

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-0236.01 Duane Gall x4335

SENATE BILL 14-047

SENATE SPONSORSHIP

Tochtrop and Roberts,

HOUSE SPONSORSHIP

Dore,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PAYMENT OF DEATH BENEFITS FOR SEASONAL**
102 **WILDLAND FIREFIGHTERS KILLED IN THE LINE OF DUTY.**

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://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The bill directs the division of fire prevention and control (division), within the department of public safety, to make a lump-sum payment of \$10,000 to the survivors of a seasonal wildland firefighter employed by the state or a local government and killed in the line of duty. The director of the division is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 4, 2014

SENATE
Amended 2nd Reading
February 3, 2014

authorized to adopt rules as necessary for the funding and administration of death benefits.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that:

4 (a) The number, intensity, and complexity of wildfires in Colorado
5 have been growing exponentially in recent years, and experts predict that
6 this trend is likely to continue for decades;

7 (b) Wildfire respects no jurisdictional boundaries, and when a
8 large wildland fire occurs, firefighters come from near and far to render
9 assistance;

10 (c) Many of the firefighters that come to the aid of the state to
11 serve and protect Colorado's residents and visitors are seasonal wildland
12 firefighters who receive few, if any, health or insurance benefits; and

13 (d) In the event of a line-of-duty death of a seasonal wildland
14 firefighter, there may be burial costs and out-of-pocket expenses that
15 must be borne by survivors of the fallen firefighter.

16 (2) The general assembly therefore declares that, to honor the
17 service and sacrifice of seasonal wildland firefighters who are killed in
18 the line of duty in Colorado, the state should assist the survivors of the
19 fallen firefighter with burial costs and out-of-pocket expenses by
20 providing a lump-sum death payment.

21 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1202, **add**
22 (12.5) as follows:

23 **24-33.5-1202. Definitions.** As used in this part 12, unless the
24 context otherwise requires:

25 (12.5) "SEASONAL WILDLAND FIREFIGHTER" MEANS A TEMPORARY

1 EMPLOYEE OF A GOVERNING BODY OR A STATE AGENCY, OR A VOLUNTEER
2 MEMBER OF A NONGOVERNMENTAL VOLUNTEER FIRE DEPARTMENT, WHO
3 IS TRAINED AND QUALIFIED AS A WILDLAND FIREFIGHTER AND WHOSE
4 DUTIES INCLUDE RESPONDING TO WILDLAND FIRE EMERGENCY INCIDENTS
5 AND ASSISTING IN WILDLAND FIRE SUPPRESSION.

6 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1203, **add**
7 (1) (v) as follows:

8 **24-33.5-1203. Duties of division.** (1) The division shall perform
9 the following duties:

10 (v) ADMINISTER THE FUNDING AND PAYMENT OF DEATH BENEFITS
11 FOR SEASONAL WILDLAND FIREFIGHTERS IN ACCORDANCE WITH SECTION
12 24-33.5-1229.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-1229 as
14 follows:

15 **24-33.5-1229. Lump-sum death benefits for seasonal wildland**
16 **firefighters - definition - rules.** (1) IF THE DIRECTOR DETERMINES THAT
17 AN ELIGIBLE SEASONAL WILDLAND FIREFIGHTER HAS DIED AS THE DIRECT
18 AND PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED IN THE LINE
19 OF DUTY IN COLORADO, THE DIVISION SHALL PAY A BENEFIT OF TEN
20 THOUSAND DOLLARS AS FOLLOWS, IF THE PAYEE INDICATED IS LIVING ON
21 THE DATE ON WHICH THE DETERMINATION IS MADE:

22 (a) IF THERE IS NO CHILD WHO SURVIVED THE SEASONAL WILDLAND
23 FIREFIGHTER, TO THE SURVIVING SPOUSE OF THE SEASONAL WILDLAND
24 FIREFIGHTER;

25 (b) IF THERE IS AT LEAST ONE CHILD WHO SURVIVED THE SEASONAL
26 WILDLAND FIREFIGHTER AND A SURVIVING SPOUSE OF THE SEASONAL
27 WILDLAND FIREFIGHTER, FIFTY PERCENT TO THE SURVIVING CHILD OR

1 CHILDREN, IN EQUAL SHARES, AND FIFTY PERCENT TO THE SURVIVING
2 SPOUSE;

3 (c) IF THERE IS NO SURVIVING SPOUSE OF THE SEASONAL WILDLAND
4 FIREFIGHTER, TO THE SURVIVING CHILD OR CHILDREN, IN EQUAL SHARES;

