

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
10.25.13

BILL 7

LLS NO. 14-0236.01 Duane Gall x4335

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

SHORT TITLE: "Wildland Firefighters Death Benefit Payments"

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

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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 and determines 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 WHO IS TRAINED
2 AND QUALIFIED AS A WILDLAND FIREFIGHTER AND WHOSE DUTIES INCLUDE
3 RESPONDING TO WILDLAND FIRE EMERGENCY INCIDENTS AND ASSISTING
4 IN WILDLAND FIRE SUPPRESSION.

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

7 **24-33.5-1203. Duties of division.** (1) The division shall perform
8 the following duties:

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

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

14 **24-33.5-1229. Lump-sum death benefits for seasonal wildland**
15 **firefighters - rules.** (1) IF THE DIRECTOR DETERMINES THAT AN ELIGIBLE
16 SEASONAL WILDLAND FIREFIGHTER HAS DIED AS THE DIRECT AND
17 PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED IN THE LINE OF
18 DUTY IN COLORADO, THE DIVISION SHALL PAY A BENEFIT OF TEN
19 THOUSAND DOLLARS AS FOLLOWS, IF THE PAYEE INDICATED IS LIVING ON
20 THE DATE ON WHICH THE DETERMINATION IS MADE:

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

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

1 SPOUSE;

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

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

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

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

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

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

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

2 (a) THE FATAL OR CATASTROPHIC INJURY WAS CAUSED BY THE
3 INTENTIONAL MISCONDUCT OF THE SEASONAL WILDLAND FIREFIGHTER OR
4 BY HIS OR HER INTENTION TO BRING ABOUT HIS OR HER OWN DEATH,
5 DISABILITY, OR INJURY; OR

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

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

15 (5) THE DIRECTOR MAY ADOPT RULES AS NECESSARY TO
16 IMPLEMENT THIS SECTION.

17 **SECTION 5. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety. <{Does the
20 committee want a safety clause or a specific effective date?}>