



General Assembly

## ***Amendment***

***February Session, 2016***

**LCO No. 4433**



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.  
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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 Section 16-256g of the general statutes is repealed and the  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 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