4 PREVENT OCCUPATION-RELATED DISEASES FOR GOVERNING BODIES AND
5 VOLUNTEER FIRE DEPARTMENTS OR TO REIMBURSE GOVERNING BODIES
6 AND VOLUNTEER FIRE DEPARTMENTS FOR THE COSTS OF PROTECTIVE
7 EQUIPMENT AND TRAINING WITHOUT REQUIRING A GRANT APPLICATION
8 AND PEER REVIEW PROCESS PURSUANT TO SUBSECTIONS (2) AND (3) OF
9 THIS SECTION. IN DISTRIBUTING EQUIPMENT, PAYING FOR TRAINING, OR
10 PROVIDING REIMBURSEMENT PURSUANT TO THIS SUBSECTION (4)(b)(II),
11 THE DIVISION SHALL PRIORITIZE GOVERNING BODIES AND VOLUNTEER FIRE
12 DEPARTMENTS IN ACCORDANCE WITH THE CRITERIA SPECIFIED IN
13 SUBSECTION (3.5) OF THIS SECTION.

14 (5) THE DIVISION SHALL SUBMIT AN ANNUAL REPORT ON THE
15 EXPENDITURES FROM THE LOCAL FIREFIGHTER SAFETY AND DISEASE
16 PREVENTION FUND TO THE WILDFIRE MATTERS REVIEW COMMITTEE
17 CREATED IN SECTION 2-3-1602. THE REPORT MUST INCLUDE INFORMATION
18 ON THE NUMBER OF GRANTS MADE AND THE NUMBER OF VOLUNTEER AND
19 PAID FIREFIGHTERS IN EACH FIRE DEPARTMENT THAT RECEIVED A GRANT,
20 EQUIPMENT, OR TRAINING PURSUANT TO THIS SECTION.
21 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
22 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION
23 (5) CONTINUES INDEFINITELY.

24 **SECTION 4.** In Colorado Revised Statutes, **add** part 5 to article
25 5 of title 29 as follows:

26 PART 5
27 FIREFIGHTER BEHAVIORAL HEALTH
28 BENEFITS PROGRAM

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

31 (1) "BEHAVIORAL HEALTH CARE SERVICES" INCLUDES BUT IS NOT
32 LIMITED TO INPATIENT AND OUTPATIENT SERVICES TO PREVENT, IDENTIFY,
33 AND TREAT SUBSTANCE USE DISORDERS, SUBSTANCE MISUSE, SLEEP
34 DISORDERS, AND MENTAL HEALTH DISORDERS, INCLUDING SERVICES TO
35 SUPPORT AN INDIVIDUAL'S SOCIAL-EMOTIONAL HEALTH.

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

37 (I) A MUNICIPALITY, SPECIAL DISTRICT, FIRE AUTHORITY, OR
38 COUNTY IMPROVEMENT DISTRICT THAT EMPLOYS ONE OR MORE
39 FIREFIGHTERS;

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

42 (III) A COUNTY SHERIFF, IF THE COUNTY SHERIFF IS THE
43 AUTHORITY WITH JURISDICTION TO PROVIDE FIRE SUPPRESSION AND

1 RESPONSE SERVICES WITHIN THE COUNTY SHERIFF'S JURISDICTION.

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

5 (3) "FIREFIGHTER" MEANS A FULL-OR-PART-TIME EMPLOYEE OF AN
6 EMPLOYER WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION
7 OF FIRE PROTECTION SERVICES AND A VOLUNTEER FIREFIGHTER AS
8 DEFINED IN SECTION 31-30-1102, INCLUDING A PERSON MEETING THIS
9 DEFINITION WHO PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY
10 CREATED BY AN INTERGOVERNMENTAL AGREEMENT PROVIDING FIRE
11 PROTECTION.

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

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

17 **29-5-502. Required benefits - firefighter behavioral health**
18 **benefit cash fund - reimbursement.** (1) AN EMPLOYER SHALL PAY
19 CONTRIBUTIONS INTO A MULTIPLE EMPLOYER HEALTH TRUST, AS
20 DESCRIBED IN SECTION 10-3-903.5 (7)(b)(I), THAT IS ESTABLISHED FOR
21 THE PURPOSES OF THIS PART 5 IN ORDER TO PROVIDE BEHAVIORAL HEALTH
22 CARE SERVICES TO ITS FIREFIGHTERS.

