



General Assembly

Amendment

February Session, 2016

LCO No. 3679



Offered by:
REP. COOK, 65th 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 Section 16-256g of the general statutes is repealed and the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 from passage*):

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 4 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. On and after July 1, 2016,
33 and not later than the fifteenth day of each month thereafter, an
34 amount equal to one cent per month per access line shall be remitted
35 from the fees imposed under this section to the office of the State
36 Treasurer for deposit in the firefighters cancer relief account
37 established pursuant to section 2 of this act.

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

41 Sec. 2. (NEW) (*Effective from passage*) (a) There is established an
42 account to be known as the "firefighters cancer relief account" which
43 shall be a separate, nonlapsing account within the General Fund. The
44 account shall contain any moneys required by law to be deposited in
45 the account, including any moneys deposited pursuant to section 16-
46 256g of the general statutes, as amended by this act. Moneys in the
47 account shall be expended by the cancer relief subcommittee of the

48 Connecticut State Firefighters Association, established pursuant to
49 section 3 of this act, for the purposes of providing wage replacement
50 benefits to local fire marshals, deputy fire marshals, fire investigators
51 and fire inspectors employed by a municipality and uniformed
52 members of paid municipal or volunteer fire departments who are
53 diagnosed with a condition of cancer described in section 4 of this act.

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

67 (c) The moneys in the firefighters cancer relief account shall be used
68 solely for the purposes of providing wage replacement benefits to local
69 fire marshals, deputy fire marshals, fire investigators and fire
70 inspectors employed by a municipality and uniformed members of
71 paid municipal or volunteer fire departments who are diagnosed with
72 a condition of cancer described in section 4 of this act and to fund the
73 expenses of administering the firefighters cancer relief program
74 established pursuant to section 4 of this act.

75 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a
76 firefighters cancer relief subcommittee of the Connecticut State
77 Firefighters Association that shall consist of one member from the
78 Connecticut State Firefighters Association, one member from the
79 Connecticut Fire Chiefs Association, one member from the Uniformed
80 Professional Firefighters of the International Association of

81 Firefighters, one member from the Connecticut Fire Marshals
82 Association, and one member from the Connecticut Conference of
83 Municipalities. Such subcommittee shall review claims for wage
84 replacement benefits submitted to the firefighters cancer relief
85 program established pursuant to section 4 of this act and provide wage
86 replacement benefits, in accordance with the provisions of subsection
87 (b) of section 3-123 of the general statutes, as amended by this act, to
88 all local fire marshals, deputy fire marshals, fire investigators and fire
89 inspectors employed by a municipality and all uniformed members of
90 paid municipal or volunteer fire departments who the subcommittee
91 determines are eligible for such wage replacement benefits pursuant to
92 the provisions of section 4 of this act. The subcommittee may
93 determine the weekly wage replacement benefits provided to a local
94 fire marshal, deputy fire marshal, fire investigator or fire inspector
95 employed by a municipality or a uniformed member of a paid
96 municipal or volunteer fire department in accordance with the
97 provisions of chapters 104 and 568 of the general statutes.

98 (b) A local fire marshal, deputy fire marshal, fire investigator or fire
99 inspector employed by a municipality or a uniformed member of a
100 paid municipal or volunteer fire department who is approved for wage
101 replacement benefits by the subcommittee pursuant to subsection (a)
102 of this section shall be eligible for such benefits on and after July 1,
103 2018, and for a period determined by the subcommittee, provided such
104 period shall not exceed twenty-four months. The maximum weekly
105 wage replacement benefit under this section shall be determined by
106 the subcommittee, provided such maximum weekly wage replacement
107 benefit shall not exceed one hundred per cent, raised to the next even
108 dollar, of the average weekly earnings of all workers in the state for the
109 year in which the condition of cancer was diagnosed. The average
110 weekly earnings of all workers in the state shall be determined by the
111 Labor Commissioner on or before the fifteenth day of August of each
112 year, to be effective the following October first, and shall be the
113 average of all workers' weekly earnings for the year ending the
114 previous June thirtieth and shall be so determined in accordance with

115 the standards for the determination of average weekly earnings of all
116 workers established by the United States Department of Labor, Bureau
117 of Labor Statistics.

118 (c) A local fire marshal, deputy fire marshal, fire investigator or fire
119 inspector employed by a municipality or a uniformed member of a
120 paid municipal or volunteer fire department may receive wage
121 replacement benefits under this section concurrently with any
122 employer-provided employment benefits, provided the total
123 compensation of such local fire marshal, deputy fire marshal, fire
124 investigator, fire inspector or uniformed member during such period
125 of receiving benefits under this section shall not exceed such local fire
126 marshal's, deputy fire marshal's, fire investigator's, fire inspector's or
127 uniformed member's pay rate at the time such local fire marshal,
128 deputy fire marshal, fire investigator, fire inspector or uniformed
129 member was diagnosed with a condition of cancer described in section
130 4 of this act.

