

COLORADO STATE FIRE CHIEFS' ASSOCIATION

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MEMORANDUM

To: CSFCA Board of Directors & Legislative Committee
From: Paul L. Cooke, Executive Director
Subject: Legislative Update
Date: February 3, 2009

Following is a comprehensive update on the bills of interest to the Association that have been introduced thus far in the 2009 General Assembly. This update includes the action that has been taken on the bills (if any), the current status, and any pending action that has been scheduled.

The most current version of each of the listed bills has been posted to the website and the link to the bill is provided.

Senate Bills

Bill Number: SB09-001 **Prime Sponsors:** Sen. Gibbs, Rep. Scanlan
Bill Title: Concerning the Establishment of Community Wildfire Protection Plans by County Governments.
Link to Bill: www.colofirechiefs.org/09Legislature/001_01.pdf
Summary: **Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.** By a specified date, requires the state forester, in collaboration with representatives of the United States forest service, the Colorado department of natural resources, county governments, municipal governments, local fire departments or fire protection districts, and state and local law enforcement agencies, to establish guidelines and criteria for counties to consider in preparing their own community wildfire protection plans (CWPPs) to address wildfires in fire hazard areas within the unincorporated portion of a county.

Requires the state forester to send timely notice of the adoption of the guidelines and criteria to the department of local affairs and statewide organizations representing Colorado counties and municipalities and to post such information on the web site of the Colorado state forest service.

Requires the board of county commissioners of each county, with the assistance of the state forester, to determine whether there are fire hazard areas within the unincorporated portion of the county.

Requires the board of county commissioners, in collaboration with the representatives of the organizations or entities that participated in establishing the guidelines and criteria, to prepare a CWPP to address wildfires in fire hazard areas within the unincorporated portion of the county. In preparing the CWPP, requires the board to consider the guidelines and

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criteria. Specifies that a county that has already prepared a CWPP as of the effective date of the act and, in connection with such preparation, considered the guidelines and criteria, is not required to prepare a new CWPP to satisfy the requirements of the act.

Position: Support

Status: 01/07/2009 Introduced In Senate - Assigned to Local Government and Energy
01/15/2009 Senate Committee on Local Government and Energy Refer Amended to Senate Committee of the Whole
01/23/2009 Senate Second Reading Passed with Amendments
01/26/2009 Senate Third Reading Passed
01/26/2009 Introduced In House - Assigned to Local Government

Comments

Chief Bob Harvey, Leadville Fire Department, testified in Senate Local Government and Energy Committee on behalf of the CSFCA in favor of the bill. Others that testified in favor of the bill included Jeff Jahnke, Colorado State Forester; Gary Severson, Executive Director, Northwest Colorado Council of Governments; Chris Piper, Denver Water Board; and John Giardino, Colorado Mountain College.

James Reid, Deputy County Fire Marshal, El Paso County, spoke in opposition to the bill. He said the bill will require him to implement CWPPs throughout the county and this will be cost-prohibitive.

Peg Ackerman, representing the County Sheriffs of Colorado, spoke about a recent meeting of county sheriffs in which all the sheriffs expressed their interest in keeping their legislative authority to manage wildfires. She said the bill would be more favorable if some of the language was changed to allow for existing plans to be used in lieu of requiring new CWPPs.

SB09-001 was amended by Senate Local Government and Energy Committee to allow equivalent plans that meet the guidelines for CWPPs.

A summary of the Senate Local Government and Energy Committee testimony may be found at: www.colofirechiefs.org/09Legislature/SB09-001_Summary.pdf.

Bill Number: SB09-002 **Prime Sponsors:** Sen. Morse, Rep. Peniston
Bill Title: Concerning an Increase in the Motor Vehicle Registration Fee to Fund the Emergency Medical Services Account Within the Highway Users Tax Fund.
Link to Bill: www.colofirechiefs.org/09Legislature/002_01.pdf
Summary: Increases the motor vehicle registration fee from \$1.00 to \$2.00 to fund the emergency medical services account within the highway users tax fund.
Position: Support
Status: 01/07/2009 Introduced In Senate - Assigned to Transportation
01/29/2009 Senate Committee on Transportation Refer Unamended to Appropriations

Comments

Chief Dan Noonan testified in Senate Transportation Committee on behalf of the CSFCA in favor of the bill.

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Sen. Williams moved that Senate Bill 09-002 be referred to the Committee on Appropriations. The motion passed on a 4-3-0 roll vote.

Bill Number: SB09-010 **Prime Sponsors:** Sen. Spence, Rep. (None)
Bill Title: Concerning Encouraging the Use of Automated External Defibrillators.
Link to Bill: www.colofirechiefs.org/09Legislature/010_ren.pdf
Summary: Eliminates certain staffing and reporting requirements of a person or entity that acquires an automated external defibrillator (AED). Provides to a person or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an AED immunity from liability for any civil damages for acts or omissions made in good faith as a result of such care or treatment, regardless of whether the person or entity that acquired the AED has satisfied statutory requirements and other provisions of law.
Position: Conceptually Support
Status: 01/07/2009 Introduced In Senate - Assigned to Health and Human Services
01/21/2009 Senate Committee on Health and Human Services Refer Unamended to Senate Committee of the Whole
01/26/2009 Senate Second Reading Passed with Amendments
01/27/2009 Senate Third Reading Passed
01/28/2009 Introduced In House - Assigned to Health and Human Services

Comments

The bill was amended on 2nd reading in the Senate to condition the grant of immunity on the facility properly maintaining the AED and having written plans, approved by a physician that cover the placement of AEDs, training of personnel, and pre-planned coordination with EMS.

