

COLORADO STATE FIRE CHIEFS' ASSOCIATION

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MEMORANDUM

To: CSFCA Board of Directors
From: Paul L. Cooke, Executive Director
Subject: Legislative Update / Request for Policy Direction
Date: January 21, 2008

Following is a summary of the bills of interest to the Association that have been introduced and assigned to date. I have included the committee assignment and my recommendation concerning the Association's position. Please let me know if you concur with the recommendations.

In-lieu-of sending you a copy of each of these bills, I have posted them to our website and provided you with the direct link. Please let me know if you would prefer that I send copies of the bills with future updates.

SB08-001, Concerning Creation of a School Safety Resource Center within the Department of Public Safety. (Sen. Morse, Rep. Stephens)

Creates in the department of public safety the school safety resource center to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations. Sets forth the duties of the center. Authorizes the center to employ staff and contract for services.

Creates in the department the school safety resource center advisory board to recommend the policies of the center. Describes the members of the advisory board, including the appointing authority of each member. Repeals the advisory board following sunset review in 2017.

Requires the director of the center to report to the executive director of the department concerning the efficacy and value of the services provided by the center to schools. Requires the executive director of the department to report to the education and judiciary committees of the house of representatives and senate concerning the efficacy and value of the services provided by the center to schools.

01/9/2008 Introduced In Senate - Assigned to Education

SB08-001 is scheduled to be heard by Senate Education Committee on Wednesday, January 23, 2008 - Upon Adjournment in Room SCR 354.

Recommendation: Monitor; consider seeking an amendment to include a fire chief on the advisory board (to ensure security concerns are balanced with fire and life safety and to ensure fire departments are included in emergency planning).

Link to bill: http://www.colofirechiefs.org/08Legisature/001_01.pdf

SB08-009, Concerning Measures to Ensure the Proper Payment of Fire and Police Pension Benefits. (Sen. Tochtrop, Rep. Rice)

Police Officers' and Firefighters' Pension Reform Commission. Establishes penalties related to fire and police pension death and disability survivor benefits for a member who, as otherwise required by law, fails to submit to a medical examination or fails to provide information to the board of directors of the fire and police pension association or its designee.

Permits the board to review a fire and police pension award of benefits or a benefit payment under any benefit plan in the defined benefit system, the statewide money purchase plan, or the statewide death and disability plan for the purpose of determining whether there has been fraud, an overpayment, an error, or a mistake. Permits the board to review a benefit payment under any other benefit plan or compensation plan that the board administers for the purpose of determining whether there has been an overpayment, an error, or a mistake. If there is a finding by a preponderance of the evidence of fraud, an overpayment, an error, or a mistake, establishes consequences and procedures related thereto, including the right in certain circumstances for the fire and police pension association to have its order recorded as a judgment in a district court.

Makes it a class 5 felony to willfully make a false statement or representation material to a benefit claim for the purpose of obtaining any type of pension payment.

01/9/2008 Introduced In Senate - Assigned to Local Government

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/009_01.pdf

SB08-011, Concerning Funding for the Provision of Uncompensated Trauma Care to Persons Injured in Motor Vehicle Accidents in Colorado, and, in Connection Therewith, Establishing an Emergency Responders and Trauma Care Reimbursement Program, Increasing the Fee for Registering a Motor Vehicle to Fund the Program, and Requiring Automobile Insurance Policies Issued in the State to Contain Emergency Medical Care Coverage. (Sen. Morse, Rep. Massey)

Health Care Task Force. Establishes the emergency responders and trauma care reimbursement program in the department of public health and environment to reimburse emergency and trauma care providers for uncompensated care provided to patients injured in a motor vehicle accident. Allows reimbursements for uncompensated trauma care to licensed ambulances, licensed air ambulances, trauma physicians, and trauma centers that satisfy specified criteria, and prioritizes reimbursement payments first to the ambulances, second to the trauma physicians, third to level III, IV, and V trauma centers located in rural areas, and fourth to all other trauma centers.

Requires the executive director of the department to identify an entity to administer the program. Outlines the duties of the program administrator, including:

- Starting the program by July 1, 2009;
- Reimbursing providers for uncompensated trauma care in a timely and efficient manner;
- Managing the administrative costs of the program;
- Seeking payment from other responsible parties to reimburse the emergency responders and trauma care reimbursement fund;
- Establishing criteria and qualifications that an applicant must meet to obtain reimbursement from the program fund, including a requirement that the applicant attempt to collect payment for trauma care from the trauma patient or other responsible party;
- Determining the types and amount of costs of uncompensated care for which reimbursement will be allowed and the maximum dollar amount of allowable reimbursement.

