



House of Representatives

File No. 691

General Assembly

February Session, 2016

(Reprint of File No. 44)

House Bill No. 5262
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 21, 2016

AN ACT ESTABLISHING A FIREFIGHTERS CANCER RELIEF PROGRAM

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-256g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective February 1, 2017*):

3 (a) By June first of each year, the Public Utilities Regulatory
4 Authority shall conduct a proceeding to determine the amount of the
5 monthly fee to be assessed against each subscriber of: (1) Local
6 telephone service, (2) commercial mobile radio service, as defined in 47
7 CFR Section 20.3, and (3) voice over Internet protocol service, as
8 defined in section 28-30b, to fund the development and administration
9 of the enhanced emergency 9-1-1 program and the firefighters cancer
10 relief program established pursuant to section 5 of this act. The
11 authority shall base such fee on the findings of the Commissioner of
12 Emergency Services and Public Protection, pursuant to subsection (c)
13 of section 28-24, taking into consideration any existing moneys
14 available in the Enhanced 9-1-1 Telecommunications Fund. The

15 authority shall consider the progressive wire line inclusion schedule
16 contained in the final report of the task force to study enhanced 9-1-1
17 telecommunications services established by public act 95-318. The
18 authority shall not approve any fee (A) greater than seventy-five cents
19 per month per access line, (B) that does not include the progressive
20 wire line inclusion schedule, or (C) for commercial mobile radio
21 service, as defined in 47 CFR Section 20.3 that includes the progressive
22 wire line inclusion schedule.

23 (b) Each telephone or telecommunications company providing local
24 telephone service, each provider of commercial mobile radio service
25 and each provider of voice over Internet protocol service shall assess
26 against each subscriber, the fee established by the authority pursuant
27 to subsection (a) of this section, which shall be remitted to the office of
28 the State Treasurer for deposit into the Enhanced 9-1-1
29 Telecommunications Fund established pursuant to section 28-30a, not
30 later than the fifteenth day of each month. To the extent permitted by
31 federal law, on and after February 1, 2017, and not later than the
32 fifteenth day of each month thereafter, an amount equal to one cent per
33 month per access line shall be remitted from the fees imposed under
34 this section to the office of the State Treasurer for deposit in the
35 firefighters cancer relief account established pursuant to section 3 of
36 this act.

37 (c) The fee imposed under this section shall not apply to any
38 prepaid wireless telecommunications service, as defined in section 28-
39 30b.

40 Sec. 2. (NEW) (*Effective February 1, 2017*) For purposes of this section,
41 sections 3 to 6, inclusive, of this act and sections 29-303 and 3-123 of the
42 general statutes, as amended by this act, "firefighter" shall include any
43 (1) local fire marshal, deputy fire marshal, fire investigator, fire
44 inspector and such other classes of inspectors and investigators for
45 whom the State Fire Marshal and the Codes and Standards Committee,
46 acting jointly, have adopted minimum standards of qualification
47 pursuant to section 29-298 of the general statutes; and (2) uniformed

48 member of a paid municipal, state or volunteer fire department.

49 Sec. 3. (NEW) (*Effective February 1, 2017*) (a) There is established an
50 account to be known as the "firefighters cancer relief account" which
51 shall be a separate, nonlapsing account within the General Fund. The
52 account shall contain any moneys required by law to be deposited in
53 the account, including any moneys deposited pursuant to section 16-
54 256g of the general statutes, as amended by this act. Moneys in the
55 account shall be expended by the cancer relief subcommittee of the
56 Connecticut State Firefighters Association, established pursuant to
57 section 4 of this act, for the purposes of providing wage replacement
58 benefits to firefighters who are diagnosed with a condition of cancer
59 described in section 5 of this act.

60 (b) The State Treasurer shall invest the moneys deposited in the
61 firefighters cancer relief account in a manner reasonable and
62 appropriate to achieve the objectives of such account, exercising the
63 discretion and care of a prudent person in similar circumstances with
64 similar objectives. The State Treasurer shall give due consideration to
65 rate of return, risk, term or maturity, diversification of the total
66 portfolio within such account, liquidity, the projected disbursements
67 and expenditures, and the expected payments, deposits, contributions
68 and gifts to be received. The moneys in such account shall be
69 continuously invested and reinvested in a manner consistent with the
70 objectives of such account until disbursed in accordance with section 3-
71 123 of the general statutes, as amended by this act, and section 4 of this
72 act.