Bill Number: SB09-013 **Prime Sponsors:** Sen. Gibbs, Rep. Levy
Bill Title: Concerning the Extension of Civil Immunity to Persons Engaged in Emergency Response Activities.
Link to Bill: www.colofirechiefs.org/09Legislature/013_01.pdf
Summary: **Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.** Enacts the "Marc Mullenix Volunteer Firefighter Protection Act", providing limited civil immunity for: Fire departments and other entities that donate surplus firefighting equipment for later use; and Volunteer firefighters, their commanders, and the organizations that employ them in connection with fires and other emergencies.
Position: Support
Status: 01/07/2009 Introduced In Senate - Assigned to Judiciary
01/21/2009 Senate Committee on Judiciary Witness Testimony and Committee Discussion Only

Comments

Paul Cooke, CSFCA Executive Director testified in Senate Judiciary Committee on behalf of the CSFCA in favor of the bill.

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Also speaking in favor of the bill was Deputy Chief Jeff Berino, representing Lake Dillon Fire Department and the Northwest Incident Management Team; Chief Don Angell, representing the Fairmount Fire Protection District; and Jeff Jahnke, Colorado State Forester.

Members of the Judiciary Committee raised concerns that the types of immunity protection provided by the bill were either not needed, already provided for in law, or were too broad. As a result, the bill was taken off the table to allow the sponsors an opportunity to address the concerns.

A summary of the Senate Judiciary Committee testimony may be found at:
www.colofirechiefs.org/09Legislature/SB09-013_Summary.pdf.

SB09-013 is scheduled to be re-heard by Senate Judiciary Committee on Monday, February 9, 2009 at 1:30 P.M. in SCR 356.

Bill Number: SB09-016 **Prime Sponsors:** Sen. Kopp & Penry, Rep. S. King & Scanlan
Bill Title: Concerning Measures to Encourage the Restoration of Forest Areas Affected by Bark Beetle Infestation.
Link to Bill: http://www.colofirechiefs.org/09Legislature/016_01.pdf
Summary: **Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.** Provides a 5-year exemption from business personal property taxes for qualified businesses that remove trees killed by bark beetles if such businesses assist in forest restoration efforts on the affected land after the beetle-killed timber is removed. Establishes a revolving fund to provide start-up revenues for new Colorado businesses that process and sell beetle-killed timber for beneficial uses. Directs the state forester to: Publish a list of affected lands, designating those areas where the need for clearing of beetle-killed timber is most urgent; and Offer the services of an ombudsman to assist property owners and businesses in applying for any necessary federal and state permits or other authorization to go onto forest lands to harvest beetle-killed timber.
Position: Support
Status: 01/07/2009 Introduced In Senate - Assigned to Finance

Comments

SB09-016 is scheduled to be heard by Senate Finance Committee on Tuesday, February 3, 2009 at 2:00 P.M. in SCR 354.

Bill Number: SB09-017 **Prime Sponsors:** Sen. Tochtrop, Rep. Riesberg
Bill Title: Concerning Firefighter and Police Officer Disability and Survivor Benefits.
Link to Bill: http://www.colofirechiefs.org/09Legislature/017_ren.pdf
Summary: **Police Officers' and Firefighters' Pension Reform Commission.** Makes the following changes related to police officers' and firefighters' disability and survivor benefit plans:

- Removes the requirement that an unmarried child between the ages of 19 and 23 be in school in order to be classified as a dependent child.

- Repeals an obsolete provision related to the ability of a member of a benefit plan to elect different disability benefit options.
- Repeals the authority of the board of directors of the fire and police pension association (board) to establish a supplemental disability benefit program.
- Repeals an earned income offset for occupational disability benefits.
- Offsets disability or survivor benefits by the amount of payments from a statewide defined benefit pension plan.
- Modifies an employer's obligation to make contributions to a retirement plan while a member is receiving temporary occupational disability payments.
- Permits the board to give a disability benefit to a member injured on-duty who has a permanent occupational disability or a temporary occupational disability.
- With the exception of a surviving spouse of a member who was occupationally disabled, permits a surviving spouse to continue receiving survivor benefits upon remarriage.

Position: Monitor

Status: 01/07/2009 Introduced In Senate - Assigned to Finance
01/20/2009 Senate Committee on Finance Refer Unamended - Consent Calendar to Senate Committee of the Whole
01/30/2009 Senate Second Reading Passed
02/02/2009 Senate Third Reading Passed

Comments

Bill Number: SB09-018 **Prime Sponsors:** Sen. Kopp & Gibbs, Rep. S. King & Scanlan

Bill Title: Concerning the Creation of a High-Risk Communities Wildfire Mitigation Grant Program.

Link to Bill: http://www.colofirechiefs.org/09Legislature/018_01.pdf

Summary: **Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.** Creates the high-risk communities wildfire mitigation grant program (program). Creates the high-risk communities wildfire mitigation grant program fund (fund). Appropriates specified amounts from the general fund to the fund for the 2008-09 through 2012-13 fiscal years, and requires all fund investment earnings to be credited to the fund.

Continuously appropriates the fund to the Colorado state forest service (forest service) for expenditure only for high-risk communities wildfire mitigation grants subject to an exception that allows the forest service to expend up to a specified percentage of each annual appropriation to share the costs of developing community wildfire protection plans.

Requires the forest service to develop and implement the program and provide high-risk communities wildfire mitigation grants from the fund to local governments, the state, the federal government, fire protection districts, agencies thereof, and, in the sole discretion of the forest service, homeowners' associations for the purpose of funding nonemergency preventive wildfire mitigation measures. Specifies minimum matching requirements for grant recipients, and only allows grants for wildfire mitigation measures that are located in wild land-urban interface areas and that have been identified in a community wildfire protection plan. Requires the forest service to annually report to the general assembly

regarding the program. Repeals the program on a specified date.

Position: Support

Status: 01/07/2009 Introduced In Senate - Assigned to Local Government and Energy

Comments

SB09-018 is scheduled to be heard by Senate Local Government & Energy Committee on Thursday, February 5, 2009, Upon Adjournment in SCR 353.

Bill Number: SB09-020 **Prime Sponsors:** Sen. Gibbs, Rep. Scanlan

Bill Title: Concerning the Responsibility for Responding to Wild Land Fires.

