

Bills of Interest to the Colorado State Fire Chiefs' Association in the 2010 Colorado General Assembly

Bill Number	Sponsor	Title	Bill Summary	Status	Notes/Link to Bill	Position
SB10-021	Senate: Morse House: Labuda	Concerning a Volunteer Firefighter Pension Plan.	Makes the following changes to the "Volunteer Firefighter Pension Act": <ul style="list-style-type: none"> • Eliminates the exclusion of the reimbursement for lost wages from the definition of "compensation", as the term is used in the definition of "volunteer firefighter"; • Permits retired fire department members, including those who have returned to active service, to serve on the board of trustees of a volunteer firefighter pension fund; • Eliminates an investment restriction on a trustee of a fund; and • Eliminates the requirement that the board of trustees of a fund deliver a copy of a report on the condition of the fund to the board of directors of its fire protection district. 	03/10/2010 Governor Action - Signed	Police Officers' and Firefighters' Pension Reform Commission www.colofirechiefs.org/10Legislature/021_enr.pdf Analysis of Proposed Legislation by Dino Ross, Ireland Stapleton Pryor & Pascoe, PC www.colofirechiefs.org/10Legislature/SB10-021_Analysis.pdf	Support
SB10-022	Senate: Morse House: King, S.	Concerning a Member-Approved Increase in the Member Contribution Rate to the Statewide Defined Benefit Plan Administered by the Fire and Police Pension Association.	Permits the board of directors of the fire and police pension association to increase the member contribution rate for the statewide defined benefit plan if the increase: <ul style="list-style-type: none"> • Does not require an increase in the employer contribution rate or adversely affect the plan's status under federal law; and • Is approved by a supermajority of active plan members and a majority of the employers. 	03/10/2010 Governor Action - Signed	Police Officers' and Firefighters' Pension Reform Commission www.colofirechiefs.org/10Legislature/022_enr.pdf	Monitor
SB10-023	Senate: Williams House: Riesberg	Concerning the Discretion of the Board of Directors of the FPPA to Adopt Rules Regarding the Return to Work by a Member Participating in the Defined Benefit System of the Association Who Elects Retirement.	Allows the board of directors of the fire and police pension association to adopt rules, in the board's discretion, suspending the distribution of benefits to any retired member participating in the defined benefit system who, after electing a retirement, has returned to work with an employer who also participates in the defined benefit system.	03/10/2010 Governor Action - Signed	Police Officers' and Firefighters' Pension Reform Commission www.colofirechiefs.org/10Legislature/023_enr.pdf	Monitor

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SB10-024	Senate: Tochtrop House: Labuda	Concerning the Repeal of the Authority of The Board of Directors of the FPPA to Affiliate with a Local Money Purchase Pension Plan.	Repeals the authority of the board of directors of FPPA to enter into an agreement with an employer establishing a money purchase pension plan for the purpose of having the board administer the plan and manage the investment of the moneys of the plan. Eliminates a cash fund and audit requirement related to the affiliated plan.	03/10/2010 Governor Action – Signed	Police Officers' and Firefighters' Pension Reform Commission www.colofirechiefs.org/10Legislature/024_enr.pdf	Monitor
SB10-084	Senate: Tochtrop House: Gagliardi	Concerning the Creation of a Colorado Peace Officers' Bill of Rights.	The bill establishes minimum standards that all employing agencies must provide to peace officers as part of their employment regarding: <ul style="list-style-type: none"> • A peace officer's ability to engage in political activity; • Entry of adverse comments in a peace officer's personnel records; • Participation in employee organizations; • Bringing suit arising out of the performance of a peace officer's duties; • Truth verification tests; • Public statements regarding internal investigations; • Tests of blood, breath, or urine; • Arrest quotas; [more] 	04/26/2010 Senate Second Reading Laid Over to 05/13/2010	www.colofirechiefs.org/10Legislature/084_jud.pdf The bill is applicable to all "peace officers" described in §16-2.5-101, C.R.S., which includes "fire arson investigators authorized by a unit of local government (§16-2.5-109, C.R.S.). Note: Bill was laid over until after the legislative session adjourns at the request of the sponsor.	Oppose
SB10-085	Senate: Scheffel House: Priola	Concerning the Creation of a Business Personal Property Tax Exemption Reimbursement Pilot Program.	The bill establishes a pilot program to reimburse 5 participating counties for revenue lost as a result of a business personal property tax exemption. The state will reimburse a participating county for lost property tax revenue for 4 of the 5 years that the exemption is in place. The first year the reimbursement will be 100% of the lost property tax revenue, and that percentage will be reduced by 25% in each of the next 4 years. [more]	02/17/2010 Senate Committee on State, Veterans & Military Affairs Postpone Indefinitely	www.colofirechiefs.org/10Legislature/085_01.pdf	Monitor