73 (c) The moneys in the firefighters cancer relief account shall be used
74 solely for the purposes of providing wage replacement benefits to
75 firefighters who are diagnosed with a condition of cancer described in
76 section 5 of this act and to fund the expenses of administering the
77 firefighters cancer relief program established pursuant to section 5 of
78 this act.

79 Sec. 4. (NEW) (*Effective February 1, 2017*) (a) There is established a

80 firefighters cancer relief subcommittee of the Connecticut State
81 Firefighters Association that shall consist of one member from the
82 Connecticut State Firefighters Association, one member from the
83 Connecticut Fire Chiefs Association, one member from the Uniformed
84 Professional Firefighters of the International Association of
85 Firefighters, one member from the Connecticut Fire Marshals
86 Association, and one member from the Connecticut Conference of
87 Municipalities. Such subcommittee shall review claims for wage
88 replacement benefits submitted to the firefighters cancer relief
89 program established pursuant to section 5 of this act and provide wage
90 replacement benefits, in accordance with the provisions of subsection
91 (b) of section 3-123 of the general statutes, as amended by this act, to
92 any firefighter who the subcommittee determines is eligible for such
93 wage replacement benefits pursuant to the provisions of section 5 of
94 this act. The subcommittee may determine the weekly wage
95 replacement benefits provided to a firefighter in accordance with the
96 provisions of chapters 104 and 568 of the general statutes.

97 (b) A firefighter who is approved for wage replacement benefits by
98 the subcommittee pursuant to subsection (a) of this section shall be
99 eligible for such benefits on and after July 1, 2019, and for a period
100 determined by the subcommittee, provided such period shall not
101 exceed twenty-four months. The maximum weekly wage replacement
102 benefit under this section shall be determined by the subcommittee,
103 provided such maximum weekly wage replacement benefit shall not
104 exceed one hundred per cent, raised to the next even dollar, of the
105 average weekly earnings of all workers in the state for the year in
106 which the condition of cancer was diagnosed. The average weekly
107 earnings of all workers in the state shall be determined by the Labor
108 Commissioner on or before the fifteenth day of August of each year, to
109 be effective the following October first, and shall be the average of all
110 workers' weekly earnings for the year ending the previous June
111 thirtieth and shall be so determined in accordance with the standards
112 for the determination of average weekly earnings of all workers
113 established by the United States Department of Labor, Bureau of Labor

114 Statistics.

115 (c) A firefighter may receive wage replacement benefits under this
116 section concurrently with any employer-provided employment
117 benefits, provided the total compensation of such firefighter during
118 such period of receiving benefits under this section shall not exceed
119 such firefighter's pay rate at the time such firefighter was diagnosed
120 with a condition of cancer described in section 4 of this act.

121 (d) No firefighter shall receive compensation under this section
122 concurrently with the provisions of chapter 567 or 568 of the general
123 statutes or any other municipal, state or federal program that provides
124 wage replacement benefits.

125 (e) No approval of wage replacement benefits for a firefighter by the
126 subcommittee pursuant to subsection (a) of this section shall be used as
127 evidence, proof or an acknowledgement of liability or causation in any
128 proceeding under chapter 568 of the general statutes.

129 (f) Notwithstanding any other provision of the general statutes, any
130 employer who provides accident and health insurance or life insurance
131 coverage for a firefighter or makes payments or contributions at the
132 regular hourly or weekly rate for the firefighter to an employee welfare
133 plan, shall provide to the firefighter equivalent insurance coverage or
134 welfare plan payments or contributions while the firefighter is eligible
135 to receive or is receiving wage replacement compensation under this
136 section. As used in this section, "employee welfare plan" means any
137 plan established or maintained for such firefighter or such firefighter's
138 family or dependents, or for both, for medical, surgical or hospital care
139 benefits.

