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Rep. Ken Summers (ken.summers.house@state.co.us)
Rep. Robert Witwer (rob.witwer.house@state.co.us) Note: Rep. Witwer is the House Sponsor of this Bill.

Speaking Points:

Volunteer fire departments and fire protection districts statewide are finding it increasingly difficult to find ways to attract and retain volunteers while dealing with the complex and often inconsistent requirements of the Colorado Volunteer Pension Act, the Fair Labor Standards Act, and the U. S. Internal Revenue Code.

While each of these laws respect and encourage volunteer service, their respective handling of expense reimbursement, compensation and benefits are often contradictory. Compliance with one set of rules can lead to inevitable violation of another agency's requirements.

This past summer, a working task force including representatives of the Colorado State Fire Chiefs' Association, the Colorado State Fire Fighters' Association, the Special District Association, and several leading attorneys who represent volunteer departments and districts, has analyzed this situation carefully, and is proposing two bills amending the Colorado Volunteer Pension Act, which we think will go a long ways toward reconciling these various requirements. These legislative proposals have been approved by the Police Officers' and Firefighters' Pension Reform Commission.

Senate Bill 07-007, sponsored in the House by Representative Rob Witwer, expands the types of payments that firefighters may receive for their services and still be considered volunteers for purposes of pension eligibility under the Volunteer Firefighter Pension Act. Under current law, a "volunteer firefighter" is one who does not receive compensation as a firefighter, and compensation excludes expense reimbursements and lost salary during the time of volunteer service.

SB 07-007 clarifies that participation in qualified benefit plans, payment for participation in federal emergency management efforts, and nominal fees or benefits paid on a per-call basis or part of an annual merit or recognition award program will not be considered as compensation which otherwise would disqualify the volunteer from participating in the state Volunteer Pension Plan.

The bill was recommended by the Police Officers' and Firefighters' Pension Reform Commission during the 2006 interim.

The second bill, House Bill 07-1031, sponsored by Representative Witwer, allows municipal fire departments and fire protection districts to establish a Length of Service Award Program as one means of enhancing the incentives for volunteers to continue in service. The IRS allows Length of Service Award Programs for volunteers, under which a department or district can contribute up to \$3,000 per year for bona fide fire and emergency volunteers. The contributions, along with the interest and earnings therefrom, are tax deferred for the volunteer until such time as volunteer service is ended or the contributions are withdrawn by the volunteer.

Although these length of service award programs are permitted by Internal Revenue Code Section 457(e)(11), Colorado statutes do not specifically authorize their establishment. House Bill 07-1031 enables local departments and districts to establish such plans under terms that are consistent with IRC.

HB07-1152, Concerning The Authorization Of Special Districts Organized 32, Colorado Revised Statutes, To Impose Under Title Impact Fees Pursuant To Existing Statutory Provisions Authorizing Such Fees To Be Levied By Other Local Governments (Stafford), was also heard by House Local Government Committee. The sponsor indicated that she was working with opponents and proponents on an amendment that will limit the applicability to fire protection districts. Testifying in support of this Bill (in concept) was CSFCA, FMAC and SDA. Testifying against was the homebuilders association. Following testimony, the Bill was taken off the table to allow the Sponsor to work with the parties on an amendment.

HB 1152 is calendared to be heard by House Local Government Committee on February 22, 2007, upon adjournment in Room 0111.

Survey Posted for Volunteer and Combination Chiefs Regarding HB07-1153

Representative Rob Witwer of Jefferson County is sponsoring legislation this year to provide a tax rebate for volunteer firefighters.

HB07-1153, Concerning A Tax Rebate For Volunteer Firefighters would allow a qualified volunteer firefighter to apply for a tax rebate through the department of revenue in the amount of \$125 per year for 2 consecutive years (for the 2007-08 and 2008-09 fiscal years). As proposed, the primary source of funding for this legislation is the Operational Account of the Severance Tax Fund.

The Colorado State Fire Chiefs' Association is conducting a survey of fire chiefs of volunteer and combination fire departments to determine the level of support for this legislative initiative. Your participation in this very short and easy to complete survey will assist the CSFCA Board of Directors in developing a strategy concerning this issue, and is greatly appreciated.

The results of the survey will be distributed to all participants.

To access the survey, go to: <http://www.surveymonkey.com/s.asp?u=73683290455>

Please read the introductory information before responding to the survey. Contact me if you have any questions.

A summary of all bills the CSFCA is tracking, their status, and the association position is attached.