Link to Bill: www.colofirechiefs.org/09Legislature/020_01.pdf

Summary: **Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.** Directs the governing body of each municipality and county to designate one or more emergency response authorities for wildland fires in the municipality's or county's jurisdiction. States that the fire authority of a municipality or the sheriff of a county shall be the emergency response authority of the respective municipality or county unless otherwise designated by the municipality or county.

Designates the Colorado state forest service (forest service) as the emergency response authority for wild land fires on state-owned land, and allows the forest service to delegate the authority to another emergency response authority or another public entity with the approval of the entity's governing body. States that the forest service:

- Shall locate its emergency response resources according to its assessment of the wild land fire response needs of various areas of the state to the extent practicable;
- Shall coordinate its emergency response capabilities with local emergency response authorities; and
- May assist an emergency response authority in its planning activities.

Requires an emergency response authority to create a plan for the response to wild land fires in its jurisdiction that includes a description of response capabilities and tactics and the incident command structure. Specifies that the emergency response authority is not required to provide and maintain the capability for the response described in the plan but may do so directly or through agreements with other federal, state, and local agencies. States that, regardless of jurisdiction, the first emergency response authority or designated public agency to arrive at the scene of a wildland fire shall act as incident commander and be responsible for the initial emergency response until the emergency response authority that has jurisdiction over the site arrives.

Directs the board of county commissioners of each county to develop and annually update a wildfire preparedness plan for the unincorporated area of the county in coordination with each emergency response authority and fire district with jurisdiction over the unincorporated area of the county. Requires the plan to:

- Identify the emergency response authority for wildland fires in the unincorporated area of the county;

- Identify all participants in the plan and their roles and responsibilities;
- Describe the procedures for cooperation among various emergency response authorities;
- List management objectives for wild land fire prevention, preparedness, mitigation, suppression, reclamation, or rehabilitation and specify the authority with fiscal and operational responsibility for each objective;
- Describe available emergency response resources and mutual aid and other agreements related to the plan; and
- Specify reimbursement and billing procedures.

Clarifies that the county sheriff exercises authority over forest, prairie, or wildland fires in the unincorporated areas of a county in accordance with the plan prepared by the emergency response authority.

Clarifies that the fire chief of a fire protection district exercises authority over wildland fires in the jurisdiction in accordance with the plan prepared by the emergency response authority.

Position: Support

Status: 01/07/2009 Introduced In Senate - Assigned to Local Government and Energy

Comments

Note: SB09-020 was originally scheduled to be heard on January 22, 2009 but was taken off the calendar to allow the CSFCA an opportunity to work with the County Sheriffs Association to address their concerns with the bill.

SB09-020 is scheduled to be heard on Tuesday, February 10, 2009 in Local Government and Energy Committee at 2:00 P.M. in SCR 353.

Bill Number: SB09-021 **Prime Sponsors:** Sen. Kopp, Rep. Scanlan

Bill Title: Concerning Incentives for Volunteer Firefighters.

Link to Bill: http://www.colofirechiefs.org/09Legislature/021_01.pdf

Summary: **Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.** Creates a fund in the division of fire safety in the department of public safety (division) to make grants to qualified volunteer firefighters and fire departments to cover the costs of training in fighting fires in wild land-urban interface areas.

Directs the division to collaborate with the state board for community colleges and occupational education to develop a system to provide tuition vouchers to qualified volunteer firefighters who are enrolled in full-time or part-time study and who agree to serve as volunteer firefighters for a specified number of years after completing their education.

Allows qualified volunteer firefighters to claim a tax rebate up to a specified amount for reimbursement of the costs of firefighting equipment.

Position: Conceptually Support

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Status: 01/07/2009 Introduced In Senate - Assigned to Judiciary
01/28/2009 Senate Committee on Judiciary Witness Testimony and Committee Discussion Only

Comments

SB09-021 was heard by Senate Judiciary Committee on January 28, 2009. Paul Cooke, CSFCA Executive Director testified on behalf of the CSFCA in favor of the provisions of the bill. Also speaking in favor of the bill was John Singer, representing the Colorado State Fire Fighters Association, and Rich Homan, representing the Colorado State Forest Service. John Giardino, representing Colorado Mountain College, indicated that the college he represents is a local district college that was not included in the bill. Sen. Kopp indicating his willingness to amend the bill to address this issue.

Due to the fiscal note and the unavailability of amendments, the bill was taken off the table and rescheduled for action only.

SB09-021 is scheduled to be heard by Senate Judiciary Committee on Monday, February 9, 2009 at 1:30 P.M. in SCR 356.

Bill Number: SB09-105 **Prime Sponsors:** Sen. Gibbs, Rep. Scanlan
Bill Title: Concerning Removal of the Statutory Limit on the Amount That May Be Raised in a Single Year by a Special Property Tax Levied by a Board of County Commissioners for the Purpose of Fighting Specified Types of Fires in a County.
Link to Bill: http://www.colofirechiefs.org/09Legislature/105_01.pdf
Summary: Removes the statutory limit on the amount that may be raised in a single year by a special property tax levied by a board of county commissioners for the purpose of fighting specified types of fires in a county.
Position: No position taken by BOD / Recommend Monitor
Status: 01/23/2009 Introduced In Senate - Assigned to Local Government and Energy
Comments

Bill Number: SB09-109 **Prime Sponsors:** Sen. Newell, Rep. Schafer S.
Bill Title: Concerning Continuation of Provisions Related to the Fire Service Training and Certification Advisory Board.
Link to Bill: http://www.colofirechiefs.org/09Legislature/109_01.pdf
Summary: **Sunset Process - Senate Judiciary Committee.** Continues indefinitely the fire service training and certification advisory board in the division of fire safety within the office of preparedness, security, and fire safety in the department of public safety, under the provisions of the sunset law. Continues the following, related to the board:

- Statutory provisions describing the duties of the board;
- Statutory provisions related to education and training programs and certification programs;
- The firefighter and first responder certification fund;

- The fire service education and training fund.

