



## Colorado State Fire Chiefs' Association

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### Legislative Committee Meeting Notes

Wednesday, January 6, 2010

A meeting of the CSFCA Legislative Committee was held on Wednesday, January 6, 2010 at 1330 at the State Capital. Conference call capabilities were not provided for this meeting due to the meeting location.

The following members of the Legislative Committee were in attendance: Steve Pischke, Chair; Dave Parmley; Dan Qualman; Doug McBee; Jerry Rhodes; Paul Cooke (ex-officio); Roberta Robinette (ex-officio); and Katie Mendel.

Note: Prior to the meeting, Cooke distributed the following documents to committee members:

- The Legislative Process – An excellent overview of the legislative process in Colorado, prepared by the Legislative Council
- How a Bill Becomes Colorado Law – A graphic illustration of the legislative process
- 2010 Senate Members & Fire District – A listing of Senate Districts and the corresponding fire districts with contact information for the Senator
- 2010 House Members & Fire District – A listing of House Districts and the corresponding fire districts with contact information for the Representative

All of these documents have been posted on the CSFCA Legislative Webpage at:

<http://www.colofirechiefs.org/legislative.htm>.

There were a number of items covered during the meeting. Those present went over procedures for testifying in front of a committee (Note: an information sheet on this subject is posted at: <http://www.colofirechiefs.org/10Legislature/Testifying.pdf>). Also discussed was appropriate dress when at the Capital (uniforms recommended), and some of the "ins and outs" about the Capital itself.

We also covered some legislative items, as follows:

#### Fire District Fee Bill

Cooke reported that the final draft version of Rep. Gerou's fire protection district fee bill includes all of the amendments that we asked for (amending the bill title, bill summary and language of the bill).

In its current form, this bill should have no adverse impact because the language limiting fees for rescue or extrication of trapped or injured parties AT THE SCENE OF A MOTOR VEHICLE ACCIDENT is added after the clause "includes but is not limited to".

Cooke indicated that this is definitely a bill we will want to stay on top of. While the House sponsor is friendly to the fire service, it would be real easy for this bill to be amended and create adverse impact. We need to be prepared with testimony much the same as we did last year on HB09-1041; what

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services are provided by fire protection districts, why fees are appropriate for certain types of services, etc. Cooke will modify the handout that we used for HB09-1041 for this purpose.

Cooke reported that we have asked the Colorado Search and Rescue Board to meet with us regarding the "big picture" issue of their desire that fire protection districts (and fire departments) not bill for rescue services, except motor vehicle accidents.

#### Proposed Bill to Establish Limits on Property & Casualty Insurance Policy Wildfire Mitigation Requirements

Cooke indicated that he had previously reported that certain property and casualty insurance companies have established defensible space requirements for properties in WUI areas that exceed IUWIC and Firewise standards. In some cases they are requiring property owners to go beyond their properties and onto public or private properties of neighbors to mitigate fuels in order to maintain insurance coverage.

This issue was brought to the CSFCA by Genesee Fire Rescue (Bill Easterling) and Golden Fire Department (Jerry Stricker & Rocco Snart). They were proposing legislation that would establish limits on what a property and casualty insurance company could require in terms of defensible space and other wildfire mitigation efforts.

Cooke reported that Bill Easterling of Genesee recently contacted Rep. Gerou regarding this issue. I suggested that a good first step would be to meet with the Insurance Commissioner, since this may be something that can be addressed through agency rules instead of statutes. If Commissioner Morrison believes a statutory change is necessary (and no interim fix is available), it might provide the justification needed for a late bill.

Cooke indicated that he had advised Bill Easterling that before meeting with the Insurance Commissioner, there were questions that should be answered:

- Is the issue that insurance companies are requiring mitigation measures that are not on the property of the policy-holder, or is it that insurance companies are adopting a more restrictive standard than is recommended by the CSFS (or both)?
- Do we want to establish statutory limits on an insurance company's ability to manage its risk?
- If so, what is reasonable, and are we willing to accept the higher insurance premiums that may result?
- Are the insurance company requirements overly burdensome on the policy-holder?
- Are these requirements being applied universally, or is it just one or two insurance companies?
- If an insurance carrier cancels a policy for non-compliance, is other insurance reasonably available?
- What is the magnitude of the problem . . . is it a handful of affected property owners/policy-holders . . . or is it a statewide issue in WUI areas?

Cooke suggested these are some of the questions we could be confronted with if legislation is proposed and we should be ready to answer for the Insurance Commissioner.

#### Urban Renewal/TIF

Cooke/Pischke reported that we do not have a sponsor for a bill to exempt fire districts from TIF impacts and that leadership approval would be needed for this. Before we proceed further, though, we need to determine if Roberta has a conflict of interest, as her firm represents a client (Colorado Sand and Gravel Association) that historically opposes efforts to reform the Urban Renewal Statutes. A meeting will be set up with the CSGA in an effort to convince them that fire protection districts are uniquely impacted by URA's and TIF and there are means available to address these impacts without affecting a municipality's ability to utilize these tools. Our hope is the CSGA would at least stay neutral with respect to our legislative efforts to address these impacts, so Roberta will not be conflicted out.

Pischke reported that we also have a meeting to discuss this and other issues with SDA.

### Prescribed Fire Legislation

Cooke reported that Jeff Berino has met with Sen. Gibbs to discuss CSFCA concerns with the draft bill concerning the Certification of Users of Prescribed Fire. He indicated that he has not heard back from Jeff as he is currently on vacation.

### **Other Issues**

The Legislative Committee discussed the following additional items:

### Medical Marijuana

Chief McBee indicated that the Medical Marijuana issue is one that could affect all fire departments and it would be good to know how fire departments are dealing with the issue. Cooke indicated that he would do some research on the issue and report back at the next Board of Directors meeting.

### Legislative Committee Webpage

Cooke reported that he has created a page for the CSFCA Legislative Committee at: <http://www.colofirechiefs.org/legislativecomm.htm>. This page contains the mission of the committee, its responsibilities, list of the members, and the minutes from committee meetings that have been held. Currently, there is no link to this page from the "Home" page or the Legislative page as Cooke was not sure if we want to use it as just a resource for the committee or if it will be general public information.

### Capitol Tour

Following discussion of the issues, the members present participated in a tour of the Capitol and where the rooms and chambers are that we might have to find.

I would ask that anyone, either Committee members or Subject Matter Experts (SME), that would like to visit the Capital before having to appear there to testify and wanting to see where things are, to please contact either myself or Paul.

### Next Meeting

The next meeting of the Legislative Committee will be Friday, January 15, 2010 at 1:30 p.m. at South Metro Fire Headquarters. Conference call capability will be provided. We will be meeting weekly at the same time, unless notice is given of a change or that a particular meeting is not needed.

Steve Pischke  
Legislative Committee Chair