For comments or questions concerning this Legislative Update, contact Paul L. Cooke, CSFCA Executive Director at (720) 847-8116 or paul@coloradofirechiefs.org.

**Colorado State Fire Chiefs' Association
Bills of Interest**

Bill Number	Sponsor	Committee	Title	Bill Summary	Schedule	History	Position
HB07-1008	House: Cerbo Senate: None	House Business Affairs and Labor	Concerning Workers' Compensation Coverage For Firefighters Who Contract Certain Types Of Cancer.	Requires that, under the "Workers' Compensation Act of Colorado", if a firefighter contracts cancer of the brain, skin, digestive system, hematological system, or genitourinary system, the condition or impairment shall be deemed to have occurred within the course and scope of employment unless a physical examination of such firefighter shows evidence of such condition or impairment that preexisted employment.		Intro: 1/10 2/1 Witness Testimony Only	Amend & Support
HB07-1029	Senate: Tochtrop House: McGihon	Senate Local Government	Concerning Disability And Survivor Benefits For Members Of The Fire And Police Pension Association	Modifies the definition of "dependent child" to include any child under the age of 23, regardless of whether he or she is married or a student. Changes how the income offset is calculated for permanent occupational disabilities.	20 Feb 2007 Senate 2 nd Reading	Intro: 1/10 Passed Amended To Floor: 1/18 Passed 2 nd Reading: 1/22 Passed 3 rd Reading: 1/23 13 Feb 2007 Pass amended to Floor	Monitor
HB07-1030	Senate: Taylor House: Riesberg	Senate Finance	Concerning The Timing Of Contribution Deposits For Plans Administered By The Fire And Police Pension Association	Requires all contribution deposits for police officers' and firefighters' new hire pension plans and the statewide death and disability plan to be made 10 days following the payment of salary to the member, regardless of whether a member is paid more than once per month.	None	Intro: 1/10 Passed To Floor: 1/18 Passed 2 nd Reading: 1/22 Passed 3 rd Reading: 1/23	Monitor
HB07-1031	Senate: Tochtrop House: Witwer	Senate Local Government	Concerning Length Of Service Awards For Bona Fide Volunteers Who Provide Qualified Emergency Services	Specifies that a governing body of an emergency service provider may adopt and administer an IRS 457 (e) (11) length of service award plan for bona fide volunteers who provide qualified emergency services.	20 Feb 2007 Senate 2 nd Reading	Intro: 1/10 Passed Amended To Floor: 1/18 Passed 2 nd Reading: 1/22 Passed 3 rd Reading: 1/23 13 Feb 2007 Pass unamended to Floor	Support
Bill							

**Colorado State Fire Chiefs' Association
Bills of Interest**

Number	Sponsor	Committee	Title	Bill Summary	Schedule	History	Position
HB07-1078	Senate: None House: Soper	Senate Local Government	Concerning The Authority Or A County To License Persons Engaging In The Business Of Being A Contractor With The County.	Authorizes any county in the state to establish a licensing program to require a person who engages in the business of being a building contractor within the county to obtain a license from the county prior to engaging in the business.	None	Intro: 1/10 1/30 Pass Amended to Floor 02/09 2nd Reading Passed with Amendments 02/12 Passed 3 rd Reading	Fire Marshals Support
HB07-1092	House: Cerbo Senate: None	House Local Government	Concerning The Authority Of County Governments To Regulate Fireworks.	Authorizes the board of county commissioners of a county to prohibit or restrict the sale, use, and possession of fireworks in the unincorporated areas of the county. Prohibits a county from permitting or authorizing the sale, use, or possession of fireworks in violation of state fireworks laws.	19 Feb 2007 House 3 rd Reading	Intro: 1/10 08 Feb 2007 Pass Unamended to Committee of the Whole 16 Feb 2007 House 2 nd Reading Passed	Support
HB07-1117	House: Primavera Senate: None	House Transportation & Energy	Concerning The Requirement That A Protective Helmet Be Worn By A Person Under Eighteen Years Of Age During The Operation Of Certain Vehicles.	Requires a person under 18 years of age who is an operator of a motorcycle or motorized bicycle and a person under 18 years of age who is a passenger on a motorcycle or motorized bicycle wear a protective helmet that is designed according to certain specifications.	20 Feb 2007 House 2 nd Reading	Intro: 1/15 06 Feb 07 Witness Testimony – Lay Over 08 Feb 07 Pass Amended to Committee of the Whole	Support
HB07-1152	House: Stafford Senate: None	House Local Government	Concerning The Authorization Of Special Districts Organized 32, Colorado Revised Statutes, To Impose Under Title Impact Fees Pursuant To Existing Statutory Provisions Authorizing Such Fees To Be Levied By Other Local Governments.	In connection with the existing grandfather clause authorizing local governments to impose impact fees or other similar development charges prior to a particular date, extends the date to cover specified special districts given the authority to impose such fees or charges under the act.	22 Feb 2007 Upon Adjournment Room 0111	Intro: 1/16 8 Feb 2007 Laid over Unamended	Amend & Support
HB07-1153	House: Witwer Senate: Kopp	House Finance	Concerning A Tax Rebate For Volunteer Firefighters.	For the 2007-08 and 2008-09 fiscal years, allows a qualified volunteer firefighter to apply for a tax rebate through the department of revenue for a specified amount for 2 consecutive years.		Intro: 1/16 1/30 Pass to Appropriations Committee	Support

