



*"Serving the Chief Fire
Officers of Colorado
since 1968"*

Legislative Report

March 3, 2008

"A people who mean to be their own governors must arm themselves with the power which knowledge gives."
– former President James Madison (1822)

The Week Ahead in the Colorado Legislature

Today, Monday, March 3, 2008

HB-1097 Protections for Emergency Volunteers; Senate State Affairs Committee; 1:30 P.M.

Tuesday, March 4, 2008

HB-1027 School Building Inspection Requirements; House 2nd Reading

SB-181 Coordinated Response to School Incidents; Senate Local Government Committee; 2:00 P.M.

Thursday, March 6, 2008

SB-39 Training Program for Directors of Fire Protection Districts; House Local Government Committee – Upon Recess

SB-116 Volunteer Firefighters Job Security; House Local Government Committee – Upon Recess

SB-187 Carbon Monoxide Alarms; Senate Health & Human Services Committee; 1:30 P.M.

Friday, March 7, 2008

HB-1315 Volunteer EMT Pension Plan; House Appropriations Committee; 7:30 A.M. in Room LSB-A.

Note: This schedule is subject to change

Fire-Safe Cigarette Bill Passes Senate

Senate Bill 08-026, Concerning a Requirement that Cigarettes Sold in Colorado Meet Specified Standards for Reduced Ignition Propensity (Sen. Hagedorn, Rep. White) passed third and final reading in the Senate on February 25, 2008.

SB08-026 requires all cigarettes sold in Colorado on or after July 31, 2009, to be tested for, and to meet, specified standards for reduced ignition propensity. The bill was drafted in accordance with the model legislation – which is based on New York State's law. New York became the first state to have a fire-safe cigarette law when legislation was signed on December 31, 2003. To date, 22 states have signed fire-safe cigarette legislation.

Status: 02/26/2008 Introduced In House - Assigned to Health and Human Services and Appropriations

For more information about fire-safe cigarettes, including articles and copies of research reports, go to:
www.colofirechiefs.org/08legislative2.htm#SB08-026.

Volunteer Health Insurance Bill Passes House

House Bill 08-1334, Concerning Health Insurance for Bona Fide Volunteer Emergency Service Providers (Rep. Witwer, Sen. Kopp) passed third and final reading in the Senate on February 25, 2008. HB-1334:

- Grants the authority for municipalities and districts to provide group health care coverage to emergency services volunteers and the authority for a municipality or district to participate in a health insurance pool for qualified emergency services volunteers;

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Volunteer Health Insurance Bill Passes House

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- Allows the governing body of each emergency service provider the discretion to negotiate the details related to the procurement and administration of the insurance contracts; and
- Specifies that bona fide volunteers and emergency service providers fall within the purview of existing group sickness and accident insurance law.

HB-1334 now moves to the Senate to begin the process over. However, it has not yet been introduced in the Senate and assigned to a Committee. This should occur in the very near future.

School Building & Fire Safety Bill Advances

House Bill 08-1027, Concerning Building Inspection Requirements for Educational Institutions (Rep. Mitchell V., Sen. Taylor) was heard by House Appropriations Committee on February 29, 2008. The bill was amended to include the appropriations clause and was passed to the House Committee of the Whole on a vote of 12-1 (with one excused).

HB 08-1027 is a Legislative Audit Committee bill in response to the State Auditor's Performance Audit of the Division of Oil and Public Safety, which was released on June 11, 2007. The audit identified significant concerns about the value of the Public School Construction Program and the Division's ability to ensure the safety of the children and adults who occupy these schools.

HB 08-1027 clarifies the role of the Division of Oil and Public Safety in delegating the responsibility of performing inspections of public school buildings to a building department or a 3rd-party inspector. An amendment was authored by the School Safety Stakeholder Group, which included representation from the CSFCA, FMAC, ICC, schools, and the affected state agencies, to clarify the roles and authorities of the Division of Fire Safety and local fire departments with respect to fire code issues.

Basic Provisions of HB 08-1027, as Amended by House Education Committee

As it relates to building plans and construction inspections, HB 08-1027:

- Requires copies of building plans be sent to the local fire department and the Division of Fire Safety, and requires the Division of Fire Safety to track and monitor the status of all building plans that have been referred to the local fire department.
- If the fire department declines to perform the plan review or any subsequent inspection, or if no certified fire inspector is available, the Division of Fire Safety shall perform the plan review or inspection.