Changes the statutory reference to the department of public health and environment's emergency medical services and prevention division, which no longer exists, to the emergency medical and trauma services section within the health facilities and emergency medical services division of such department.

Position: Support

Status: 01/26/2009 Introduced In Senate - Assigned to Judiciary

Comments

Note: The Sunset Report prepared by the Department of Regulatory Agencies on the Fire Service Training and Certification Advisory Board was heard by Senate Judiciary Committee on January 14, 2009. Paul Cooke, CSFCA Executive Director testified on behalf of the CSFCA in favor of continuing both the Advisory Board and the programs for which the Board was created. The Committee voted to carry this Bill and Sen. Newell agreed to sponsor it.

SB09-109 is scheduled to be heard by Senate Judiciary Committee on Monday, February 9, 2009 at 1:30 P.M. in SCR 356.

Bill Number: SB09-122 **Prime Sponsors:** Sen. Gibbs, Rep. Scanlan

Bill Title: Concerning the Release of Security Assessment Reports to the County Sheriff of the County in Which a Critical State Infrastructure is Located.

Link to Bill: http://www.colofirechiefs.org/09Legislature/122_01.pdf

Summary: Requires the office of preparedness, security, and fire safety to notify and release the report of any security assessment conducted on any critical state infrastructure to the county sheriff of the county in which the critical state infrastructure is located.

Allows an exemption to the confidentiality requirements of security assessment reports, which exemption permits the county sheriff of the county in which the critical state infrastructure is located to inspect and obtain copies of such reports.

Position: No position taken by BOD / Recommend Monitor

Status: 01/26/2009 Introduced In Senate - Assigned to Local Government and Energy

Comments

House Bills

Bill Number: HB09-1005 **Prime Sponsors:** Rep. Marostica, Sen. Veiga

Bill Title: Concerning the Authority of a Special District to Establish Special Improvement Districts Within the Boundaries of the Special District.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1005_eng.pdf

Summary: With specified requirements, grants a special district the authority to establish special

improvement districts within the boundaries of the special district and levy special assessments on property specially benefited by such improvements.

Specifies the methods for:

- Creating a special improvement district;
- Making the improvements specified for the special improvement district; and
- Levying and collecting of assessments for the costs of the improvements specified for the special improvement district.

Position: Monitor

Status: 01/07/2009 Introduced In House - Assigned to Local Government
01/27/2009 House Committee on Local Government Refer Unamended to House Committee of the Whole
02/02/2009 House Second Reading Passed

Comments

HB09-1005 is on the calendar for 3rd reading and final passage in the House on Tuesday, February 3, 2009.

Bill Number: HB09-1009 **Prime Sponsors:** Rep. S. King, Sen. (None)

Bill Title: Concerning Requiring Public Schools to Conduct Emergency Safety Drills.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1009_01.pdf

Summary: Requires public elementary, secondary, and postsecondary schools to conduct certain emergency safety drills beginning in the 2010-11 academic year.

Position: Monitor

Status: 01/07/2009 Introduced In House - Assigned to Education

Comments

John Suthers, the Colorado State Attorney General, testified in support of the bill, and shared a handout (National Association of Attorneys General, Task Force on School and Campus Safety, Report and Recommendations, September 2007) with committee members. He noted the importance of practice drills and reviewing safety procedures.

Mr. Tom Wiens, former state senator, testified in support of the bill and shared handouts with committee members regarding federal grant money for school safety programs and safety drill procedures.

Due to concerns expressed by members of the Committee on the impact on higher education institutions, the Chairman took the bill off the table to allow the sponsor to address the concerns.

HB09-1009 is scheduled to be re-heard by House Education Committee on Thursday, February 5, 2009 at 1:30 PM in room 0112.

Bill Number: HB09-1013 **Prime Sponsors:** Rep. Sonnenberg, Sen. (None)

Bill Title: 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.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1013_01.pdf

Summary: Provides that, if the first property tax year in which the excess of any payment of property taxes is allocated and paid into a special fund in connection with tax increment financing by an urban renewal authority commences on or after a specified date, no portion of any revenues from such excess that are allocated to any special district providing emergency services, including ambulance districts, fire protection districts, and certain metropolitan districts, shall be 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.

Position: Support

Status: 01/07/2009 Introduced In House - Assigned to Finance + Local Government
01/21/2009 House Committee on Finance Refer Unamended to Local Government

Comments

Note: This bill is much the same as HB08-1163 by Rep. Sonnenberg & Sen. Bacon which was supported by the CSFCA, but did not pass.

Chief Brian Martens of Windsor-Severance FPD, testified in House Finance Committee on behalf of the CSFCA in support of the bill. Also speaking in favor of the bill was: Evan Goulding, Special Districts Association, and Chris Mendez, Colorado Counties Inc. Erin Goff, Colorado Municipal League, testified in opposition to the bill. The bill was referred to House Local Government Committee on a 9-2 vote.

HB09-1013 is scheduled to be heard by House Local Government Committee on Thursday, February 5, 2009, upon recess, in room 0111.

Bill Number: HB09-1030 **Prime Sponsors:** Rep. Labuda, Sen. Tochtrop
Bill Title: Concerning Firefighter and Police Officer Pension Plan Compliance With Requirements Set Forth in the Internal Revenue Code.
Link to Bill: www.colofirechiefs.org/09Legislature/1030_ren.pdf
Summary: Requires old hire pension plans to meet the qualification requirements that apply to governmental plans established by the internal revenue code.

- For old hire pension plans, volunteer firefighter pension plans, and plans in the fire and police pension association defined benefit system:
- Eliminates specific requirements that were intended to ensure that the plans meet the qualification requirements established by the internal revenue code; and
 - Grants the applicable governing board the authority to adopt any provision for a plan that is necessary to comply with the internal revenue code.