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SB10-102	Senate: Gibbs House: Fischer	Concerning the Certification of Users of Prescribed Fire According to Standards Established by the Colorado State Forest Service.	The bill directs the CSFS to establish training and certification standards for users of prescribed fire, including certified burner and noncertified burner designations, recommended processes for certified burners to conduct a prescribed fire, recommended organizational structures for prescribed burn operations, training standards for certified burners, and identification of preexisting fees, permit requirements, liabilities, liability exemptions, and penalties for prescribed burn personnel and landowners.	04/15/2010 Governor Action - Signed	www.colofirechiefs.org/10Legislature/102_enr.pdf	Monitor
SB10-110	Senate: Williams House: Ryden	Concerning the Enforcement of Offenses Involving Failure of Certain Persons in a Vehicle to Use an Appropriate Restraining Device.	The bill makes failure to wear a restraining device in a vehicle a primary offense and punishable as a class B traffic infraction. For a law enforcement officer to stop a driver for a restraining device violation, the officer must clearly observe the restraining device violation and be able to articulate that the restraining device was unfastened. [More]	04/27/2010 Senate Considered House Amendments - Result was to Concur - Repass	www.colofirechiefs.org/10Legislature/110_enr.pdf	Support
SB10-120	Senate: White House: Rice	Concerning the Inclusion of Prepaid Wireless Telephone Service Among the Services Subject to the Surcharge that Funds Enhanced 911 Emergency Services	The bill imposes a 1.4% charge on the retail sale of prepaid wireless telephone service, for use by local 911 authority boards to fund E911 services. The charge is collected and remitted by retail sellers to the department of revenue (department) in the same manner as sales tax is collected, after which the department transfers the fee to local 911 call centers in proportion to the number of wireless calls they receive. The bill also protects prepaid wireless sellers against liability for 911-related failures and for assisting law enforcement officers in criminal investigations.	05/05/2010 Senate Considered House Amendments - Result was to Concur - Repass	www.colofirechiefs.org/10Legislature/120_rer.pdf	Support

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SB10-135	Senate: Spence House: Pace	Concerning an Exemption From the 911 Charge for Customers Receiving Subsidies Under Federal Programs.	The bill adds a required clause to any contract between a public entity and a contractor or designer for a public works project. The new clause requires the public entity to pay the contractor on a periodic basis for any costs incurred by the contractor for work performed until the change order is finalized.	03/22/2010 Senate Second Reading Laid Over to 05/15/2010 (Bill Dead)	www.colofirechiefs.org/10Legislature/135_sta.pdf	Monitor

HOUSE BILLS

HB10-1016	House: Waller Senate: Tochtrop	Concerning the Extension of the Term of the Retired Member of the Board of Directors of the FPPA.	Extends the term of the retired firefighter or police officer serving as a member of the board of directors of the FPPA from 4 years to 6 years.	04/05/2010 Governor Action – Signed	Police Officers' and Firefighters' Pension Reform Commission www.colofirechiefs.org/10Legislature/1016_enr.pdf	Monitor
HB10-1018	House: Looper Senate: Gibbs	Concerning Increased Authority to Regulate Waste Tires.	Current law gives several departments authority over fees collected upon the sale of new motor vehicle tires to deal with waste tires. The bill consolidates all such authority in the department of public health and environment (department) and adds requirements for fire prevention planning, registration, decals, and manifests for certain waste tire haulers and waste tire facilities. [More]	05/06/2010 House Considered Senate Amendments - Result was to Concur - Repass	www.colofirechiefs.org/10Legislature/1018_rer.pdf	Support
HB10-1054	House: King S. Senate: Carroll M.	Concerning Presenting School Safety Information at Institutions of Higher Education.	The bill requires institutions of higher education to conduct a 45-minute school safety presentation during new student orientation. The higher ed institution may determine the medium for presenting the information to new students, so long as the presentation includes specified information, such as information concerning communication with school safety personnel and various emergency safety protocols for school buildings. [More]	04/15/2010 Governor Action - Signed	www.colofirechiefs.org/10Legislature/1054_enr.pdf	Support