As it relates to maintenance (fire code) inspections, HB 08-1027:

- Allows the local fire department to inspect schools for compliance with fire code adopted by the Division of Oil and Public Safety (does not require the fire department to have certified inspectors). If the local fire department does not perform the authorized inspections, the Division of Fire Safety has the authority and duty to conduct them.
- Provides that a local fire department may refer notices of deficiencies to the Division of Fire Safety for evaluation or enforcement.

- Maintains the authority of local fire departments (and, in the case of municipal departments, grants the authority) to correct violations that pose an immediate threat to life safety and seek enforcement action in court.

Link to bill and other information: <http://www.colofirechiefs.org/08legislative5.htm#HB08-1027>.

HB 08-1027 is on the calendar for 2nd reading in the House on Tuesday, March 4, 2008. Thus, folks should be containing their State Representative(s) and ask for support of this bill.

Tax Deduction for Wildland Fire Mitigation Passes Senate Committee

House Bill 08-1110, Concerning an Income Tax Deduction For a Landowner's Direct Costs Incurred in Performing Wildfire Mitigation Measures (Rep. Witwer, Sen. Kopp) was heard by Senate Finance Committee today (February 28, 2008). HB-1110 would offer a state income tax deduction of 50 percent of a homeowner's costs in performing up to \$2,500 of wildfire mitigation or a tax deduction totaling the property owner's federal taxable income, whichever is less. The wildland mitigation measures must be performed on private land in a wildland-urban interface area with a community wildfire protection plan.

In presenting the bill, Senator Kopp quoted Representative Witwer's characterization of the looming threat of a catastrophic wildfire as "Colorado's version of Hurricane Katrina." Sen. Kopp told the committee the purpose of the bill is to reduce the threat by providing property owners additional incentive to implement mitigation measures. He added that one person creating defensible space around their home is not enough, that we need to provide incentives for large scale, community wide mitigation efforts.

Chief Chris Riley of the Pueblo Fire Department testified on behalf of the CSFCA on the bill. Chief Riley focused on the operational aspects of the fire problem in WUI areas, advising the committee that mitigation efforts are not only property conservation measures, but they are firefighter safety issues. Chief Riley testified that anything the state could do to provide incentives to homeowners to implement mitigation measures on their property would help to address this critical need.

Bill Easterling, Fire Marshal/Administrator of Genesee Fire & Rescue testified on the economic impact of wildfires as well as the affect they have on the front range water supply. Rocco Snart, FMO for the Jefferson County Sheriffs Office testified on the value of mitigation efforts and the importance of encouraging property owners to become part of the solution to the growing WUI problem. CCI also testified in support of the bill.



Senator Mike Kopp (center) listens as Fire Marshal/Administrator Bill Easterling of Genesee Fire & Rescue (left) and Chief Chris Riley of the Pueblo Fire Department (right) testify on House Bill 1110 before Senate Finance Committee on February 28, 2008. (Photo Courtesy Joe Megyesy, Press Secretary, Senate Republicans)

HB-1110 was passed to Senate Appropriations Committee on a vote of 4-1, with 2 members excused. Voting for the bill were Senators Romer, Brophy, Harvey, and Kopp. Voting against was Senator Veiga. Senators Isgar and Sandoval were excused.

Bill to Provide Additional Job Security to Volunteer Firefighters Passes Senate – Scheduled to be Heard in House Committee

Senate Bill 08-116, Concerning a Requirement that Employers of a Specified Size Allow Employees Who Are Volunteer Firefighters to Leave Work to Respond to an Emergency Summons (Sen. Kester; Rep. Looper) was passed on third and final reading in the Senate on February 22, 2008. In the Senate, the bill was amended to remove the employer size (to be consistent with the current statute, but it now exempts those employee/volunteers who are “essential personnel” to the employer.

SB08-116 is scheduled to be heard in House Local Government Committee on Thursday, March 6, 2008 – Upon recess (about 9:30) in Room 0111.

What the bill does:

Protects the jobs of employees who leave work to respond to specified emergency summonses as volunteer firefighters when the employer has been notified previously of the employee's status as a volunteer firefighter, and receives written verification that the employee so responded.

Note: The intent of this bill is to provide the means for a fire department to turn out enough volunteers to handle fires within their respective districts, at times when all volunteer firefighters are needed. Current law provides job protection for volunteer firefighters who are absent from work due to responding to emergencies, yet is silent on whether such firefighters should be permitted to leave work subsequent to arriving.