Allows the board of directors of the fire and police pension association (board) to create a master plan document for old hire pension plans and to submit the master plan document to the IRS for a determination of the document's status as a qualified plan under the internal revenue code. Establishes what must be included in the master plan document and when

the master plan document may be modified or amended. Establishes that the board may require an affiliated board to adopt the master plan document or to obtain IRS approval for its own old hire pension plan. Specifies that an affiliated board is not precluded from seeking IRS approval for its own old hire pension plan.

Position: Monitor

Status: 01/07/2009 Introduced In House - Assigned to Local Government
01/13/2009 House Committee on Business Affairs and Labor Refer Amended to House Committee of the Whole
01/16/2009 House Second Reading Passed with Amendments
01/20/2009 House Third Reading Passed
01/23/2009 Introduced In Senate - Assigned to Business, Labor and Technology

Comments

Bill Number: HB09-1031 **Prime Sponsors:** Rep. S. King, Sen. Penry & Gibbs

Bill Title: Concerning a Requirement that the State Match Local Government Contributions to the Emergency Fire Fund.

Link to Bill: www.colofirechiefs.org/09Legislature/1031_ag.pdf

Summary: **Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.** For the 2009-10 fiscal year and for each succeeding fiscal year, requires the state to make an appropriation from the general fund to the Colorado state forest service in an amount equal to the total amount of voluntary contributions made during the prior fiscal year to the emergency fire fund (fund), which is funded by voluntary contributions from most counties in the state and the Denver water board and used to pay for emergency responses to wildfires. Requires the state forester to grant the entire annual appropriation to the fund.

Position: Support

Status: 01/07/2009 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources + Appropriations
01/13/2009 House Committee on Agriculture, Livestock, & Natural Resources Lay Over Amended
01/14/2009 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations

Comments

Chief Dave Parmley of Lake Dillion Fire Protection District and Past President of the CSFCA, testified in favor of the bill on behalf of the CSFCA. Also testifying in support of the bill was Doug Kemper, Executive Director of the Colorado Water Congress, and Peg Ackerman, representing the County Sheriffs of Colorado.

The bill was laid over until the next day to hear from the CSFS and take into account additional concerns raised by the committee. The House Agriculture, Livestock, & Natural Resources Committee referred HB09-1031, as amended, to the Appropriations Committee on a 9-4 roll call vote.

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Bill Number: HB09-1041 **Prime Sponsors:** Rep. Gerou, Sen. (None)

Bill Title: Concerning a Fire Protection District Board's Authority to Fix Fees for Emergency Medical Services.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1041_01.pdf

Summary: Allows the board of any fire protection district to fix and from time to time increase or decrease fees for extrication, rescue, or safety services provided in furtherance of ambulance or emergency medical services. Specifies what is included in extrication, rescue, or safety services.

Position: Support

Status: 01/07/2009 Introduced In House - Assigned to Local Government + Finance
01/20/2009 House Committee on Local Government Refer Unamended to House Committee of the Whole
01/22/2009 House Committee on Local Government Refer Unamended to Finance
01/28/2009 House Committee on Finance Refer Unamended to House Committee of the Whole
02/02/2009 House Second Reading Passed

Comments

HB09-1041 was first heard by House Local Government Committee on January 20, 2009. T.J. Carne, Chairman of the Board, Foothills Fire Protection District, testified in support of the bill and discussed the need to clarify state law to allow fire protection districts to continue assessing fees for the specific emergency services provided in the bill.

Paul Cooke, CSFCA Executive Director, testified in support of the bill on behalf of the CSFCA. Also testifying in support was Deputy Chief Nick Boukas, Evergreen Fire and Rescue District; and Chief Brian Zoril, Foothills Fire Protection District. Brandon LaSalle, American Family Insurance Company, also testified in support of the bill and discussed emergency services and insurance policies.

HB09-1041 was initially passed by House Local Government Committee to the Committee of the Whole on a vote 11-0; however, it had to be returned to the Committee on January 22nd for reconsideration, as the bill had been double-assigned by the Speaker. This time the bill was passed to House Finance Committee on a vote of 8-0-3.

In House Finance Committee, Paul Cooke, CSFCA Executive Director, testified in support of the bill on behalf of the CSFCA. The bill was passed to the Committee of the Whole on a 10-0 vote.

HB09-1041 is on the calendar for 3rd reading and final passage in the House on Tuesday, February 3, 2009.

Bill Number: HB09-1070 **Prime Sponsors:** Rep. Fischer, Sen. (None)

Bill Title: Concerning the Prohibition of Certain Types of Lands From Inclusion in Urban Renewal Areas, and, in Connection Therewith, Requiring the Participation in Urban Renewal Areas of Governmental Entities that Impose Property Taxes.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1070_01.pdf

Summary: Specifies that no area that has been designated as an urban renewal area (area) shall contain

any agricultural or vacant land unless:

- The area is a brownfield site as designated by the United States environmental protection agency;
- Each public body that levies ad valorem property taxes on the area agrees to the inclusion of the area within the urban renewal area;
- The area was included in an approved urban renewal plan prior to the effective date of the act; or
- The area was previously developed and became vacant as a result of demolition, destruction, or acts of nature.

Expands existing statutory provisions governing the submission of an urban renewal plan or modification to the plan to require a municipality to submit the plan or modification and, under specified circumstances, the urban renewal impact report to the governing body of a taxing entity.

Deletes existing statutory provisions stating that the inadvertent failure of a governing body or an authority to submit an urban renewal plan (plan), substantial modification to the plan, or an urban renewal impact report, as applicable, to a board of county commissioners neither creates a cause of action in favor of any party nor invalidates any urban renewal plan or modification to the plan.