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HB10-1095	House: Gerou Senate: Kopp	Concerning a Limitation on the Authority of a Fire Protection District to Charge Fees for Providing Certain Rescue Services to Those Services Provided at the Scene of a Motor Vehicle Accident.	The bill specifies that the authority of the district to charge certain rescue fees is limited to services provided at the scene of a motor vehicle accident.	03/10/2010 Governor Action - Signed	www.colofirechiefs.org/10Legislature/1095_enr.pdf	Support in Concept
HB10-1107	House: Fischer Senate: Carroll M.	Concerning Limitations on the Inclusion of Agricultural Lands Within Urban Renewal Areas.	the bill prohibits any area that has been designated as an urban renewal area from containing any agricultural land unless the area containing the agricultural land is at least 2/3's contiguous with urban-level development and at least 1/2 of the area consists of urban-level development; [More]	04/14/2010 Governor Action - Signed	www.colofirechiefs.org/10Legislature/1107_enr.pdf	Support
HB10-1123	House: Sonnenberg Senate: Renfroe	Concerning Controlled Agricultural Burns in Arson Cases.	The bill states that it is not an arson offense if the person started a fire as a controlled agricultural burn in a reasonably cautious manner and there was no personal injury as a result.	04/20/2010 Governor Action - Signed	www.colofirechiefs.org/10Legislature/1123_enr.pdf	Support
HB10-1136	House: King S. Senate: None	Concerning Emergency Safety Procedures in Kindergarten-Through-Twelfth-Grade Schools.	Commencing with the 2010-11 academic year, the bill requires primary and secondary public schools to conduct at least 2 emergency safety protocol drills each academic year in addition to fire evacuation drills. An emergency safety protocol drill may include the practice of evacuation, lockdown, reverse evacuation, or shelter-in-place procedures. [More]	02/11/2010 House Education Committee Postponed Indefinitely	www.colofirechiefs.org/10Legislature/1136_01.pdf	Conceptually Support/ Seek Amendments

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HB10-1241	House: Casso Senate: Tochtrop	Concerning Required Registration for Persons Who Work on Fire Suppression Systems.	<p>The bill prohibits a person from acting or advertising as a sprinkler fitter unless the person has registered with the state fire suppression administrator. In order to register, a person shall pay a fee and:</p> <ul style="list-style-type: none"> • Demonstrate that he or she has successfully completed a sprinkler fitter apprenticeship program; • Perform at least 8,000 hours of documented practical work experience on fire suppression systems; or • Otherwise demonstrate competency as a sprinkler fitter as determined by the administrator. [More] 	05/12/2010 House Considered Senate Amendments - Result was to Concur - Repass	www.colofirechiefs.org/10Legislature/1241_rer.pdf	Support
HB10-1260	House: Riesberg Senate: Newell	Concerning the Sunset Review of the Colorado State Board of Medical Examiners, and, in Connection Therewith, Continuing the Board and the Regulation of Physicians and Physician Assistants until July 1, 2019, and Implementing the Recommendations Contained in the Sunset Review and Report of the Board.	<p>The bill implements the recommendations of the Department of Regulatory Agencies in its sunset review of the Colorado state board of medical examiners by amending the "Colorado Medical Practice Act".</p> <p>Sections 6 through 12 of the bill:</p> <ul style="list-style-type: none"> • Transfer regulatory authority pertaining to the duties and functions of emergency medical technicians (EMTs) from the state board of medical examiners to a newly created board within the Colorado Department of Public Health and Environment, effective January 1, 2011; • Create the board of emergency medical and trauma services (BEMTS) to regulate the duties and functions of EMTs and adopt rules for such purpose; • Schedule the BEMTS and its functions related to the regulation of EMTs for sunset review and repeal on July 1, 2017; [More] 	05/04/2010 House Considered Senate Amendments - Result was to Concur - Repass	<p>Sunset Process - House Health and Human Services Committee.</p> <p>www.colofirechiefs.org/10Legislature/1260_rer.pdf</p> <p>Note: The report of the DORA Sunset Review of the Board of Medical Examiners can be downloaded at: www.colofirechiefs.org/10Legislature/2009Medical-Board.pdf</p>	Support