140 (g) The State Treasurer shall remit wage replacement benefits that
141 are approved by the subcommittee from the firefighters cancer relief
142 account established pursuant to section 3 of this act not later than
143 thirty days after such benefits have been approved.

144 Sec. 5. (NEW) (*Effective February 1, 2017*) (a) There is established a

145 firefighters cancer relief program, the purpose of which is to provide
146 wage replacement benefits to firefighters who are diagnosed with
147 certain conditions of cancer as a result of their service as firefighters.

148 (b) A firefighter shall be eligible for wage replacement benefits for
149 any condition of cancer affecting the brain, skin, skeletal system,
150 digestive system, endocrine system, respiratory system, lymphatic
151 system, reproductive system, urinary system or hematological system
152 that results in death, or temporary or permanent total or partial
153 disability, provided (1) such firefighter successfully passed a physical
154 examination upon entry into such service, or subsequent to entry, as
155 the case may be, that failed to reveal any evidence of such cancer, (2)
156 such firefighter has submitted to annual physical examinations
157 subsequent to entry into such service that have failed to reveal any
158 evidence of such cancer or a propensity for such cancer, (3) such
159 firefighter has not used any cigarettes, as defined in section 12-285 of
160 the general statutes, or any other tobacco products, as defined in
161 section 12-330a of the general statutes, within fifteen years of applying
162 for wage replacement benefits pursuant to subsection (b) or (c) of this
163 section, (4) such firefighter has worked for not less than five years on
164 or after the effective date of this section as (A) an interior structural
165 firefighter at a paid municipal, state or volunteer fire department, or
166 (B) a local fire marshal, deputy fire marshal, fire investigator, fire
167 inspector or such other class of inspector or investigator for whom the
168 State Fire Marshal and the Codes and Standards Committee, acting
169 jointly, have adopted minimum standards of qualification pursuant to
170 section 29-298 of the general statutes, at the time such cancer is
171 discovered, or should have been discovered, (5) such firefighter has
172 complied with the federal Occupational Safety and Health Act
173 standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156
174 for a period of not less than five consecutive years, and (6) such cancer
175 is one that is known to result from exposure to heat, radiation or a
176 known carcinogen as determined by the International Agency for
177 Research on Cancer or the National Toxicology Program of the United
178 States Department of Health and Human Services. For purposes of this

179 subsection, "interior structural firefighter" means an individual who
180 performs fire suppression, rescue or both, inside of buildings or
181 enclosed structures that are involved in a fire situation beyond the
182 incipient stage, as defined in 29 CFR 1910.155.

183 (c) Any individual who is no longer actively serving as a firefighter
184 but who otherwise would be eligible for wage replacement benefits
185 pursuant to the provisions of subsection (b) of this section, may apply
186 for such benefits not more than five years from the date such
187 individual last served as a firefighter.

188 (d) A firefighter or individual applying for wage replacement
189 benefits pursuant to subsection (b) or (c) of this section shall be
190 required to submit to annual physical examinations, including blood
191 testing, during his or her active service and for a period of five years
192 after the date such individual last served as a firefighter as a condition
193 of receiving such benefits. An individual who no longer serves as a
194 firefighter shall bear the cost of any physical examination required
195 under this subsection.

196 Sec. 6. (NEW) (*Effective February 1, 2017*) Not later than January 1,
197 2018, and annually thereafter, the State Treasurer, in consultation with
198 the Connecticut State Firefighters Association, shall submit a report, in
199 accordance with the provisions of section 11-4a of the general statutes,
200 to the joint standing committee of the General Assembly having
201 cognizance of matters relating to public safety on the status of the
202 firefighters cancer relief account established pursuant to section 3 of
203 this act and the firefighters cancer relief program established pursuant
204 to section 5 of this act. Such report shall include (1) the balance of the
205 account, (2) the projected and actual participation in the program, and
206 (3) the demographic information of each firefighter who receives
207 benefits pursuant to such program, including gender, age, town of
208 residence and income level.

