

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0045.01 Ed DeCecco

SENATE BILL 07-007

SENATE SPONSORSHIP

Taylor, Tochtrop, and Williams

HOUSE SPONSORSHIP

Witwer, Liston, and Riesberg

Senate Committees

Business, Labor and Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE QUALIFICATION AS A VOLUNTEER FIREFIGHTER FOR**
102 **PURPOSES OF A VOLUNTEER FIREFIGHTER PENSION PLAN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Police Officers' and Firefighters' Pension Reform Commission.

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".

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 31-30-1102 (9), Colorado Revised Statutes, is
3 amended to read:

4 **31-30-1102. Definitions.** As used in this part 11, unless the
5 context otherwise requires:

6 (9) (a) "Volunteer firefighter" means a firefighter who renders
7 service to a fire department in a municipality or district, ~~and~~ who does not
8 receive compensation ~~under a contract of employment~~ as a firefighter,
9 AND WHO IS NOT CLASSIFIED AS AN EMPLOYEE FOR PURPOSES OF THE
10 FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", AS AMENDED, BASED
11 ON PAYMENTS, FEES, OR BENEFITS THAT THE FIREFIGHTER RECEIVES.

12 "Volunteer firefighter" may include other designations or titles given to
13 firefighters provided that the firefighter meets all of the requirements for
14 being a volunteer firefighter in this part 11.

15 (b) For the purposes of this subsection (9), "compensation" does
16 not include:

17 (I) Actual expenses incurred by and reimbursed to a volunteer
18 firefighter; ~~or~~

19 (II) Salary lost as a consequence of actual firefighting duties
20 causing the absence of the volunteer firefighter from normal employment;

21 (III) PARTICIPATION IN OR RECEIPT OF BENEFITS FROM THE FUND;

22 (IV) PARTICIPATION IN OR RECEIPT OF BENEFITS UPON
23 TERMINATION OF VOLUNTEER SERVICES TO ANY DISTRICT OR
24 MUNICIPALITY PROVIDED AS PART OF AN INTERNAL REVENUE CODE
25 QUALIFIED VOLUNTEER SERVICE AWARD PLAN ESTABLISHED FOR THE
26 BENEFIT OF VOLUNTEER FIREFIGHTERS;

27 (V) PAYMENTS FROM FEDERAL MONEYS, EITHER THROUGH THE

1 DISTRICT OR MUNICIPALITY OR TO THE VOLUNTEER FIREFIGHTER
2 DIRECTLY, FOR PARTICIPATION IN A TEMPORARY EMERGENCY INCIDENT;
3 (VI) NOMINAL FEES OR BENEFITS PAID ON A PER-CALL BASIS OR AS
4 PART OF AN ANNUAL MERIT OR RECOGNITION AWARD PROGRAM OR OTHER
5 INCENTIVE AWARD PROGRAM.

6 **SECTION 2. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.