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HB10-1368	House: Scanlan Senate: None	Concerning a Modification to Planning Requirements Affecting County Governments to Clarify that Political Subdivisions are not Exempt From County Approval of Land-Use Development Under the "Planned Unit Development Act of 1972"	Current law prohibits the construction or authorization of certain public projects in the unincorporated area of a county unless the proposed location and extent of the project are submitted to and approved by the county. Court cases have construed this provision to exempt political subdivisions such as special districts from complying with county planning and zoning requirements for public projects, particularly in connection with public projects on land encompassed within a planned unit development already subject to county regulations. The bill modifies the statutory provision requiring the location and extent review to clarify that the review does not waive or exempt any political subdivision from compliance with regulations adopted by the county pursuant to the "Planned Unit Development Act of 1972".	04/22/2010 House Committee on Local Government Postpone Indefinitely	www.colofirechiefs.org/10Legislature/1368_01.pdf CSFCA Position Statement Posted at: www.colofirechiefs.org/10Legislature/HB1368.pdf	Oppose
HB10-1399	House: Weissmann Senate: Gibbs	Concerning the Authority of the Colorado Bureau of Investigation to Assist a Chief of a Fire Department in the Investigation of a Fire Related to the Crime of Arson	If the chief of a fire department requests assistance from the Colorado Bureau of Investigation (bureau) in investigating the cause and origin of a fire or in enforcing the laws related to the crime of arson, the bureau may provide such assistance, with the approval of the director of the bureau. [more]	05/04/2010 Senate Third Reading Passed	www.colofirechiefs.org/10Legislature/1399_rer.pdf	Support

BILLS OF GENERAL INTEREST

SB10-116	Senate: Kopp House: Rice & Priola	Concerning the Reimbursement of Costs Incurred on Change Orders in Public Works Contracts.	The bill adds a required clause to any contract between a public entity and a contractor or designer for a public works project. The new clause requires the public entity to pay the contractor on a periodic basis for any costs incurred by the contractor for work performed until the change order is finalized.	03/31/2010 Governor Action - Signed	www.colofirechiefs.org/10Legislature/116_enr.pdf	Monitor
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HB10-1012	House: Pace Senate: M. Carroll	Concerning Limitations on the Use of Surveillance of Employees Who Have Submitted a Workers' Compensation Claim.	Prohibits an insurer or employer from conducting surveillance of an employee who has submitted a workers' compensation claim unless the insurer or employer has a reasonable basis to suspect that the employee has committed fraud or made a material misstatement concerning the claim; [More]	05/05/2010 Senate Committee on Judiciary Postpone Indefinitely	Interim Committee to Study Issues Related to Pinnacol Assurance. www.colofirechiefs.org/10Legislature/1012_ren.pdf	Monitor
HB10-1023	House: Waller Senate: Hudak	Concerning Clarifying Civil Liability Regarding Negligent Hiring Practices for an Employer that Hires a Person with a Criminal Record.	The bill prohibits information regarding an employee's criminal history from being introduced as evidence in a civil action against an employer if: (a) The nature of the criminal history does not bear a direct relationship to the facts underlying the cause of action; (b) The record of an arrest or charge did not result in a criminal conviction. [More]	03/29/2010 Governor Action - Signed	Economic Opportunity Poverty Reduction Task Force. www.colofirechiefs.org/10Legislature/1023_enr.pdf	Monitor
HB10-1056	House: Frangas Senate: M. Carroll	Concerning the Disposal of Business Records Containing Personal Identifying Information.	The bill prohibits a public or private entity in the state that uses paper or electronic documents or records during the course of business that contain personal identifying information from disposing of such a document or record unless, prior to the disposal of the document or record, the affected entity, erases and renders indecipherable and irretrievable all personal identifying information contained in the document or record. [More]	02/25/2010 House Committee on Judiciary - Postpone Indefinitely	www.colofirechiefs.org/10Legislature/1056_01.pdf	Monitor
HB10-1147	House: Kefalas Senate: Bacon	Concerning Safer Use of Nonmotorized Wheeled Transportation By Minors [More]	Requires an individual 2 years of age or older but under 18 years of age to wear a helmet that meets the applicable federal safety standard for helmets whenever the individual uses nonmotorized wheeled transportation on a public street or premises open to the public.	04/28/2010 House Considered Senate Amendments - Result was to Concur - Repass	www.colofirechiefs.org/10Legislature/1147_rer.pdf	Monitor