Link to bill: <http://www.colofirechiefs.org/08legislative4.htm#SB08-116>.

Action needed:

1. We need folks to contact the members of House Local Government Committee by Email and/or phone and express their support for the bill. This is particularly important if you are a constituent of one of the members. This must be accomplished prior to Thursday's hearing.
2. Uniforms in the audience in support of the bill are always welcome and appreciated.

Members of House Local Government Committee:

Rep. Mary Hodge, Chairman (D)
HD 30 (Adams County)
Cap: 303-866-2912
E-mail: maryhodge@aol.com

Rep. Wes McKinley, Vice-Chairman (D)
HD 64 (Baca, Bent, Huerfano, Las Animas,
Otero, Prowers Counties)
Cap: 303-866-2398
E-mail: wes.mckinley.house@state.co.us

Rep. Kathleen Curry (D)
HD 61 (Eagle, Garfield, Gunnison, Hinsdale,
Pitkin Counties)
Cap: 303-866-2945
E-mail: kathleencurry@montrose.net

Rep. Larry Liston (R)
HD 16 (El Paso County)
Cap: 303-866-2965
E-mail: larry.liston.house@state.co.us

Rep. Sara Gagliardi (D)
HD 27 (Jefferson County)
Cap: 303-866-2962
E-mail: sara.gagliardi.house@state.co.us

Rep. Cherylin Peniston (D)
HD 35 (Adams County)
Cap: 303-866-2843
E-mail: cherylin.peniston.house@state.co.us

Rep. Bob Gardner (R)
HD 21 (El Paso, Fremont Counties)
Cap: 303-866-2191
E-mail: bob.gardner.house@state.co.us

Rep. John Soper (D)
HD 34 (Adams County)
Cap: 303-866-2931
E-mail: john.soper.house@state.co.us

Rep. Stella Garza-Hicks (R)
HD 17 (El Paso County)
Cap: 303-866-3069
E-mail: stella.hicks.house@state.co.us

Rep. Ken Summers (R)
HD 22 (Jefferson County)
Cap: 303-866-2927
E-mail: ken.summers.house@state.co.us

Rep. Steve King (R)
HD 54 (Delta, Mesa Counties)
Cap: 303-866-3068
E-mail: steve.king.house@state.co.us

Please let me know if: (1) you will be at the Capitol to testify, or simply as a show of support; and (2) if you contacted your member of House Local Government Committee and they gave you an indication of how they would vote.

9-1-1 Funding Bill Passes House; Assigned in Senate

House Bill 08-1249, Concerning the Emergency Telephone Services Charges (Rep. Rice, Sen. Kester) passed 3rd and final reading in the House on February 25, 2008. It has been introduced in the Senate and assigned to Transportation Committee.

What the bill does:

Current law provides for local jurisdictions to impose an emergency telephone charge on land and wireless telephones. The monies collected fund statutorily designated 9-1-1 activities in each local jurisdiction. HB 1249 addresses Voice over Internet Protocol (VoIP) and prepaid wireless, as well as when the emergency telephone charge is set by the local 9-1-1 authority.

Currently, the law does not require VoIP or prepaid wireless to pay the emergency telephone charge. Also, the existing law requires the emergency telephone charge to be set before budgets are adopted for the following year.

Link to bill: http://www.colofirechiefs.org/08Legisature/1249_ren.pdf.

Action needed:

Even though this bill has not yet been scheduled for a hearing, it is not too soon for folks to be contacting the members of Senate Transportation Committee by Email and/or phone and express their support for the bill. This is particularly important if your Senator sits on this committee.

Members of Senate Transportation Committee:

Sen. Stephanie Takis, Chair (D)
SD 25 (Adams County)
Cap: 303-866-4855
E-mail: stephanie.takis.senate@state.co.us

Sen. Suzanne Williams, Vice-Chair (D)
SD 28 (Arapahoe, Denver Counties)
Cap: 303-866-3432
E-mail: suzanne.williams.senate@state.co.us

Sen. Dan Gibbs (D)
SD 16 (Boulder, Clear Creek, Gilpin, Grand,
Jefferson, Summit Counties)
Cap: 303-866-4873
E-mail: dan.gibbs.senate@state.co.us

Sen. Scott Renfroe (R)
SD 13 (Weld County)
Cap: 303-866-4451
E-mail: scott.renfroe.senate@state.co.us

Sen. Bob Hagedorn (D)
SD 29 (Arapahoe County)
Cap: 303-866-4879
E-mail: SenBob@msn.com

Sen. Nancy Spence (R)
SD 27 (Arapahoe County)
Cap: 303-866-4883
E-mail: nancyspence@qwest.net

Sen. Shawn Mitchell (R)
SD 23 (Adams, Broomfield, Weld Counties)
Cap: 303-866-4876
E-mail: shawnmitch@aol.com

Please let me know if you contacted your member of Senate Transportation Committee and they gave you an indication of how they would vote.

