

BALLOT: Amendment #2024-1

PROPOSED AMENDMENT #2024-1 TO THE TRUST AGREEMENT FOR COLORADO FIREFIGHTER HEART, CANCER, AND BEHAVIORAL HEALTH BENEFITS TRUST

ADOPT AMENDMENT

YES sample NO sample

Shall the following provisions of the Trust Agreement for the Colorado Firefighter Heart, Cancer, and Behavioral Health Benefits Trust (the “Trust”) be amended as follows:

Amending Sections 1.6 (“Enrolled Employer”) and 1.13 (“Participant”) of Article I (“Definitions”); Amending Sections 3.6 (“Proxy”) and 3.7 (“No Delegates”) of Article III (“Trustees and Successor Trustees”); Amending Section 7.5 (“State Funding”) of Article VII (“Contributions to the Trust Fund”); Amending Section 8.1 (“Participation in Trust by Members”) of Article VIII (“Participation and Withdrawal of Members”); and making other technical edits; with such amendments, if approved, to be effective as of vote of the membership on October 23, 2024; which such amendments to read as below.

Explanation of Amendments:

These amendments are proposed in order to effectuate the necessary changes to the Trust as state funding for the Heart and Cancer Programs, per House Bill 24-1219, is increased over five years to full funding, when the benefits will be mandatory (as long as state funding remains sufficient).

The definition of “Enrolled Employers” (Section 1.6) is amended to include both the Heart and Cancer Programs. This definition was added in 2022 to implement the Behavioral Health Program in Senate Bill 22-002 in order to include a non-Member statutory employer category for the following reasons: full state funding triggers mandatory benefits, and the requirement to join the Trust may take time which could prevent an eligible firefighter from making a claim; and, without the need to collect contribution, a non-Member’s obligations may not require full membership. The proposed amendments to Section 1.6 on this ballot would allow a statutory employer to administratively enroll employees in the Heart or Cancer Programs (in addition to the Behavioral Health Program) with subsequent Trust Committee acknowledgment, pursuant to amendments to Section 8.1.

Any or all programs (Heart, Cancer, or Behavioral Health) become voluntary in a future year when state funding is insufficient. In that case, an Enrolled Employer could continue to offer program services through the Trust but would have to join the Trust as a Member, per amended Section 7.5.

The definition of “Participant” (Section 1.13) is amended to provide that the firefighters employed by a statutory employer may receive Heart and Cancer Program benefits (in addition to the Behavioral Health Program services) prior to proper enrollment by the employer. Again, state funding must be sufficient, or else the statutory employer must be a Member of the Trust to participate.

Aside from changes to implement House Bill 24-1219, amendments to Sections 3.6 and 3.7 are intended to clarify the existing proxy voting and non-delegation provisions of the Article governing the Trust Committee.

Text of Amendments [amendments indicated with ~~strikeouts~~ for deletions and underlines for additions; the proposed amendments below are made the version of Trust Agreement effective as of October 18, 2023].

[Title Page, Table of Contents, and attestation/signature blocks omitted for ballot formatting.]