209 Sec. 7. Section 29-303 of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective February 1, 2017*):

211 The fire chief or local fire marshal with jurisdiction over a town,
212 city, borough or fire district where a fire, explosion or other fire
213 emergency occurs shall furnish the State Fire Marshal a report [of] that
214 shall include (1) all the facts relating to its cause, its origin, the kind,
215 the estimated value and ownership of the property damaged or
216 destroyed, (2) the name of each firefighter who was (A) present at such
217 fire, explosion or other fire emergency, and (B) exposed to heat,
218 radiation or a known or suspected carcinogen as a result of such fire,
219 explosion or other fire emergency, including the duration of each such
220 firefighter's exposure, and (3) such other information as called for by
221 the State Fire Marshal on forms furnished by the State Fire Marshal, or
222 in an electronic format prescribed by the State Fire Marshal. The fire
223 chief or fire marshal may also submit reports regarding other
224 significant fire department response to such fire or explosion, and such
225 reports may be filed monthly but commencing January 1, 2008, such
226 reports shall be filed not less than quarterly.

227 Sec. 8. Section 3-123 of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective February 1, 2017*):

229 (a) Whenever a person, under the provisions of the constitution and
230 bylaws of The Connecticut State Firefighters Association, is entitled to
231 relief from said association, as a firefighter injured in the line of duty,
232 or rendered sick by disease contracted while in the line of duty, or as
233 the widow or child of a firefighter killed in the line of duty, the
234 Commissioner of Emergency Services and Public Protection shall,
235 upon the delivery to said commissioner of proper proofs from said
236 association of the right of such person to relief as aforesaid, process
237 payment for such person or persons entitled to such relief, or their
238 legal representative, for the amount to which such person or persons
239 are entitled as relief as aforesaid, provided such orders shall be limited
240 to available appropriations.

241 (b) Whenever a firefighter, under the provisions of the constitution
242 and bylaws of the Connecticut State Firefighters Association, is entitled
243 to wage replacement benefits from said association pursuant to the

244 firefighters cancer relief program established pursuant to section 5 of
 245 this act, the State Treasurer shall, upon the delivery to the State
 246 Treasurer of proper proof from said association of the right of such
 247 firefighter to wage replacement benefits as aforesaid, process payment
 248 for such firefighter entitled to such wage replacement benefits, or their
 249 legal representative, for the amount to which such firefighter is
 250 entitled as wage replacement benefits as aforesaid, provided such
 251 orders shall be limited to available funds contained in the firefighters
 252 cancer relief account established pursuant to section 3 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>February 1, 2017</i>	16-256g
Sec. 2	<i>February 1, 2017</i>	New section
Sec. 3	<i>February 1, 2017</i>	New section
Sec. 4	<i>February 1, 2017</i>	New section
Sec. 5	<i>February 1, 2017</i>	New section
Sec. 6	<i>February 1, 2017</i>	New section
Sec. 7	<i>February 1, 2017</i>	29-303
Sec. 8	<i>February 1, 2017</i>	3-123

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Resources of the General Fund, Firefighters Cancer Relief Account	GF - Revenue Gain	Approximately \$250,000	Approximately \$600,000
Resources of the Enhanced 911 Telecommunications Fund	EF - Revenue Loss	Approximately \$250,000	Approximately \$600,000
Treasurer	GF - Cost	See Below	See Below
State Employee Fringe Benefits, State Employee and Retiree Health Accounts	GF - Potential Cost	See Below	See Below
Department of Emergency Services and Public Protection	EF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund; EF= Enhanced 911 Telecommunications Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Various Municipalities	STATE MANDATE - Potential Cost	See Below	See Below

Explanation

The bill establishes a new, non-lapsing General Fund account for the purposes of providing wage replacement benefits to fire personnel affected by certain cancer conditions.

Revenue Impact

Approximately five million access lines are subject to assessment by the Enhanced 911 Telecommunications Fund (E911 Fund). Utilizing one cent per month per line from the E911 Fund for the Firefighters

Cancer Relief Account results in a General Fund revenue gain of approximately \$250,000 in FY 17 and \$600,000 in FY 18 and annually thereafter. The E911 Fund will realize corresponding revenue losses starting in FY 17.