Expands existing statutory provisions requiring each county that is entitled to receive a copy of the plan to provide data and projections to assist the governing body or the authority in preparing the urban renewal impact report to impose such duty on all taxing entities. Expands existing statutory provisions authorizing the governing body of a municipality to approve a plan if it finds that the authority or the municipality will adequately finance, or that agreements are in place to finance, any additional county infrastructure and services required to serve development within the urban renewal area for the specified period to include any additional taxing entity infrastructure and services required to serve such development.

In the case of an irrevocable pledge by an authority of specified tax revenues for the payment of certain indebtedness in connection with tax increment financing, expands existing statutory provisions restricting the pledge from extending to taxes placed in a reserve fund to be returned to the county to include taxes placed in a reserve fund to be returned to any taxing entity.

Expands existing statutory provisions authorizing the governing body or the authority to enter into an agreement with a county for the allocation of property taxes to include a taxing entity as among the parties to the agreement. Expands the subject of the proposed agreement to include payment of the costs of any additional taxing entity infrastructure or services necessary to offset the impacts of an urban renewal project and for the sharing of revenues.

Expands existing statutory provisions giving counties the authority to challenge impacts relating to an urban renewal project as part of a dispute resolution process to give such

authority to any entity levying ad valorem property taxes on any portion of the real property constituting an urban renewal area. Expands the grounds by which such taxing entities may object to actions of the municipality that has created the urban renewal plan.

Position: Support portions of the bill

Status: 01/07/2009 Introduced In House - Assigned to Local Government

Comments

HB09-1070 is scheduled to be heard by House Local Government Committee on Thursday, February 5, 2009, upon recess, in room 0111.

Bill Number: HB09-1091 **Prime Sponsors:** Reps. Soper & Court, Sen. (None)

Bill Title: Concerning a Requirement that Carbon Monoxide Alarms Be Installed in Residential Properties

Link to Bill: http://www.colofirechiefs.org/09Legislature/1091_eng.pdf

Summary: Requires any existing single-family dwelling or dwelling unit of an existing multi-family dwelling offered for sale or transfer on or after July 1, 2009, 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.

Requires 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, 2009, 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.

Sets 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.

Specifies that nothing in the act shall be construed to limit a municipality, city, home rule city, city and county, county, or other local governmental entity from adopting or enforcing more stringent requirements for the installation and maintenance of carbon monoxide alarms.

Establishes that any person who installs a carbon monoxide alarm according to the manufacturer's published instructions shall have no liability to any person with respect to the operation, maintenance, or effectiveness of the carbon monoxide alarm.

Position: Support as amended

Status: 01/12/2009 Introduced In House - Assigned to Business Affairs and Labor
01/13/2009 House Committee on Business Affairs and Labor Witness Testimony Only
01/27/2009 House Committee on Business Affairs and Labor Refer Amended to House Committee of the Whole
02/02/2009 House Second Reading Passed with Amendments

Comments

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Note: HB09-1091 was amended in Business Affairs and Labor Committee to be consistent with the building code adopted by local jurisdictions.

HB09-1091 is on the calendar for 3rd reading and final passage in the House on Tuesday, February 3, 2009.

Bill Number: HB09-1131 **Prime Sponsors:** Rep. Gerou, Sen. (None)
Bill Title: Concerning the Funding of a Training Program for Directors of Fire Protection Districts in Wild Land-Urban Interface Areas.
Link to Bill: http://www.colofirechiefs.org/09Legislature/1131_01.pdf
Summary: Repeals a prohibition on the ability of the general assembly to appropriate general fund moneys to the wild land-urban interface training fund to provide training for directors of fire protection districts. Requires a specified amount to be appropriated to the fund each year.
Position: No position taken by BOD / Recommend Conceptual Support
Status: 01/13/2009 Introduced In House - Assigned to Local Government + Appropriations
01/29/2009 House Committee on Local Government Postpone Indefinitely

Comments

Note: HB09-1131 was Pl'd at the request of the sponsor as she was able to convince the Governor's office to include it in the "Healthy Forests" omnibus bill (HB09-1199). In HB 1131 she was seeking \$8,000 GF; HB 1199 seeks a \$50K appropriation from severance tax monies.

Bill Number: HB09-1151 **Prime Sponsors:** Rep. Todd, Sen. (None)
Bill Title: Concerning Designating the Department of Public Safety as the Agency Responsible for Oversight of School Building Inspections
Link to Bill: http://www.colofirechiefs.org/09Legislature/1151_01.pdf
Summary: Replaces the department of labor and employment with the department of public safety as the oversight agency responsible for school building code inspections. Makes conforming amendments.
Position: Support
Status: 01/14/2009 Introduced In House - Assigned to Judiciary
02/02/2009 House Committee on Judiciary Refer Amended to House Committee of the Whole

Comments

Note: A total of six amendments were passed by House Judiciary, most of them housekeeping in nature. HB09-1151 passed to House Committee of the Whole on a vote of 9-0-2. The amendments may be found at: http://www.colofirechiefs.org/09Legislature/HB1151_HS_Jud_Amend.pdf.

Bill Number: HB09-1162 **Prime Sponsors:** Rep. Gerou, Sen. (None)
Bill Title: Concerning Intergovernmental Cooperation for the Purpose of Mitigating Wildfires.
Link to Bill: http://www.colofirechiefs.org/09Legislature/1162_01.pdf

Summary: On or before a specified date, requires each local government that owns any land area that is located either entirely or partially inside the territorial boundaries of a county and that contains a specified percentage of forest land or land that constitutes a wild land area to enter into an intergovernmental agreement with the county for the purpose of mitigating forest land or wild land fires affecting the contiguous land areas of the local government and county.

Specifies that the intergovernmental agreement shall address:

- The identification of all parties to the agreement and their respective roles and responsibilities with respect to the mitigation of forest land and wild land fires;
- The procedures for cooperation and coordination among the parties to the agreement;
- Management objectives for forest land and wild land fire prevention, preparedness, mitigation, suppression, reclamation, or rehabilitation and designation of the local government with fiscal and operational authority for each objective;
- A description of available emergency or mutual aid resources in the event of forest land and wild land fires; and
- The specification of reimbursement and billing procedures.

