

Senate Engrossed

municipal firefighters; cancer fund; distributions

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **CHAPTER 361**

# **SENATE BILL 1515**

AN ACT

AMENDING SECTIONS 23-1702 AND 23-1703, ARIZONA REVISED STATUTES; RELATING TO THE MUNICIPAL FIREFIGHTER CANCER REIMBURSEMENT FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1702, Arizona Revised Statutes, is amended to  
3 read:

4 23-1702. Municipal firefighter cancer reimbursement fund;  
5 exemption; rulemaking; annual report

6 A. The municipal firefighter cancer reimbursement fund is  
7 established consisting of monies deposited in the fund pursuant to section  
8 23-1703. The commission shall administer the fund. Monies in the fund  
9 shall be used to reimburse municipal payors for the compensation and  
10 benefits paid by municipal payors to municipal firefighters and municipal  
11 fire investigators under section 23-901.09 for:

12 1. Compensation for temporary partial disability, permanent partial  
13 disability and lost earning capacity as prescribed in section 23-1044.

14 2. Compensation for temporary total disability and permanent total  
15 disability as prescribed in section 23-1045.

16 3. Medical, surgical and hospital benefits as prescribed in section  
17 23-1062.

18 4. Death benefits as prescribed in section 23-1046.

19 B. The fund consists of the following:

20 1. Fees from cities and towns deposited pursuant to section  
21 23-1703.

22 2. Monies received from any other source, including federal monies,  
23 investment income and private grants, gifts, contributions and devises.

24 C. The commission shall annually distribute the monies in the fund  
25 on a prorated basis based on the amount of the individual compensation and  
26 benefits paid by a municipal payor for compensation and benefits to a  
27 municipal firefighter or municipal fire investigator for a disease,  
28 infirmity or impairment as prescribed in section 23-901.09 in proportion  
29 to the statewide aggregate of all compensation and benefits paid to  
30 municipal firefighters and municipal fire investigators pursuant to  
31 section 23-901.09 for the fiscal year. **THE ANNUAL DISTRIBUTIONS MAY NOT  
32 EXCEED THE STATEWIDE AGGREGATE OF ALL COMPENSATION AND BENEFITS PAID BY  
33 MUNICIPAL PAYORS TO MUNICIPAL FIREFIGHTERS AND MUNICIPAL FIRE  
34 INVESTIGATORS PURSUANT TO SECTION 23-901.09 FOR THE RELEVANT FISCAL  
35 YEAR. MONIES REMAINING UNDISTRIBUTED AT THE END OF A FISCAL YEAR SHALL  
36 REMAIN IN THE FUND AND BE AVAILABLE FOR ANNUAL DISTRIBUTIONS IN FUTURE  
37 FISCAL YEARS.** The commission may not reimburse monies for expenses  
38 relating to case management, vocational rehabilitation or similar  
39 nonmedical costs. The prorated share shall be distributed to the  
40 municipal payors entitled to a share without regard to the order in which  
41 the respective compensation and benefits were paid in the fiscal year.

42 D. Monies in the fund are continuously appropriated and are exempt  
43 from the provisions of section 35-190 relating to lapsing of  
44 appropriations.

1 E. ~~On or before January 1, 2022,~~ The commission shall adopt rules  
2 pursuant to title 41, chapter 6 to carry out this chapter.

3 F. On or before April 1 of each year, the commission shall submit a  
4 report to the legislature and the municipal payors reimbursed from the  
5 fund on the financial status of the fund. The report shall include all of  
6 the following:

7 1. The total number of fund reimbursement claims the commission  
8 received in the immediately preceding fiscal year.

9 2. For the immediately preceding fiscal year, the number of fund  
10 reimbursement claims ~~approved~~, the total dollar amount of fund  
11 reimbursement claims paid by the fund and the amount paid to each  
12 municipal payor reimbursed by the fund.

13 3. The amount of any anticipated surplus in the fund.

14 Sec. 2. Section 23-1703, Arizona Revised Statutes, is amended to  
15 read:

16 23-1703. Assessment

17 A. ~~From and after June 30, 2021,~~ The commission shall assess and  
18 collect fees from cities and towns for deposit in the fund. The fee shall  
19 be assessed to each city and town that receives state shared revenues  
20 pursuant to sections 42-5029 and 43-206. The total amount of fees for all  
21 cities and towns ~~may not exceed~~ **SHALL BE** \$15,000,000 in each fiscal  
22 year. The share of fees assessed in each fiscal year to each city and  
23 town ~~shall be~~ **IS** based on the population of the city or town as determined  
24 by the most recent population estimates of the United States census bureau  
25 as of July 1 in proportion to the total population of all incorporated  
26 cities and towns.

27 B. The commission shall assess the fees under this section not  
28 later than July 31 of each year, and the fees are payable immediately on  
29 assessment. If a city or town fails to pay the assessment in full on or  
30 before September 30, the commission shall notify the state treasurer who  
31 shall withhold the delinquent amount from the distribution of monies to  
32 the appropriate city or town pursuant to sections 42-5029 and 43-206. ~~and~~  
33 ~~shall continue to withhold monies until the city or town has paid the~~  
34 ~~entire amount of the assessment.~~

35 C. All monies paid to the commission or withheld by the state  
36 treasurer for the fees assessed pursuant to this section shall be  
37 deposited in the fund.

38 D. Cities and towns may meet their obligation for the assessment  
39 from any source of city or town revenue designated by the appropriate city  
40 or town. City and town payments made pursuant to this section are  
41 excluded from the applicable expenditure limitations.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.