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HB10-1162	House: Soper Senate: Bacon	Concerning Payment of Amounts Due Under a Construction Contract.	The bill prohibits retaining more than 5% of the payments due to a contractor to ensure that work is satisfactorily completed (retainage) for the first 50% of a construction project. For the remaining 50% of the work, the bill prohibits retainage of more than 2.5%. More retainage may be withheld for work that is unsatisfactorily completed. [More]	04/20/2010 House Second Reading Lost with Amendments	www.colofirechiefs.org/10Legislature/1162_bal.pdf	Monitor
HB10-1168	House: Levy Senate: Steadman	Concerning a Limitation on the Ability of an Insurer to Obtain Repayment of Benefits from an Injured Party Who Recovers Damages from the Party Responsible for the Injury in Situations When the Injured Party Would Not Be Fully Compensated if the Benefits are Repaid to the Insurer.	The bill would limit the ability of an insurer to obtain a repayment of benefits if the repayment would cause the injured party to not be fully compensated. Additionally, if the injured party has been fully compensated and the repayment is allowed, the amount of the repayment is limited to the amount actually paid by the insurer. Finally, the bill requires the insurer to pay its proportionate share of attorney fees and costs incurred by the injured party in obtaining the settlement or judgment. [More]	04/28/2010 Governor Action - Signed	www.colofirechiefs.org/10Legislature/1168_enr.pdf	Monitor
HB10-1238	House: Curry Senate: Schwartz	Concerning Wildlife Crossing Zones.	The bill allows the department of transportation, in consultation with the division of wildlife in the department of natural resources, to establish areas within the public highways of the state as wildlife crossing zones. If the department receives authorization from the federal government to designate areas of the federal highways of the state as wildlife crossing zones, the department may do so. The department is prohibited from establishing a lower speed limit for more than 100 miles of the public highways of the state that have been established as wildlife crossing zones. [More]	05/11/2010 House Considered Senate Amendments - Result was to Concur - Repass	www.colofirechiefs.org/10Legislature/1238_rer.pdf	Monitor

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HB10-1266	House: Frangas Senate: None	Concerning the Inclusion of Employees of Specified Employers in Certain Aspects of State Group Benefit Plans at the Option of the Employer.	The bill allows certain local governments, small businesses, and nonprofit organizations to offer participation in fully funded state group benefit plans for medical and dental coverages to their employees.	04/23/2010 House Committee on Appropriations Postpone Indefinitely	www.colofirechiefs.org/10Legislature/1266_bal.pdf	Monitor
HB10-1269	House: Levy Senate: M. Carroll	Concerning the Creation of Remedies Available in Employment Discrimination Cases.	Current law does not allow an award of compensatory or punitive damages or attorney fees and costs to a plaintiff who prevails in a lawsuit alleging a discriminatory or unfair employment practice under state law. While federal employment antidiscrimination laws allow such damages and reasonable attorney fees and costs, only employers who employ 15 or more employees are subject to federal law. Moreover, victims of employment discrimination on the basis of sexual orientation are not afforded protections under federal law. Thus, employees who work for employers with fewer than 15 employees or who claim employment discrimination on the basis of sexual orientation are not allowed compensatory or punitive damages or to recover reasonable attorney fees and costs when they prove a case of employment discrimination. [More]	04/15/2010 House Second Reading Lost with Amendments	www.colofirechiefs.org/10Legislature/1269_jud.pdf	Monitor