The Department of Emergency Services and Public Protection may also realize a loss of certain federal funds as a result of using the E911 Fund for non-emergency telecommunications purposes. Most recently, the E911 Fund received approximately \$750,000 in federal funds after certifying the use of E911 Fund monies.

Administrative Costs

The bill requires the Office of the State Treasurer to administer the activity of the Firefighters Cancer Relief Account; including funds receipt, investment, and disbursement. Given that the Treasurer is not currently administering funds in a similar manner, significant additional costs are anticipated, beginning in FY 20, to manage the funds disbursement process. The Treasurer is anticipated to require up to four additional employees at an annual cost of approximately \$300,000, including fringe benefits, to manage the activities of the account in accordance with the provisions of the bill.

Lastly, the provisions of the bill may result in a cost to the state and municipalities starting in FY 20 to provide health insurance coverage for individuals receiving wage replacement from the Firefighter's Cancer Relief Account who are (1) not actively employed by the state or municipalities and (2) not otherwise eligible for workers' compensation or disability coverage; it is unclear if this provision applies to retirees who are eligible for wage replacement from the account. The cost will depend on the number of eligible individuals and the employer's cost of coverage. The bill does not appear to preclude the employer from requiring the eligible individual from contributing an equivalent employee share towards health coverage.

House "A" strikes the underlying bill and results in the fiscal impact identified above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of access lines in the state.

OLR Bill Analysis**HB 5262 (as amended by House "A")******AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE FOR CURRENT AND FORMER UNIFORMED MEMBERS OF PAID OR VOLUNTEER FIRE DEPARTMENTS.*****SUMMARY:**

This bill creates the firefighters cancer relief account and the firefighters cancer relief program to provide wage replacement benefits to eligible paid and volunteer firefighters diagnosed with cancer. The bill establishes a new cancer relief subcommittee of the Connecticut State Firefighters Association to award benefits under the program. Firefighters are not eligible until July 1, 2019 (although another part of the bill states that eligibility starts in 2022, five years after the bill's effective date).

The account will be funded through a diversion of money from the enhanced emergency 9-1-1-program, which is funded through a monthly subscriber fee that the Public Utilities Regulatory Authority (PURA) imposes on phone service (see BACKGROUND). The bill requires, to the extent permitted under federal law, an amount from the fee equal to one cent per month per access line to be remitted from the fee to be deposited in the account the bill establishes.

Under the bill, "firefighter" includes any (1) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and other classes of inspectors and investigators for whom the State Fire Marshal and the Codes and Standards Committee have jointly adopted minimum qualification standards; and (2) uniformed member of a paid municipal, state, or volunteer fire department.

An eligible firefighters' wage replacement benefits under the bill

must be approved by the association subcommittee, which is authorized to determine the weekly amount benefit and the benefit duration, provided (1) the weekly benefit does not exceed 100% of the average weekly earnings of all workers in the state for the year in which the cancer was diagnosed and (2) the benefits are not provided for more than two years.

The bill specifically excludes a firefighter who receives benefits from the account from concurrently receiving unemployment or worker's compensation benefits or any other municipal, state, or federal wage replacement benefits. It also specifies that receiving benefits under the bill cannot be used as evidence for or an acknowledgement of liability under the workers' compensation law.

It also makes technical and conforming changes.

*House Amendment "A" strikes the original bill, which created a rebuttable presumption under workers' compensation law that firefighting performed by volunteer, municipal, and state firefighters causes numerous types of cancer.

EFFECTIVE DATE: February 1, 2017

§§ 1 & 3 — PHONE SERVICE FEE DIVERSION AND RELIEF ACCOUNT

To the extent permitted by federal law, beginning February 1, 2017, and not later than the 15th of each month following, the bill requires an amount equal to one cent per month per phone line to be remitted from the PURA-imposed fees to the state treasurer for deposit in the firefighters cancer relief account.

It creates the firefighters cancer relief account as a separate, nonlapsing account within the General Fund. It must contain any moneys required by law to be deposited in the account, including any moneys deposited pursuant to the bill. Moneys in the account must be expended by the cancer relief subcommittee of the Connecticut State Firefighters Association, established for the purposes of providing

wage replacement benefits to firefighters eligible under the bill.

