



General Assembly

**Amendment**

February Session, 2016

LCO No. 4495



Offered by:

REP. SHARKEY, 88<sup>th</sup> Dist.  
REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. COOK, 65<sup>th</sup> Dist.  
REP. KLARIDES, 114<sup>th</sup> Dist.  
REP. RUTIGLIANO, 123<sup>rd</sup> Dist.  
REP. MINER, 66<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> Dist.  
SEN. OSTEN, 19<sup>th</sup> Dist.  
SEN. GOMES, 23<sup>rd</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
SEN. WITKOS, 8<sup>th</sup> Dist.  
SEN. HWANG, 28<sup>th</sup> Dist.

To: House Bill No. 5262

File No. 44

Cal. No. 68

**"AN ACT CONCERNING WORKERS' COMPENSATION  
COVERAGE FOR CURRENT AND FORMER UNIFORMED  
MEMBERS OF PAID OR VOLUNTEER FIRE DEPARTMENTS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 16-256g of the general statutes is repealed and the  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

5 (a) By June first of each year, the Public Utilities Regulatory  
6 Authority shall conduct a proceeding to determine the amount of the  
7 monthly fee to be assessed against each subscriber of: (1) Local  
8 telephone service, (2) commercial mobile radio service, as defined in 47  
9 CFR Section 20.3, and (3) voice over Internet protocol service, as

10 defined in section 28-30b, to fund the development and administration  
11 of the enhanced emergency 9-1-1 program and the firefighters cancer  
12 relief program established pursuant to section 5 of this act. The  
13 authority shall base such fee on the findings of the Commissioner of  
14 Emergency Services and Public Protection, pursuant to subsection (c)  
15 of section 28-24, taking into consideration any existing moneys  
16 available in the Enhanced 9-1-1 Telecommunications Fund. The  
17 authority shall consider the progressive wire line inclusion schedule  
18 contained in the final report of the task force to study enhanced 9-1-1  
19 telecommunications services established by public act 95-318. The  
20 authority shall not approve any fee (A) greater than seventy-five cents  
21 per month per access line, (B) that does not include the progressive  
22 wire line inclusion schedule, or (C) for commercial mobile radio  
23 service, as defined in 47 CFR Section 20.3 that includes the progressive  
24 wire line inclusion schedule.

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

39 (c) The fee imposed under this section shall not apply to any  
40 prepaid wireless telecommunications service, as defined in section 28-  
41 30b.

42 Sec. 2. (NEW) (*Effective February 1, 2017*) For purposes of this section,

43 sections 3 to 6, inclusive, of this act and sections 29-303 and 3-123 of the  
44 general statutes, as amended by this act, "firefighter" shall include any  
45 (1) local fire marshal, deputy fire marshal, fire investigator, fire  
46 inspector and such other classes of inspectors and investigators for  
47 whom the State Fire Marshal and the Codes and Standards Committee,  
48 acting jointly, have adopted minimum standards of qualification  
49 pursuant to section 29-298 of the general statutes; and (2) uniformed  
50 member of a paid municipal, state or volunteer fire department.

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

62 (b) The State Treasurer shall invest the moneys deposited in the  
63 firefighters cancer relief account in a manner reasonable and  
64 appropriate to achieve the objectives of such account, exercising the  
65 discretion and care of a prudent person in similar circumstances with  
66 similar objectives. The State Treasurer shall give due consideration to  
67 rate of return, risk, term or maturity, diversification of the total  
68 portfolio within such account, liquidity, the projected disbursements  
69 and expenditures, and the expected payments, deposits, contributions  
70 and gifts to be received. The moneys in such account shall be  
71 continuously invested and reinvested in a manner consistent with the  
72 objectives of such account until disbursed in accordance with section 3-  
73 123 of the general statutes, as amended by this act, and section 4 of this  
74 act.

75 (c) The moneys in the firefighters cancer relief account shall be used

76 solely for the purposes of providing wage replacement benefits to  
77 firefighters who are diagnosed with a condition of cancer described in  
78 section 5 of this act and to fund the expenses of administering the  
79 firefighters cancer relief program established pursuant to section 5 of  
80 this act.