Establishes the program fund in the state treasury, consisting of moneys credited to the program fund from a \$16 fee on motor vehicle registrations and moneys recovered from responsible parties for the payment of trauma care that was reimbursed by the program fund. Caps the amount of moneys in the program fund that may be used to administer the program and requires the remainder of the program fund to be used to reimburse trauma care providers for uncompensated trauma care.

Requires the program administrator to submit an annual report to the health and human services committees of the senate and house of representatives and details the information to be included in the report.

Mandates all automobile insurance policies issued, delivered, or renewed in the state to contain emergency medical care coverage with benefits of at least \$15,000.

Increases the fee for registering a motor vehicle, other than a fleet vehicle, by \$16 and directs that the moneys from the increased fee be transferred to the program fund.

01/9/2008 Introduced In Senate – Assigned to Health and Human Services

Recommendation: Support [this bill was the topic of significant discussion at the Trauma Care Preservation Coalition (TCPC) Meeting on 1/8/08. Despite the mandatory med pay requirement, it was the consensus of the TCPC members to support this bill].

Link to bill: http://www.colofirechiefs.org/08Legisature/011_01.pdf

SB08-026, Concerning a Requirement that Cigarettes Sold in Colorado Meet Specified Standards for Reduced Ignition Propensity. (Sen. Hagedorn)

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. Specifies labeling to identify complying cigarettes. Prescribes the testing methods to be used. Requires manufacturers to certify in writing that their cigarettes have been tested and meet the standards.

Prescribes penalties for failure to properly test cigarettes, to maintain records of such tests for at least 3 years, or to sell cigarettes that do not meet the standards. Grants primary authority over the

administration and enforcement of the testing and certification program to the division of fire safety in the department of public safety. Gives additional enforcement authority to the attorney general and the department of revenue.

Imposes certification fees on cigarette manufacturers to defray the costs of the program. Creates a fund, known as the reduced cigarette ignition propensity standards and firefighter protection act enforcement fund, into which such fees and penalty assessments are to be deposited and from which the division may support processing, testing, enforcement, and oversight activities.

Designates noncomplying cigarettes sold or offered for sale after July 31, 2009, as contraband under the criminal forfeiture statutes. Exempts cigarettes intended only for sale outside the state. Preempts conflicting local regulations.

01/9/2008 Introduced In Senate - Assigned to Health and Human Services

SB08-026 is scheduled to be heard by Senate Health & Human Services Committee on Wednesday, January 23, 2008 - Upon Adjournment in Room SCR 352.

Recommendation: Support

Link to bill: http://www.colofirechiefs.org/08Legisature/026_01.pdf

SB08-039; Concerning a Training Program for Directors of Fire Protection Districts in Wild Land-Urban Interface Areas. (Sen. Kopp, Rep. Witwer)

Directs the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety to establish a pilot program by a specified date to offer training courses to board members of fire protection districts whose territory includes wildland-urban interface areas. Specifies that the course subjects shall include, but not necessarily be limited to:

- Strategic planning;
- The roles, responsibilities, and fiduciary duties of board members of fire protection districts;
- Human resource management; and
- Community outreach on wild land-urban interface issues.

Creates an advisory board to advise the division on course content and program implementation. Directs the division to issue a certificate of wild land-urban interface fire safety to a board member of a fire protection district who successfully completes a specified number of courses. Directs the division to offer the courses at no charge and to seek gifts, grants, and donations to fund the pilot program. Directs the director of the division to report to the general assembly on the results of the pilot program by a specified date.

01/9/2008 Introduced In Senate - Assigned to Local Government

SB08-039 is scheduled to be heard by Senate Local Government Committee on Thursday, January 24, 2008 - Upon Adjournment in Room SCR 353.

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/039_01.pdf

SB08-071, Concerning Extension of the Repeal Date of the Forest Restoration Pilot Program, and, in Connection Therewith, Extending the Repeal Date of the Technical Advisory Panel. (Sen. Gibbs, Rep. Scanlan)

Extends the repeal date for the forest restoration pilot program and the technical advisory panel to July 1, 2012.

01/16/2008 Introduced In Senate - Assigned to Agriculture, Natural Resources & Energy

Recommendation: Support

Link to bill: http://www.colofirechiefs.org/08Legisature/071_01.pdf

SB08-080, Concerning an Income Tax Credit for Volunteer Firefighters (Sen. Kopp, Rep. Witwer)

For income tax years commencing on or after January 1, 2008, but prior to January 1, 2018, there shall be allowed a credit with respect to the income taxes imposed pursuant to the provisions of this article in the amount of \$125 per income tax year to any qualified volunteer firefighter.