131 (d) No local fire marshal, deputy fire marshal, fire investigator or
132 fire inspector employed by a municipality or uniformed member of a
133 paid municipal or volunteer fire department shall receive
134 compensation under this section concurrently with the provisions of
135 chapter 567 or 568 of the general statutes or any other municipal, state
136 or federal program that provides wage replacement benefits.

137 (e) Notwithstanding any other provision of the general statutes, any
138 employer who provides accident and health insurance or life insurance
139 coverage for a local fire marshal, deputy fire marshal, fire investigator
140 or fire inspector or a uniformed member of a paid municipal or
141 volunteer fire department or makes payments or contributions at the
142 regular hourly or weekly rate for the local fire marshal, deputy fire
143 marshal, fire investigator, fire inspector or uniformed member to an
144 employee welfare plan, shall provide to the local fire marshal, deputy
145 fire marshal, fire investigator, fire inspector or uniformed member
146 equivalent insurance coverage or welfare plan payments or
147 contributions while the local fire marshal, deputy fire marshal, fire

148 investigator, fire inspector or uniformed member is eligible to receive
149 or is receiving wage replacement compensation under this section. As
150 used in this section, "employee welfare plan" means any plan
151 established or maintained for such local fire marshals, deputy fire
152 marshals, fire investigators, fire inspectors or uniformed members or
153 their families or dependents, or for both, for medical, surgical or
154 hospital care benefits.

155 (f) The State Treasurer shall remit wage replacement benefits that
156 are approved by the subcommittee from the firefighters cancer relief
157 account established pursuant to section 2 of this act not later than
158 thirty days after such benefits have been approved.

159 Sec. 4. (NEW) (*Effective from passage*) (a) There is established a
160 firefighters cancer relief program, the purpose of which is to provide
161 wage replacement benefits to firefighters who are diagnosed with
162 certain conditions of cancer as a result of their service as local fire
163 marshals, deputy fire marshals, fire investigators, fire inspectors or
164 uniformed members of paid municipal or volunteer fire departments.

165 (b) A local fire marshal, deputy fire marshal, fire investigator or fire
166 inspector employed by a municipality or a uniformed member of a
167 paid municipal or volunteer fire department shall be eligible for wage
168 replacement benefits for any condition of cancer affecting the brain,
169 skin, skeletal system, digestive system, endocrine system, respiratory
170 system, lymphatic system, reproductive system, urinary system or
171 hematological system that results in death, or temporary or permanent
172 total or partial disability, provided (1) such local fire marshal, deputy
173 fire marshal, fire investigator, fire inspector or uniformed member
174 successfully passed a physical examination upon entry into such
175 service, or subsequent to entry, as the case may be, that failed to reveal
176 any evidence of such cancer, (2) such local fire marshal, deputy fire
177 marshal, fire investigator, fire inspector or uniformed member has
178 submitted to annual physical examinations subsequent to entry into
179 such service that have failed to reveal any evidence of such cancer or a
180 propensity for such cancer, (3) such local fire marshal, deputy fire

181 marshal, fire investigator, fire inspector or uniformed member has not
182 used any cigarettes, as defined in section 12-285 of the general statutes,
183 or any other tobacco products, as defined in section 12-330a of the
184 general statutes, within fifteen years of applying for wage replacement
185 benefits pursuant to subsection (b) or (c) of this section, (4) such local
186 fire marshal, deputy fire marshal, fire investigator, fire inspector or
187 uniformed member has worked for not less than five years on or after
188 the effective date of this section as (A) an interior structural firefighter
189 at a paid municipal or volunteer fire department, or (B) a local fire
190 marshal, deputy fire marshal, fire investigator or fire inspector
191 employed by a municipality, at the time such cancer is discovered, or
192 should have been discovered, (5) such local fire marshal, deputy fire
193 marshal, fire investigator, fire inspector or uniformed member has
194 complied with the federal Occupational Safety and Health Act
195 standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156
196 for a period of not less than five consecutive years, and (6) such cancer
197 is one that is known to result from exposure to heat, radiation or a
198 known carcinogen as determined by the International Agency for
199 Research on Cancer or the National Toxicology Program of the United
200 States Department of Health and Human Services. For purposes of this
201 subsection, "interior structural firefighter" means an individual who
202 performs fire suppression, rescue or both, inside of buildings or
203 enclosed structures that are involved in a fire situation beyond the
204 incipient stage, as defined in 29 CFR 1910.155, and "local fire marshal",
205 "deputy fire marshal", "fire investigator" and "fire inspector" have the
206 same meanings as provided in sections 29-298-5 to 29-298-8, inclusive,
207 of the regulations of Connecticut state agencies.

208 (c) Any individual who is no longer actively serving as a local fire
209 marshal, deputy fire marshal, fire investigator, fire inspector or
210 uniformed member of a paid municipal or volunteer fire department
211 but who otherwise would be eligible for wage replacement benefits
212 pursuant to the provisions of subsection (b) of this section, may apply
213 for such benefits not more than five years from the date such
214 individual last served as a local fire marshal, deputy fire marshal, fire

215 investigator, fire inspector or uniformed member of a paid municipal
216 or volunteer fire department.