81 Sec. 4. (NEW) (*Effective February 1, 2017*) (a) There is established a  
82 firefighters cancer relief subcommittee of the Connecticut State  
83 Firefighters Association that shall consist of one member from the  
84 Connecticut State Firefighters Association, one member from the  
85 Connecticut Fire Chiefs Association, one member from the Uniformed  
86 Professional Firefighters of the International Association of  
87 Firefighters, one member from the Connecticut Fire Marshals  
88 Association, and one member from the Connecticut Conference of  
89 Municipalities. Such subcommittee shall review claims for wage  
90 replacement benefits submitted to the firefighters cancer relief  
91 program established pursuant to section 5 of this act and provide wage  
92 replacement benefits, in accordance with the provisions of subsection  
93 (b) of section 3-123 of the general statutes, as amended by this act, to  
94 any firefighter who the subcommittee determines is eligible for such  
95 wage replacement benefits pursuant to the provisions of section 5 of  
96 this act. The subcommittee may determine the weekly wage  
97 replacement benefits provided to a firefighter in accordance with the  
98 provisions of chapters 104 and 568 of the general statutes.

99 (b) A firefighter who is approved for wage replacement benefits by  
100 the subcommittee pursuant to subsection (a) of this section shall be  
101 eligible for such benefits on and after July 1, 2019, and for a period  
102 determined by the subcommittee, provided such period shall not  
103 exceed twenty-four months. The maximum weekly wage replacement  
104 benefit under this section shall be determined by the subcommittee,  
105 provided such maximum weekly wage replacement benefit shall not  
106 exceed one hundred per cent, raised to the next even dollar, of the  
107 average weekly earnings of all workers in the state for the year in  
108 which the condition of cancer was diagnosed. The average weekly  
109 earnings of all workers in the state shall be determined by the Labor

110 Commissioner on or before the fifteenth day of August of each year, to  
111 be effective the following October first, and shall be the average of all  
112 workers' weekly earnings for the year ending the previous June  
113 thirtieth and shall be so determined in accordance with the standards  
114 for the determination of average weekly earnings of all workers  
115 established by the United States Department of Labor, Bureau of Labor  
116 Statistics.

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

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

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

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

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

146 Sec. 5. (NEW) (*Effective February 1, 2017*) (a) There is established a  
147 firefighters cancer relief program, the purpose of which is to provide  
148 wage replacement benefits to firefighters who are diagnosed with  
149 certain conditions of cancer as a result of their service as firefighters.

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

176 for a period of not less than five consecutive years, and (6) such cancer  
177 is one that is known to result from exposure to heat, radiation or a  
178 known carcinogen as determined by the International Agency for  
179 Research on Cancer or the National Toxicology Program of the United  
180 States Department of Health and Human Services. For purposes of this  
181 subsection, "interior structural firefighter" means an individual who  
182 performs fire suppression, rescue or both, inside of buildings or  
183 enclosed structures that are involved in a fire situation beyond the  
184 incipient stage, as defined in 29 CFR 1910.155.

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

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

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

209 benefits pursuant to such program, including gender, age, town of  
210 residence and income level.

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

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

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

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



241 are entitled as relief as aforesaid, provided such orders shall be limited  
242 to available appropriations.

243 (b) Whenever a firefighter, under the provisions of the constitution  
244 and bylaws of the Connecticut State Firefighters Association, is entitled  
245 to wage replacement benefits from said association pursuant to the  
246 firefighters cancer relief program established pursuant to section 5 of  
247 this act, the State Treasurer shall, upon the delivery to the State  
248 Treasurer of proper proof from said association of the right of such  
249 firefighter to wage replacement benefits as aforesaid, process payment  
250 for such firefighter entitled to such wage replacement benefits, or their  
251 legal representative, for the amount to which such firefighter is  
252 entitled as wage replacement benefits as aforesaid, provided such  
253 orders shall be limited to available funds contained in the firefighters  
254 cancer relief account established pursuant to section 3 of this act."

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