



General Assembly

Amendment

February Session, 2016

LCO No. 4364



Offered by:

REP. SHARKEY, 88th Dist.
REP. ARESIMOWICZ, 30th Dist.
REP. COOK, 65th Dist.
REP. KLARIDES, 114th Dist.
REP. RUTIGLIANO, 123rd Dist.

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. OSTEN, 19th Dist.
SEN. GOMES, 23rd Dist.
SEN. FASANO, 34th Dist.
SEN. WITKOS, 8th Dist.
SEN. HWANG, 28th 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 Section 16-256g of the general statutes is repealed and the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 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. 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 3 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*) For purposes of this section,
42 sections 3 to 6, inclusive, of this act and sections 29-303 and 3-123 of the

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

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

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

74 (c) The moneys in the firefighters cancer relief account shall be used
75 solely for the purposes of providing wage replacement benefits to

76 firefighters who are diagnosed with a condition of cancer described in
77 section 5 of this act and to fund the expenses of administering the
78 firefighters cancer relief program established pursuant to section 5 of
79 this act.

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

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

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

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

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

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

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

141 (g) The State Treasurer shall remit wage replacement benefits that

142 are approved by the subcommittee from the firefighters cancer relief
143 account established pursuant to section 3 of this act not later than
144 thirty days after such benefits have been approved.

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

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

176 is one that is known to result from exposure to heat, radiation or a
177 known carcinogen as determined by the International Agency for
178 Research on Cancer or the National Toxicology Program of the United
179 States Department of Health and Human Services. For purposes of this
180 subsection, "interior structural firefighter" means an individual who
181 performs fire suppression, rescue or both, inside of buildings or
182 enclosed structures that are involved in a fire situation beyond the
183 incipient stage, as defined in 29 CFR 1910.155.

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

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

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

209 residence and income level.

210 Sec. 7. Section 29-303 of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective from passage*):

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

228 Sec. 8. Section 3-123 of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective from passage*):

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

241 to available appropriations.

242 (b) Whenever a firefighter, under the provisions of the constitution
 243 and bylaws of the Connecticut State Firefighters Association, is entitled
 244 to wage replacement benefits from said association pursuant to the
 245 firefighters cancer relief program established pursuant to section 5 of
 246 this act, the State Treasurer shall, upon the delivery to the State
 247 Treasurer of proper proof from said association of the right of such
 248 firefighter to wage replacement benefits as aforesaid, process payment
 249 for such firefighter entitled to such wage replacement benefits, or their
 250 legal representative, for the amount to which such firefighter is
 251 entitled as wage replacement benefits as aforesaid, provided such
 252 orders shall be limited to available funds contained in the firefighters
 253 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>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>	New section
Sec. 7	<i>from passage</i>	29-303
Sec. 8	<i>from passage</i>	3-123