The state treasurer must invest the money deposited in the account in a manner reasonable and appropriate to achieve the account's objectives and she must exercise the discretion and care of a prudent person in similar circumstances with similar objectives. The treasurer must give due consideration to rate of return, risk, term or maturity, diversification of the total portfolio within such account, liquidity, the projected disbursements and expenditures, and the expected payments, deposits, contributions and gifts to be received. The moneys in the account must be invested and reinvested until disbursed in accordance with the bill.

The money in the firefighters cancer relief account must be used solely for the purposes of providing wage replacement benefits to eligible firefighters and for administering the relief program.

§ 4 — CANCER RELIEF SUBCOMMITTEE

The bill establishes a firefighters cancer relief subcommittee of the Connecticut State Firefighters Association that must consist of one member from each of the following organizations:

1. the Connecticut State Firefighters Association,
2. the Connecticut Fire Chiefs Association,
3. the Uniformed Professional Firefighters of the International Association of Firefighters,
4. the Connecticut Fire Marshals Association, and
5. the Connecticut Conference of Municipalities.

(It is unclear whether the state can create a subcommittee of an otherwise private organization or require it to include individuals who are not members of the organization.)

The subcommittee must review claims for wage replacement

benefits submitted to the relief program and provide wage replacement benefits to any firefighter who the subcommittee determines is eligible under the bill. The subcommittee may use existing workers compensation law to determine the weekly wage replacement benefits.

The bill does not require or provide any appeals process for disputes or claim denials.

Benefit Amount and Duration

Under the bill, a firefighter approved for wage replacement benefits by the subcommittee will be eligible for benefits on and after July 1, 2019. (This provision conflicts with section five of the bill that requires a firefighter to work five years as a firefighter after the bill's effective date to be eligible, which would be 2022 at the earliest.)

The subcommittee must determine the benefit amount and duration within the following limits:

1. the maximum weekly benefit cannot exceed 100%, raised to the next even dollar, of the average weekly earnings of all workers in the state for the year in which the cancer was diagnosed and
2. the benefit period cannot exceed 24 months.

The labor commissioner determines the average weekly earnings of all workers in the state on or before August 15th each year, to be effective the following October 1. This figure is the average of all workers' weekly earnings for the year ending the previous June 30 and is determined in accordance with the standards established by the U. S. Bureau of Labor Statistics.

The bill specifically excludes a firefighter who receives benefits from the account from concurrently receiving unemployment or worker's compensation benefits or any other municipal, state, or federal wage replacement benefits.

However, a firefighter may receive wage replacement benefits concurrently with any employer-provided employment benefits, provided the total compensation does not exceed the firefighter's pay rate at the time he or she was diagnosed with cancer (this provision could conflict with the provision above that prohibits other municipal, state, or federal wage replacement benefits). Presumably the other benefits do not include unemployment or worker's compensation benefits.

It also specifies that receiving benefits under the bill cannot be used as evidence for or an acknowledgement of liability under the workers' compensation law.

Notwithstanding any other provision of the general statutes, any employer who provides accident and health insurance or life insurance coverage for a firefighter or makes payments or contributions at the regular hourly or weekly rate for the firefighter to an employee welfare plan, must provide the firefighter equivalent insurance coverage or welfare plan payments or contributions while the firefighter is eligible to receive or is receiving the bill's wage replacement benefits. To the extent that this provision applies to volunteer firefighters who work for private employers, it could be found to be preempted by the federal Employee Retirement Income Security Act (ERISA), which generally governs private sector benefit plans. As used in this bill, "employee welfare plan" means any plan established or maintained for a firefighter or the firefighter's family or dependents, for medical, surgical or hospital care benefits.

The treasurer must remit wage benefits approved by the subcommittee not later than 30 days after they have been approved.

§ 5 — CANCER RELIEF PROGRAM QUALIFICATIONS

Under the bill, the program provides wage replacement benefits for an eligible firefighter suffering from any condition of cancer affecting the brain, skin, skeletal system, digestive system, endocrine system, respiratory system, lymphatic system, reproductive system, urinary

system or hematological system that results in death, or temporary or permanent total or partial disability if the firefighter meets certain conditions.