5 (d) IF THERE IS NO SURVIVING SPOUSE OF THE SEASONAL
6 WILDLAND FIREFIGHTER AND NO SURVIVING CHILD:

7 (I) TO THE SURVIVING INDIVIDUAL OR INDIVIDUALS DESIGNATED
8 BY THE SEASONAL WILDLAND FIREFIGHTER IN THE MOST RECENTLY
9 EXECUTED DESIGNATION OF BENEFICIARY ON FILE AT THE TIME OF DEATH
10 WITH THE GOVERNING BODY OR STATE AGENCY, APPORTIONED IN
11 ACCORDANCE WITH THE DESIGNATION OF BENEFICIARY OR, IF
12 APPORTIONMENT IS NOT INDICATED, IN EQUAL SHARES; OR

13 (II) IF THERE IS NO INDIVIDUAL QUALIFYING UNDER
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), TO THE SURVIVING
15 BENEFICIARIES UNDER THE MOST RECENTLY EXECUTED LIFE INSURANCE
16 POLICY OF THE SEASONAL WILDLAND FIREFIGHTER ON FILE AT THE TIME OF
17 DEATH WITH THE GOVERNING BODY OR STATE AGENCY, APPORTIONED IN
18 ACCORDANCE WITH THE INSURANCE POLICY OR, IF APPORTIONMENT IS NOT
19 INDICATED, IN EQUAL SHARES;

20 (e) IF THERE IS NO INDIVIDUAL QUALIFYING UNDER PARAGRAPH
21 (a), (b), (c), OR (d) OF THIS SUBSECTION (1), TO THE SURVIVING PARENT OR
22 PARENTS, IN EQUAL SHARES, OF THE SEASONAL WILDLAND FIREFIGHTER.

23 (2) (a) ELIGIBILITY FOR PAYMENT IN ACCORDANCE WITH
24 SUBSECTION (1) OF THIS SECTION ALSO EXTENDS TO THE SURVIVOR OR
25 SURVIVORS OF A SEASONAL WILDLAND FIREFIGHTER WHO DIES AFTER
26 SEPARATION FROM SERVICE WITH THE GOVERNING AGENCY BODY OR
27 STATE AGENCY IF THE DEATH RESULTED FROM AN INJURY SUSTAINED IN

1 THE LINE OF DUTY IN COLORADO.

2 (b) "FOR PURPOSES OF THIS SECTION, NOTWITHSTANDING SECTION
3 24-33.5-1202 (12.5), "SEASONAL WILDLAND FIREFIGHTER" ALSO INCLUDES
4 MEMBERS OF THE COLORADO CORRECTIONAL INDUSTRIES' STATE
5 WILDLAND INMATE FIRE TEAM CREWS, ALSO KNOWN AS "SWIFT" CREWS.

6 (3) NO BENEFIT SHALL BE PAID UNDER THIS SECTION IF:

7 (a) THE FATAL OR CATASTROPHIC INJURY WAS CAUSED BY THE
8 INTENTIONAL MISCONDUCT OF THE SEASONAL WILDLAND FIREFIGHTER OR
9 BY HIS OR HER INTENTION TO BRING ABOUT HIS OR HER OWN DEATH,
10 DISABILITY, OR INJURY; OR

11 (b) THE SEASONAL WILDLAND FIREFIGHTER WAS VOLUNTARILY
12 INTOXICATED OR UNDER THE INFLUENCE OF AN ILLEGAL SUBSTANCE AT
13 THE TIME OF HIS OR HER FATAL OR CATASTROPHIC INJURY.

14 (4) THE DIRECTOR MAY MAKE PAYMENTS UNDER THIS SECTION
15 FROM ANY FUND THE DIRECTOR ADMINISTERS, AND THAT FUND WILL BE
16 REIMBURSED BY A REGULAR OR SUPPLEMENTAL APPROPRIATION BY THE
17 GENERAL ASSEMBLY. THE DIVISION IS ALSO AUTHORIZED TO PURCHASE A
18 GROUP LIFE INSURANCE POLICY TO PROVIDE BENEFITS IN ACCORDANCE
19 WITH THIS SECTION.

20 (5) THE DIRECTOR MAY ADOPT RULES AS NECESSARY TO
21 IMPLEMENT THIS SECTION.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.