Specifies that, if a party to the intergovernmental agreement fails to satisfy its duties or responsibilities with respect to the mitigation of forest land or wild land area fires within its territorial boundaries by any deadlines specified in the agreement, any additional parties to the agreement may undertake the duties and responsibilities of the nonperforming party, even with respect to land areas within the nonperforming party's territorial boundaries. In such circumstances, permits any party that undertakes such fire mitigation efforts to obtain reimbursement from the nonperforming party for its costs incurred in connection with the efforts as specified in the agreement.

Position: Monitor

Status: 01/14/2009 Introduced In House - Assigned to Local Government

Comments

HB09-1162 is scheduled to be heard by House Local Government Committee on Tuesday, February 3, 2009 at 1:30 p.m. in Room 0111.

Bill Number: HB09-1199 **Prime Sponsors:** Rep. Scanlan, Sen. Gibbs

Bill Title: Concerning Increased Efforts to Address Wildfire Risk, and, in Connection Therewith, Providing Resources to the Colorado State Forest Service to Augment Its Technical Outreach Capabilities and Provide Loans and Grants for Market-Based and Forest Treatment Solutions to Reduce Wildfire Risk.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1199_01.pdf

Summary: Requires passengers on school buses that are purchased after June 30, 2010, to wear safety belts. Expands the requirement after June 30, 2014, to cover buses purchased after June 30, 2004. Exempts a person with a disability if a physician certifies that a safety belt is inappropriate for that person. Requires school buses to be equipped with passenger safety belts. Directs the department of education to enforce the requirement that buses have safety belts.

Enacts the "Colorado Healthy Forests and Vibrant Communities Act of 2009". Directs the Colorado state forest service to:

- Adopt standards for community wildfire protection plans (CWPPs) adopted by local communities pursuant to the federal "Healthy Forests Restoration Act of 2003" to promote greater consistency among CWPPs and facilitate the adoption of CWPPS by local communities, and to provide technical assistance to such local communities;
- Reduce wildfire risks by supporting the implementation of risk mitigation treatments that focus on protecting lives, homes, and essential community infrastructure and by improving inventory and monitoring of forest conditions, including by implementing a cost-share grant program and by hiring additional temporary field capacity;
- Support communities and land managers in moving from wildfire risk reduction to long-term ecological restoration;
- Support local business development and job creation through the implementation of forest treatments, including by administering a revolving loan fund to support woody biomass utilization, marketing timber products, and supporting the increased use of woody biomass in bio-heating; Issue a statewide request for proposals for loans to businesses to provide start-up capital for new facilities or equipment to harvest, remove, use, and market beetle-killed or other timber taken from private, federal, state, county, or municipal forest lands as part of a wildfire risk reduction or fuels mitigation treatment; and
- Improve outreach and technical assistance by adding full-time temporary staff and GIS capacity to assist with risk assessments and planning and by developing a web-based clearinghouse for technical assistance and funding resources.

Creates the healthy forests and vibrant communities fund. Transfers \$2,950,000 from the operational account of the severance tax trust fund to the fund for purposes of the act. Transfers \$50,000 each year from the account to the wildland-urban interface training fund for training for directors of fire protection districts.

Directs the air quality control commission to work with key regulatory and management entities, including the forest service and representatives of local health departments to identify barriers to the increased use of prescribed fire and recommend solutions to address those barriers.

Position: No position taken by BOD / Recommend Support

Status: 01/29/2009 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

Comments

HB09-1199 is scheduled to be heard by House Agriculture, Livestock, & Natural Resources Committee on Wednesday, February 18, 2009 at 1:30 P.M. in Room 0107.

Bills of General Interest

Bill Number: SB09-029 **Prime Sponsors:** Sen. B. Shaffer, Rep. (None)

Bill Title: Concerning a Requirement That People on a School Bus Wear Safety Belts.

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Link to Bill: http://www.colofirechiefs.org/09Legislature/029_01.pdf

Summary: Requires passengers on school buses that are purchased after June 30, 2010, to wear safety belts. Expands the requirement after June 30, 2014, to cover buses purchased after June 30, 2004. Exempts a person with a disability if a physician certifies that a safety belt is inappropriate for that person. Requires school buses to be equipped with passenger safety belts. Directs the department of education to enforce the requirement that buses have safety belts.

Position: No position taken by BOD / Recommend Monitor

Status: 01/07/2009 Introduced In Senate - Assigned to Judiciary

Comments

Bill Number: SB09-064 **Prime Sponsors:** Sen. King, K, Rep. Massey

Bill Title: Concerning Building Inspections Relating to Utilities

Link to Bill: http://www.colofirechiefs.org/09Legislature/064_edu.pdf

Summary: Removes the requirement that state inspectors shall perform plumbing and electrical inspections of school district buildings. Requires local governments to utilize journeymen or master plumbers when contracting for plumbing inspections within their respective jurisdictions. Requires a local government to reimburse the state examining board of plumbers if the local government fails to timely notify the state board of its intent to commence or cease local plumbing inspections.

Requires state and local electrical and plumbing inspectors to inspect to the standards specified in the state electrical and plumbing codes.

Position: No position taken by BOD / Recommend Monitor (by FMAC)

Status: 01/12/2009 Introduced In Senate - Assigned to Education

01/21/2009 Senate Committee on Education Refer Amended to Senate Committee of the Whole

02/02/2009 Senate Second Reading Laid Over Daily

Comments

HB09-064 is on the calendar for 2nd reading in the House on Tuesday, February 3, 2009.