01/16/2008 Introduced In Senate - Assigned to Finance + Appropriations

Recommendation: Amend and Support

Link to bill: http://www.colofirechiefs.org/08Legisature/080_01.pdf

HB08-1009, Concerning Emergency Medical Care Coverage in Connection With an Automobile Insurance Policy Issued in Colorado. (Rep. Massey, Sen. Morse)

Health Care Task Force. Requires an automobile insurance policy issued, delivered, or renewed on or after January 1, 2009, to contain emergency medical care coverage of at least \$15,000 to cover the costs of all medically necessary and accident-related emergency medical care services provided to a person injured in a motor vehicle accident. Establishes a presumption that the minimum amount of emergency medical care coverage required by law is included in an automobile insurance policy if the insurer fails to include any emergency medical care coverage in the policy. Preserves the right of the insurer to offer, and the insured to purchase, emergency medical care coverage in excess of the minimum coverage required by law.

Specifies the providers to whom the emergency medical care coverage benefits are to be paid for providing emergency medical care services to an injured person. Specifies the reimbursement rate for providers based on a percentage of the 2006 medicare resource-based relative value scale (RBRVS) fee schedule.

Requires an insurer to honor a proper assignment of emergency medical care benefits by the insured to a health care provider and to promptly pay emergency medical care claims.

Makes conforming amendments.

01/9/2008 Introduced In House - Assigned to Business Affairs and Labor

Recommendation: Monitor; a "strike below" amendment has been drafted for introduction in committee.

Link to bill: http://www.colofirechiefs.org/08Legisature/1009_01.pdf

HB08-1027, Concerning Building Inspection Requirements for Educational Institutions. (Rep. Mitchell V., Sen. Taylor)

Legislative Audit Committee. Clarifies the role of the division of oil and public safety in delegating the responsibility of performing inspections of public school buildings and junior college district buildings to a building department or a 3rd-party inspector. Requires a memorandum of understanding between the division and a building department that wishes to perform inspections. Repeals the limit on the fee that the division may charge to perform an inspection and the requirement that the fee be mandatory. Grants rule-making authority to the director of the division to implement the program.

Authorizes the division of fire safety to charge a fee for the inspection of buildings and structures to ensure that they are in compliance with fire codes. Grants enforcement authority to the division of fire safety. Exempts the public safety inspection fund from the limit on uncommitted cash fund reserves.

01/9/2008 Introduced In House - Assigned to Education

Recommendation: Support with amendments; an amendment is being drafted that would clarify the respective authorities of the Division of Fire Safety and local fire departments with respect to plan reviews, construction inspections and fire code enforcement.

HB08-1027 is scheduled to be heard on Thursday, January 24, 2008 in House Education Committee upon adjournment of the Joint House and Senate Education Briefing by the Joint Budget Committee (which is scheduled for 1:30 p.m.) in Room 0112.

Link to bill: http://www.colofirechiefs.org/08Legisature/1027_01.pdf

HB08-1070, Concerning the Redetermination of Benefits Payable Under the Fire and Police Pension Association's Statewide Defined Benefit Plan for New Hire Members, and, in Connection Therewith, Establishing Limits on Such Benefit Increases. (Rep. Riesberg, Sen. Tochtrop)

Police Officers' and Firefighters' Pension Reform Commission. Modifies how the board of directors of the fire and police pension association may increase the benefits payable under statewide defined benefit plans for members of the association hired on or after April 8, 1978.

01/9/2008 Introduced In House - Assigned to Local Government

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/1070_01.pdf.

HB08-1097, Concerning the Provision of Protections to Certain Types of Volunteers Who Volunteer Their Services in a State-Level Emergency Situation. (Rep. Lambert, Sen. Romer)

Prohibits any employer from discriminating against or discharging from employment any member of the civil air patrol because of such membership and from preventing any member from performing a civil air patrol mission. Allows a member who is a public employee and who is called to duty for a civil air patrol mission to take a leave of absence from his or her employment without loss of pay or benefits during the period of the mission. Limits the number of days of paid leave to which a member is entitled, and requires the member to return to employment immediately after he or she is relieved of service for the civil air patrol. After completion of service, entitles the member to return to the same position and classification held by the member before the leave of absence.

01/10/2008 Introduced In House - Assigned to State, Veterans, & Military Affairs

HB08-1097 is scheduled to be heard by House State, Veterans, and Military Affairs Committee on Thursday, January 31, 2008 - Upon Recess in Room 0112.