23 (2) THE TRUST SHALL ESTABLISH EMPLOYERS' CONTRIBUTION
24 LEVELS AND SHALL PROVIDE THE BEHAVIORAL HEALTH CARE SERVICES TO
25 EACH EMPLOYER'S FIREFIGHTERS FOR UP TO TEN YEARS AFTER THE
26 FIREFIGHTER CEASES EMPLOYMENT OR VOLUNTEERING FOR THE
27 EMPLOYER.

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

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

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

38 (d) SUBJECT TO SUFFICIENT MONEY BEING AVAILABLE IN THE
39 FUND, THE DEPARTMENT OF LOCAL AFFAIRS SHALL FULLY REIMBURSE
40 EMPLOYERS FROM THE FUND FOR THE DIRECT COSTS OF PAYING
41 CONTRIBUTIONS TO THE TRUST IN ACCORDANCE WITH THIS PART 5. THE
42 DEPARTMENT OF LOCAL AFFAIRS MAY USE A PORTION OF THE MONEY IN
43 THE FUND TO PAY ITS DIRECT AND INDIRECT COSTS IN IMPLEMENTING THIS

1 SECTION.

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

10 (4) (a) FOR EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
11 APPROPRIATE ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE
12 FUND. THE GENERAL ASSEMBLY MAY APPROPRIATE ADDITIONAL MONEY
13 TO THE FUND AS NECESSARY TO MEET THE BEHAVIORAL HEALTH CARE
14 NEEDS OF FIREFIGHTERS ACROSS THE STATE.

15 (b) ON OR BEFORE SEPTEMBER 1, 2032, THE STAFF OF THE JOINT
16 BUDGET COMMITTEE SHALL REVIEW THE IMPLEMENTATION OF THIS PART
17 5 AND MAKE A RECOMMENDATION TO THE JOINT BUDGET COMMITTEE AND
18 TO THE WILDFIRE MATTERS REVIEW COMMITTEE OR ANY SUCCESSOR
19 COMMITTEE AS TO WHETHER THE ANNUAL APPROPRIATION REQUIRED BY
20 SUBSECTION (4)(a) OF THIS SECTION SHOULD BE ADJUSTED BASED ON THE
21 CURRENT BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS.

22 (5) IF, AT ANY TIME, THE FUNDING PROVIDED FOR THE BENEFIT
23 REQUIRED BY THIS SECTION IS INSUFFICIENT TO COVER THE COST OF THE
24 BENEFIT AND TO FULLY REIMBURSE EMPLOYERS FOR THEIR
25 CONTRIBUTIONS, THEN THE REQUIREMENT IN THIS SECTION TO
26 PARTICIPATE IN THE TRUST BECOMES OPTIONAL PURSUANT TO SECTION
27 29-1-304.5.

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

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

38 **29-5-503. Authority of the trust - rules - report.** (1) IN
39 ADDITION TO ANY OTHER AUTHORITY GIVEN TO THE TRUST, THE TRUST
40 HAS THE AUTHORITY TO:

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

43 (b) ESTABLISH AND MODIFY THE CONTRIBUTION RATES, BENEFIT

1 LEVELS, AND STRUCTURE OF THE BENEFITS PROVIDED BASED ON
2 ACTUARIAL RECOMMENDATIONS AND WITH INPUT FROM A COMMITTEE OF
3 THE TRUST CONSISTING OF REPRESENTATIVES FROM LABOR, MANAGEMENT,
4 VOLUNTEER, AND TRUST ADMINISTRATION; AND

5 (c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION
6 OF THE TRUST.

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

12 (a) DISCUSS THE EXTENT TO WHICH THE FIREFIGHTER BEHAVIORAL
13 HEALTH BENEFITS PROGRAM IS MEETING THE BEHAVIORAL HEALTH CARE
14 NEEDS OF FIREFIGHTERS IN THE STATE;

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

19 (c) RECOMMEND ANY CHANGES NEEDED TO MORE EFFECTIVELY
20 MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS ACROSS
21 THE STATE."

22 Renumber succeeding sections accordingly.

23 Page 8, after line 21 insert:

24 "SECTION 8. In Colorado Revised Statutes, 10-3-903.5, amend
25 (7)(b)(I) as follows:

26 **10-3-903.5. Jurisdiction over providers of health-care benefits**
27 **- rules.** (7) (b) A multiple employer health trust is any trust that is:

28 (I) Sponsored, maintained, and funded by one or more entities of
29 state government or political subdivisions of the state organized pursuant
30 to state law and is for the benefit of the entity's employees, including a
31 multiple employer health trust established for the purposes of part 3, or
32 4, OR 5 of article 5 of title 29; or"

33 Renumber succeeding section accordingly.

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