A firefighter qualifies if he or she:

1. passed a physical examination upon entry into such service, or subsequent to entry, that failed to reveal any evidence of such disease, and passed physicals in each following year that failed to reveal any evidence of cancer;
2. worked or volunteered at a fire department for at least five years since February 1, 2017;
3. has not used any cigarettes or any other tobacco products, within 15 years of applying for benefits;
4. has a disease that is one known to result from exposure to heat, radiation, or a known carcinogen as determined by the International Agency for Research on Cancer or the National Toxicology Program of the U.S. Department of Health and Human Services;
5. meets the bill's definition of firefighter and is either an interior structural firefighter or a fire marshal or investigator; and
6. has complied with certain federal Occupational Safety and Health Act (OSHA) standards for at least five consecutive years (it is unclear how firefighters would comply with OSHA, a federal law that places health and safety requirements on private employers, not employees).

The bill defines "interior structural firefighter" as an individual who performs fire suppression, rescue, or both, inside of buildings or enclosed structures that are involved in a fire situation beyond the incipient stage, as defined in federal regulations.

Retired firefighters, who are otherwise eligible, may apply for

benefits up to five years from the date such individual last served as a firefighter.

Ongoing Requirement

A firefighter will be required to submit to annual physical examinations, including blood testing, during his or her active service and for a period of five years after the date he or she last served as a firefighter as a condition of receiving the benefits. An individual who no longer serves as a firefighter must bear the cost of any required physical examination.

§ 6 — REPORT TO THE PUBLIC SAFETY COMMITTEE

By January 1, 2018, and annually thereafter, the treasurer, in consultation with the firefighters association, must submit a report to the Public Safety Committee on the status of the firefighters cancer relief account and relief program that includes (1) the balance of the account, (2) the projected and actual participation in the program, and (3) the demographic information of each firefighter who receives benefits under the program, including gender, age, town of residence, and income level.

§ 7 — ADDITIONAL REPORTING ON FIRES

The bill also requires local fire chiefs and fire marshals to submit additional information to the state fire marshal regarding each fire, explosion, or other emergency. The bill requires their reports to include the name of each firefighter who was present and exposed to heat, radiation, or a known or suspected carcinogen as a result of the fire, explosion, or other fire emergency and the duration of the exposure.

§ 8 — BENEFIT PROOF AND PAYMENT PROCESS

Under the bill, the treasurer must process payment approved by the subcommittee for a firefighter or the firefighter's legal representative on receipt of proof from the association. It specifies this is done for a firefighter under the provisions of the association's constitution and bylaws. It is unclear if the association's constitution and bylaws

address this new fund and program and whether they generally allow benefits for firefighters who are not members of the association. The association is a private, non-profit membership organization for paid and volunteer firefighters.

The bill specifies the benefits are limited to the available funds in the relief account the bill establishes.

BACKGROUND

Funding for the E 9-1-1 Program

The Department of Emergency Services and Public Protection commissioner must annually determine and report to PURA the associated expenses and amount of funding needed to develop and administer the enhanced emergency 911 (E-911) system. Funding can be provided for:

1. buying, installing, and maintaining new public safety answering point (PSAP) terminal equipment;
2. transition grants to encourage PSAPs to regionalize;
3. subsidies for regional centers, with enhanced subsidies for municipalities with more than 40,000 residents;
4. coordinated medical emergency direction services that provide medical instructions to an E-911 caller before medical assistance arrives;
5. personnel training and related costs;
6. capital costs and recurring expenses associated with the telecommunications system that supports the E-911 system;
7. collecting, maintaining, and reporting emergency medical services data as required by state law, up to \$250,000 per year; and
8. Office of Statewide Emergency Telecommunication's

administrative costs (CGS § 28-24(7)(c)).

Related Bill

sHB 5075 (File 3), favorably reported by the Labor Committee, requires the state to create a firefighters' cancer disability insurance benefit program that covers some of the same cancers.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 2 (03/01/2016)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 42 Nay 6 (04/05/2016)