Special District's Bill No Longer a Significant Concern

House Bill 08-1259, Concerning Increased Accountability Requirements for Special Districts (Rep. Morgan Carroll) was heard by House Local Government Committee on February 28, 2008. A "strike below" amendment was offered that eliminates all of the original bill relating to limiting districts serving outside their territory; doing away with May election date; requiring an annual report to be produced and sent to the county or city; mandatory voter information card mailed to all eligible electors prior to every special election. Instead, it requires four things:

1. The Division of Local Government to keep a posting on its website explaining that every special district must have an annual budget and audit, and where the public can access the budgets and audits;
2. Every special district to either mail annually to the households where any eligible voter resides, or post on the district's official website, information about the district, including where the office is, who the manager is, names of board members, and when their terms are up for election, when regular board meetings are held, and where the district's posting place for meeting notices is, what the district's mill levy is, and how to nominate someone to run for the board. If a district chooses to mail the notification, it can be a part of a newsletter, billing stuffer, program announcement, annual report, election information, or other mailings made to electors.
3. The district must keep a list of those who have requested to receive mail in ballots, and must send mail in ballots to those on the list.

4. A seller of residential real estate must disclose to a buyer the special districts in which the property lies.

This amendment addresses the significant concerns the CSFCA had with the bill as introduced. In its current form the CSFCA will no longer oppose the bill but will monitor it to make sure that new amendments are not offered that impact the fire service.

The bill, as amended, was passed to the House Committee of the Whole on a vote of 10-1 (1 excused).

Link to bill: <http://www.colofirechiefs.org/08legislative8.htm#HB08-1259>.

Our thanks to the many fire service personnel that contacted the members of House Local Government Committee and expressed concern about HB 08-1259. We would also like to thank the Special District's Association for their work on the amendment.

Bill to Require Carbon Monoxide Alarms Introduced – Scheduled for Hearing

On February 26, 2008, a bill was introduced by State Senator Bob Hagedorn (D-Aurora) that would require the installation of carbon monoxide alarms in residential properties, upon sale or transfer.

Senate Bill 08-187, Concerning a Requirement that Carbon Monoxide Alarms be Installed in Residential Properties, which is sponsored in the House by Representative John Soper, would:

- Require any existing single-family dwelling or dwelling unit of an existing multi-family dwelling offered for sale or transfer on or after July 1, 2008, that has a fuel-burning heater or appliance, a fireplace, or an attached garage to have an operational carbon monoxide alarm installed within a specified distance of each room lawfully used for sleeping purposes.
- Require any single-family dwelling or dwelling unit of a multi-family dwelling for which a building permit is issued for new construction on or after July 1, 2008, that has a fuel-burning heater or appliance, a fireplace, or an attached garage to have an operational carbon monoxide alarm installed within a specified distance of each room lawfully used for sleeping purposes.
- Set forth the maintenance and installation requirements for carbon monoxide alarms in single-family dwellings and dwelling units in multi-family dwellings that are used for rental purposes.
- Specify that nothing in the act can be construed to limit a municipality, city, home rule city, city and county, county, or other local government entity from adopting or enforcing more stringent requirements for the installation and maintenance of carbon monoxide alarms.

SB08-187 was assigned to Health and Human Services and is scheduled to be heard in committee on Thursday, March 6, 2008 at 1:30 P.M. in SCR 356.

Link to bill: <http://www.colofirechiefs.org/08legislative10.htm#SB08-187>.

Status of Bills of Interest

Attached is a summary of the status of bills of interest to the fire service that are being tracked by the Association, current as of March 1, 2008.

For comments or questions concerning this Legislative Update, contact Paul L. Cooke, CSFCA Executive Director at (720) 874-8116 or paul@coloradofirechiefs.org.