

SB002_L.004

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB22-002 be amended as follows:

1 Strike the Local Government Committee Report, dated February 22,
2 2022, and substitute:

3 "Amend printed bill, page 3, strike line 5 and substitute "EMERGENCY
4 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.".

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

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

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

26 "(a) DEMONSTRATE THE GREATEST NEED FOR ADDITIONAL
27 FUNDING TO ENSURE THE SAFETY OF VOLUNTEER AND SEASONAL
28 FIREFIGHTERS;".

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

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

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

5 Page 7, after line 12 insert:

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

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

30 **SECTION 4.** In Colorado Revised Statutes, **add** part 5 to article
31 5 of title 29 as follows:

32 **PART 5**
33 **FIREFIGHTER BEHAVIORAL HEALTH**
34 **BENEFITS PROGRAM**

35 **29-5-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
36 CONTEXT OTHERWISE REQUIRES:

37 (1) "EMPLOYER" MEANS A MUNICIPALITY, SPECIAL DISTRICT, FIRE
38 AUTHORITY, OR COUNTY IMPROVEMENT DISTRICT THAT EMPLOYS ONE OR
39 MORE FIREFIGHTERS. "EMPLOYER" ALSO MEANS THE DIVISION OF FIRE

1 PREVENTION AND CONTROL CREATED IN SECTION 24-33.5-1201.
2 "EMPLOYER" DOES NOT INCLUDE A POWER AUTHORITY CREATED
3 PURSUANT TO SECTION 29-1-204 OR A MUNICIPALLY OWNED UTILITY.

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

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

14 **29-5-502. Required program - reimbursement.** (1) AN
15 EMPLOYER SHALL PARTICIPATE IN A MULTIPLE EMPLOYER BEHAVIORAL
16 HEALTH TRUST IN ORDER TO PROVIDE THE PROGRAM SPECIFIED IN THIS
17 SECTION FOR ITS FIREFIGHTERS. IF AT ANY TIME THE FUNDING PROVIDED
18 PURSUANT TO SUBSECTION (4) OF THIS SECTION IS INSUFFICIENT TO COVER
19 THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THEN THE
20 REQUIREMENT TO PARTICIPATE IN THE PROGRAM BECOMES OPTIONAL
21 PURSUANT TO SECTION 29-1-304.5.

22 (2) A TRUST SHALL PROVIDE A PROGRAM PLANNED, ORGANIZED,
23 OPERATED, AND MAINTAINED TO PROVIDE BASIC SERVICES TO
24 FIREFIGHTERS FOR THE PREVENTION, DIAGNOSIS, AND INITIAL TREATMENT
25 OF EMOTIONAL, BEHAVIORAL, OR MENTAL HEALTH DISORDERS. SERVICES
26 PROVIDED UNDER THE PROGRAM SHALL BE RENDERED PRIMARILY ON AN
27 OUTPATIENT AND CONSULTATIVE BASIS, INCLUDING SERVICES DELIVERED
28 TELEPHONICALLY OR REMOTELY.

29 (3) SUBJECT TO AVAILABLE APPROPRIATIONS AND THE
30 REQUIREMENTS OF SECTION 24-33.5-1231 (2)(a)(II), THE DIVISION OF FIRE
31 PREVENTION AND CONTROL SHALL REIMBURSE A MULTIPLE EMPLOYER
32 BEHAVIORAL HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING A
33 PROGRAM AS REQUIRED BY THIS PART 5 FROM THE LOCAL FIREFIGHTER
34 SAFETY AND DISEASE PREVENTION FUND CREATED IN SECTION
35 24-33.5-1231 (1).

36 **29-5-503. Authority of the trust - rules - report.** (1) IN
37 ADDITION TO ANY OTHER AUTHORITY GIVEN TO THE TRUST, THE TRUST
38 HAS THE AUTHORITY TO:

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

41 (b) STRUCTURE THE SERVICES PROVIDED UNDER THE PROGRAM
42 BASED ON ACTUARIAL RECOMMENDATIONS AND WITH INPUT FROM A
43 COMMITTEE OF THE TRUST CONSISTING OF REPRESENTATIVES OF LABOR,

1 MANAGEMENT, ADMINISTRATION, AND EMPLOYERS SERVING DIFFERENT
2 SIZED POPULATIONS; AND

3 (c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION
4 OF THE TRUST.

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

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

13 (b) ASSESS THE ONGOING FUNDING NEEDS OF THE TRUST AND
14 WHETHER THE AVAILABLE FUNDING IS SUFFICIENT TO ALLOW THE TRUST
15 TO MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS; AND

16 (c) RECOMMEND ANY CHANGES NEEDED TO MORE EFFECTIVELY
17 MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS ACROSS
18 THE STATE."

19 Renumber succeeding sections accordingly.

20 Page 8, after line 21 insert:

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

23 **10-3-903.5. Jurisdiction over providers of health-care benefits**
24 **- rules.** (7) (a) The provisions of this section and any other laws of this
25 state that regulate insurance or insurance companies shall not apply to any
26 multiple employer health trust ~~which~~ THAT meets the requirements of
27 ~~paragraph (b) of this subsection (7) or~~ SUBSECTION (7)(b) OF THIS
28 SECTION, any multiple employer welfare arrangement ~~which~~ THAT meets
29 the requirements of ~~paragraph (c) of this subsection (7)~~ SUBSECTION
30 (7)(c) OF THIS SECTION, OR ANY MULTIPLE EMPLOYER BEHAVIORAL
31 HEALTH TRUST THAT MEETS THE REQUIREMENTS OF SUBSECTION (7)(e) OF
32 THIS SECTION. Any such trust or arrangement shall be subject to the
33 requirements of this subsection (7) and section 10-3-1104. The exemption
34 provided by this subsection (7) shall not apply to any entity if the division
35 of insurance determines that its operation is hazardous to the public or to
36 individuals receiving benefits.

37 (e) A MULTIPLE EMPLOYER BEHAVIORAL HEALTH TRUST IS ANY
38 TRUST THAT IS SPONSORED AND MAINTAINED BY ONE OR MORE ENTITIES
39 OF STATE GOVERNMENT OR POLITICAL SUBDIVISIONS OF THE STATE,
40 ORGANIZED PURSUANT TO STATE LAW, AND FUNDED BY THE STATE FOR

1 THE BENEFIT OF THE ENTITIES' EMPLOYEES, INCLUDING A MULTIPLE
2 EMPLOYER BEHAVIORAL HEALTH TRUST ESTABLISHED FOR THE PURPOSES
3 OF PART 5 OF ARTICLE 5 OF TITLE 29."

4 Renumber succeeding section accordingly."

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