Note: This bill may be amended to extend the protections to all emergency services volunteers.

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/1097_01.pdf.

HB08-1110, Concerning an Income Tax Deduction For a Landowner's Direct Costs Incurred in Performing Wildfire Mitigation Measures. (Rep. Witwer, Sen. Kopp)

Allows an income tax deduction for a landowner who performs wildfire mitigation measures on private land in a wild land-urban interface area.

01/14/2008 Introduced In House - Assigned to Finance

HB08-1110 is scheduled to be heard by House Finance Committee on Thursday, January 24, 2008 - Upon Recess in Room LSB-A.

Recommendation: Support

Link to bill: http://www.colofirechiefs.org/08Legisature/1110_01.pdf.

HB08-1163, Concerning an Exception to Statutory Requirements Governing the Collection of Excess Property Tax Revenue by Urban Renewal Authorities in Connection With Tax Increment Financing for Certain Special Districts Providing Emergency Services. (Rep. Sonnenberg, Sen. Bacon)

Commencing with the first property tax year in which the excess of any payment of property taxes is allocated and paid into a special fund on or after the effective date of the act in connection with tax increment financing by urban renewal authorities, prohibits any portion of any revenues from such excess that are allocated to any special district providing emergency services, including without limitation ambulance districts, fire protection districts, and certain metropolitan districts, from being collected and paid into the special fund. In such cases, specifies that all revenues collected from the excess of any payment of property taxes shall be distributed to the special districts providing emergency services as if there were no requirement to pay the excess into a special fund.

01/16/2008 Introduced In House - Assigned to Finance

Recommendation: Support

Link to bill: http://www.colofirechiefs.org/08Legisature/1163_01.pdf.

Additional Bills of Potential Interest to Fire Marshals:

SB08-029, Concerning a Requirement that an Architect Obtain Continuing Education Prior to the Renewal of a License to Practice Architecture in Colorado. (Sen. Groff, Rep. Balmer)

Requires an architect to complete, and provide proof of completion of, 16 hours of continuing education in order to renew a license to practice architecture in the state. Requires the state board of licensure for architects, professional engineers, and professional land surveyors to adopt rules to implement the continuing education requirement for architects.

01/09/2008 Introduced In Senate - Assigned to Business, Labor and Technology

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/029_01.pdf

SB08-051, Concerning a Grant of Additional Enforcement Authority to the Director of the Division of Oil and Public Safety. (Sen. Taylor, Rep. Marshall)

Grants enforcement authority to the director of the division of oil and public safety (division) in the department of labor and employment for violations of laws and rules concerning boilers and explosives. Allows the director to seek an injunction restraining a person from violating laws or rules concerning public school construction, boilers, and explosives. Allows the division to inspect blast sites. Requires an entity that conducts blasting to notify the division.

01/14/2008 Introduced In Senate - Assigned to Business, Labor and Technology

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/051_01.pdf

HB08-1103, Concerning the Regulation of Amusement Rides by the Division of Oil and Public Safety. (Rep. Kerr, J. and Sen. Isgar)

Summary: Requires each operator of an amusement ride to submit an annual certificate of inspection to the division of oil and public safety for each amusement ride. Requires the director of the division to establish minimum certification requirements for inspectors. Requires the inspector of each ride to be an independent 3rd-party inspector. Requires the operator of an amusement ride to notify the division regarding injuries caused by amusement rides, the installation of new rides, and the schedule for the location of amusement rides.

Status: 01/10/2008 Introduced In House - Assigned to Business Affairs and Labor

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/1103_01.pdf

HB08-1170, Concerning the Regulation of Electricians. (Rep. Soper)

Requires an apprentice electrician to be registered in a United States department of labor bureau of apprenticeship and training certified program. Requires an applicant for a master electrician's license to have held a Colorado journeyman's electrician's license for one year prior to applying to be licensed as a master electrician. Specifies that an electrician's license is required for work on electrical equipment powered by solar and other renewable sources.

Requires the state electrical board (board) to notify an applicant of his or her examination score. Requires the board to meet with an applicant to review his or her examination score, if requested by the applicant.

COLORADO STATE FIRE CHIEFS' ASSOCIATION

Establishes a continuing education requirement to be met before renewal of a license. Establishes that one licensed electrician may supervise no more than one apprentice. Requires an electrical contractor to register an apprentice with the board. Allows electrical inspectors to issue a citation or cease-and-desist order, which may include stoppage of work on a project for up to 30 days.

Recommendation: Monitor

Link to bill: http://www.colofirechiefs.org/08Legisature/1170_01.pdf.

Please let me know if you have any questions.

Paul