217 (d) A local fire marshal, deputy fire marshal, fire investigator, fire
218 inspector or uniformed member of a paid municipal or volunteer fire
219 department or individual applying for wage replacement benefits
220 pursuant to subsection (b) or (c) of this section shall be required to
221 submit to annual physical examinations, including blood testing,
222 during his or her active service and for a period of five years after the
223 date such individual last served as a local fire marshal, deputy fire
224 marshal, fire investigator, fire inspector or uniformed member of a
225 paid municipal or volunteer fire department as a condition of receiving
226 such benefits. An individual who no longer serves as a local fire
227 marshal, deputy fire marshal, fire investigator, fire inspector or
228 uniformed member of a paid municipal or volunteer fire department
229 shall bear the cost of any physical examination required under this
230 subsection.

231 Sec. 5. (NEW) (*Effective from passage*) Not later than January 1, 2017,
232 and annually thereafter, the State Treasurer, in consultation with the
233 Connecticut State Firefighters Association, shall submit a report, in
234 accordance with the provisions of section 11-4a of the general statutes,
235 to the joint standing committee of the General Assembly having
236 cognizance of matters relating to public safety on the status of the
237 firefighters cancer relief account established pursuant to section 2 of
238 this act and the firefighters cancer relief program established pursuant
239 to section 4 of this act. Such report shall include (1) the balance of the
240 account, (2) the projected and actual participation in the program, and
241 (3) the demographic information of each local fire marshal, deputy fire
242 marshal, fire investigator, fire inspector and uniformed member of a
243 paid municipal or volunteer fire department who receives benefits
244 pursuant to such program, including gender, age, town of residence
245 and income level.

246 Sec. 6. Section 29-303 of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective from passage*):

248 The fire chief or local fire marshal with jurisdiction over a town,
249 city, borough or fire district where a fire, explosion or other fire
250 emergency occurs shall furnish the State Fire Marshal a report [of] that
251 shall include (1) all the facts relating to its cause, its origin, the kind,
252 the estimated value and ownership of the property damaged or
253 destroyed, (2) the name of each local fire marshal, deputy fire marshal,
254 fire investigator, fire inspector and interior structural firefighter who
255 was (A) present at such fire, explosion or other fire emergency, and (B)
256 exposed to heat, radiation or a known or suspected carcinogen as a
257 result of such fire, explosion or other fire emergency, including the
258 duration of each such local fire marshal's, deputy fire marshal's, fire
259 investigator's, fire inspector's and interior structural firefighters'
260 exposure, and (3) such other information as called for by the State Fire
261 Marshal on forms furnished by the State Fire Marshal, or in an
262 electronic format prescribed by the State Fire Marshal. The fire chief or
263 fire marshal may also submit reports regarding other significant fire
264 department response to such fire or explosion, and such reports may
265 be filed monthly but commencing January 1, 2008, such reports shall
266 be filed not less than quarterly.

267 Sec. 7. Section 3-123 of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective from passage*):

269 (a) Whenever a person, under the provisions of the constitution and
270 bylaws of The Connecticut State Firefighters Association, is entitled to
271 relief from said association, as a firefighter injured in the line of duty,
272 or rendered sick by disease contracted while in the line of duty, or as
273 the widow or child of a firefighter killed in the line of duty, the
274 Commissioner of Emergency Services and Public Protection shall,
275 upon the delivery to said commissioner of proper proofs from said
276 association of the right of such person to relief as aforesaid, process
277 payment for such person or persons entitled to such relief, or their
278 legal representative, for the amount to which such person or persons
279 are entitled as relief as aforesaid, provided such orders shall be limited
280 to available appropriations.

281 (b) Whenever a local fire marshal, deputy fire marshal, fire
 282 investigator or fire inspector employed by a municipality or a
 283 uniformed member of a paid municipal or volunteer fire department,
 284 under the provisions of the constitution and bylaws of the Connecticut
 285 State Firefighters Association, is entitled to wage replacement benefits
 286 from said association pursuant to the firefighters cancer relief program
 287 established pursuant to section 4 of this act, the State Treasurer shall,
 288 upon the delivery to the State Treasurer of proper proof from said
 289 association of the right of such local fire marshal, deputy fire marshal,
 290 fire investigator, fire inspector or uniformed member to wage
 291 replacement benefits as aforesaid, process payment for such local fire
 292 marshal, deputy fire marshal, fire investigator, fire inspector or
 293 uniformed member entitled to such wage replacement benefits, or
 294 their legal representative, for the amount to which such local fire
 295 marshal, deputy fire marshal, fire investigator, fire inspector or
 296 uniformed member is entitled as wage replacement benefits as
 297 aforesaid, provided such orders shall be limited to available funds
 298 contained in the firefighters cancer relief account established pursuant
 299 to section 2 of this act."

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