**Colorado State Fire Chiefs' Association
Bills of Interest**

Bill Number	Sponsor	Committee	Title	Bill Summary	Schedule	History	Position
HB07-1199	House: McGihon Senate: Shaffer	House Health and Human Services	Concerning "Uniform Emergency Health Practitioners Act".	Enacts the "Uniform Emergency Volunteer Health Practitioners Act", drafted by the national conference of commissioners on uniform state laws. Allows a health care practitioner who is licensed in another state to volunteer to provide assistance in this state for the duration of an emergency requiring substantial health care assistance if such other state has a registry listing for the volunteer that conforms to certain standards.	20 Feb 2007 House 2 nd Reading	Intro: 1/30 12 Feb 2007 Pass Amended to Floor	Monitor
HB07-1224	House: M. Carroll Senate:	House Business Affairs and Labor	Concerning The Requirement That Certain Insurers Promptly Resolve Insurance Claims	Requires an automobile insurer providing medical payments coverage and a health insurance carrier to pay, deny, or settle clean claims within a specified period after submission to the insurer or carrier.	22 Feb 2007 01:30 PM Room 0107	Intro: 2/01	Monitor
HB07-1230	House: Garcia Senate: Tochtrop	House Business Affairs and Labor	Concerning Claims Practices For Bodily Injury To A Third Party Claimant Arising Out Of The Use Of A Motor Vehicle	Establishes deadlines for an insurer to determine whether its insured is legally liable to, and whether benefits are payable to or on behalf of, an injured third party for bodily injury arising out of the use of a motor vehicle.	22 Feb 2007 01:30 PM Room 0107	Intro: 2/01	Monitor
SB07-007	Senate: Taylor House: Witwer	House Local Government	Concerning The Qualification As A Volunteer Firefighter For Purposes of A Volunteer Firefighter Pension Plan	In the case of a municipality or district volunteer firefighter pension plan, modifies the existing definition of a "volunteer firefighter". Identifies additional types of benefits and payments that are excluded from the definition of "compensation".	22 Feb 2007 Upon Adjournment Room 0111	Intro: 1/10 6 Feb 2007 Pass Amended to Floor 09 Feb 2007 2 nd Reading Pass with amendments 12 Feb 2007 Passed 3 rd Reading	Support
SB07-041	Senate: Schwartz House: None	Senate Education	Concerning the creation of the "Public School Facilities Equity Act" to address the capital construction needs of Colorado public schools.	Requires the advisory committee to propose rules to the state board of education concerning uniform statewide minimum facility and safety standards required to qualify for state funding assistance for school districts in providing adequate facilities. Requires the advisory committee to consider certain factors in developing the standards.		Intro: 1/10 31 Jan, Refer Amended to Appropriations	Monitor

**Colorado State Fire Chiefs' Association
Bills of Interest**

Bill Number	Sponsor	Committee	Title	Bill Summary	Schedule	History	Position
SB07-043	House: Todd Senate: Mitchell	House Judiciary	Concerning An Exemption From Civil Liability For Certain Health Care Providers Who Render Emergency Assistance To Persons Injured In Scholastically Sponsored Competitive Sports.	Exempts from civil liability certain licensed health care providers who, in good faith and without compensation, render emergency care or emergency assistance, including sideline or on-field care as a team health care provider, to an individual injured from engaging in a competitive sport sponsored by a school, college, or university.	20 Feb 2007 House 2 nd Reading	Intro: 1/10 Heard: Jan 24, 2007; Passed Amended 1/29 Amended & Passed 2 nd Reading 1/30 Passed 3 rd Reading 14 Feb 2007 Passed Unamended to Floor	Support