Bill Number: HB09-1057 **Prime Sponsors:** Rep. A. Kerr, Sen. Bacon

Bill Title: Concerning Parental Involvement in Kindergarten through Twelfth Grade Education.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1057_01.pdf

Summary: Allows an employee of an employer who employs at least 10 employees in this state to take unpaid leave for the purpose of attending parent-teacher conferences or other academic activities related to the educational advancement of the employee's child. Limits the unpaid leave to 6 hours per month and 40 hours in any academic year. Permits the employer to require the employee to take leave in no greater than 3-hour increments and to provide written verification from the school or school district of the academic activity necessitating

the leave. Requires the employee to provide the employer with at least 3 days' notice of the leave except in emergency situations where the employee is not aware of the need for leave 3 days in advance. Directs employees to make reasonable attempts to schedule conferences or other activities outside of regular work hours. Allows an employee to elect to substitute accrued paid vacation leave, personal leave, or other types of paid leave for unpaid leave. Specifies that an employer that provides comparable leave to its employees is in compliance with the act and is not required to provide its employees any additional leave.

Position: No position – seek to amend bill

Status: 01/07/2009 Introduced In House - Assigned to Education
01/22/2009 House Committee on Education Witness Testimony and/or Committee Discussion Only
01/29/2009 House Committee on Education Lay Over Amended

Comments

Note: The CSFCA has been working with the sponsor of HB09-1057 and the proponents to address the concerns of the fire service regarding this bill. The sponsor promises amendments that will address the CSFCA concerns.

See letter to Rep. A. Kerr at: http://www.colofirechiefs.org/09Legislature/Kerr_Letter_HB1057.pdf

HB09-1057 is scheduled to be re-heard by House Education Committee (action only) on Thursday, February 5, 2009 at 1:30 P.M. in Room 0112.

Bill Number: HB09-1071 **Prime Sponsors:** Rep. Gagliardi, Sen. (None)

Bill Title: Concerning the Moneys in the Search and Rescue Fund, and, in Connection Therewith, Increasing Surcharges on Outdoor Recreation Activities and Expanding the Use of Moneys in the Fund.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1071_01.pdf

Summary: Expands the scope of the search and rescue fund to include search and rescue activities involving at-risk adults and at-risk juveniles. Increases the surcharges for the search and rescue fund that are assessed on hunting and fishing licenses and on vessel, snowmobile, and off-highway vehicle registrations sold by the division of wildlife. Specifies that the department of local affairs (department) shall make Colorado outdoor recreation search and rescue cards available to equestrians and rock climbers.

Requires an agency or political subdivision of the state that receives grant moneys from the great outdoors Colorado trust fund to promote the purchase of Colorado outdoor recreation search and rescue cards by providing information on the program on web sites, trail head signs, and brochures on outdoor recreation.

Allows the chief of police of a municipality in which search and rescue activity occurs to certify claims to the department for reimbursement of costs of search and rescue activities.

Allows municipalities to apply for and receive year-end grants from the search and rescue

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fund. Specifies that moneys in the search and rescue fund may be used to reimburse costs or provide grants for national, regional, or state certification programs.

Position: Monitor

Status: 01/07/2009 Introduced In House - Assigned to State, Veterans, & Military Affairs + Finance

Comments

HB09-1071 is scheduled to be heard by House State, Veterans, & Military Affairs Committee on Tuesday, February 3, 2009 at 1:30 P.M. in Room 0112.

Bill Number: HB09-1080 **Prime Sponsors:** Rep. Marostica, Sen. Williams

Bill Title: Concerning a Grant of Qualified Immunity to Building Code Officials Rendering Assistance During a Disaster Emergency.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1080_01.pdf

Summary: Grants qualified immunity from civil action to a building code official who, while acting in his or her official capacity, assists during a state of disaster emergency.

Position: No position taken by BOD / Recommend Monitor (by FMAC)

Status: 01/08/2009 Introduced In House - Assigned to Judiciary
01/29/2009 House Committee on Judiciary Refer Unamended to House Committee of the Whole

Comments

HB09-1080 is scheduled to be heard on 2nd reading in the House on Tuesday, February 3, 2009 at 1:30 p.m.

Bill Number: HB09-1094 **Prime Sponsors:** Rep. Levy, Sen. Bacon

Bill Title: Concerning Wireless Telephone Prohibitions for Drivers.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1094_01.pdf

Summary: Prohibits operators of a motor vehicle who are under 18 years of age, operators of a school bus, and motor vehicle carriers regulated by the public utilities commission from using a wireless telephone while a motor vehicle they are operating is in motion. Otherwise, permits operators of a motor vehicle who are 18 years of age or older to use a wireless telephone equipped with a hands-free accessory. Deems the use of a wireless telephone by an operator as a class A traffic infraction.

Position: Monitor

Status: 01/12/2009 Introduced In House - Assigned to Transportation & Energy

Comments

HB09-1094 is scheduled to be heard by House Transportation & Energy Committee on Tuesday, February 3, 2009 at 1:30 p.m. in Old Supreme Court Chamber.

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Bill Number: HB09-1120 **Prime Sponsors:** Rep. Stephens, Sen. (None)

Bill Title: Concerning Criminalizing Certain Acts in Order to Protect the Safety of Certain Public Servants, and Making an Appropriation in Connection Therewith.

Link to Bill: http://www.colofirechiefs.org/09Legislature/1120_JU.pdf

Summary: Makes it a second degree assault when a person with the intent to infect, injure, harm, harass, annoy, threaten, or alarm a peace officer, a firefighter, or emergency medical technician causes that person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material. States that a person convicted of said offense is not subject to the aggravating sentencing provisions that apply to second degree assault on a peace officer or firefighter.

Clarifies that a person commits the crime of disarming a peace officer if he or she knowingly, without justification and without consent, removes the self-defense electronic control device, direct-contact stun device, or other similar device of a peace officer who is acting under his or her official authority. Makes the 5-year statutory appropriation.

Position: No position taken by BOD / Recommend Conceptual Support

Status: 01/13/2009 Introduced In House - Assigned to Judiciary + Appropriations
01/29/2009 House Committee on Judiciary Refer Amended to Appropriations

Comments

Please let me know if you have any comments, questions or if you have any problems with any of the links to bills.

Paul