

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0682.01 Bob Lackner x4350

SENATE BILL 21-166

SENATE SPONSORSHIP

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McCluskie and Will,

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

Energy & Environment
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM**
102 **THE COLORADO FIRE COMMISSION, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill implements recommendations of the 2020 Colorado Fire Commission Annual Report.

Sections 1, 2, and 3 of the bill update 3 mutual aid statutes affecting the responsibilities of requesting and assisting fire control. Under current statutory provisions, all resources from an agency assisting

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

HOUSE
Amended 2nd Reading
May 26, 2021

SENATE
3rd Reading Unamended
April 26, 2021

SENATE
Amended 2nd Reading
April 23, 2021

in fire prevention are under the control of the requesting agency and liability is placed with the requesting agency. Under the changes made by the bill, the assisting agency, working under the direction of the incident commander, retains operational control of its resources and, therefore, retains liability for the actions of its crews. These changes also add public emergency medical services (EMS) agencies to the applicable statutory provisions to allow for better coordination of EMS mutual aid resources.

Section 4 creates the state responsibility and large wildland fire fund (fund) in the state treasury, which fund is to be administered by the division of fire prevention and control (division) in the department of public safety. Commencing July 1, 2021, and on July 1 of all subsequent state fiscal years, the bill requires the state treasurer to make an annual transfer from the general fund into the fund. Money in the fund must be used to pay for the state's share of suppression costs on large responsibility fires that are deemed to be the responsibility of the state.

The regional and statewide mutual aid system (RSMAS) is a regional and statewide system that provides for the coordinated initial response of emergency responders to emergency incidents. **Section 5** establishes the RSMAS to be administered by the division.

The director of the division is required to establish, implement, and maintain the RSMAS. Among the duties of the director in administering the RSMAS is implementing the Colorado coordinated regional mutual aid system (CCRMAS). The CCRMAS establishes 4 roughly equal geographic areas within the state to be known as division of fire prevention and control (DFPC) districts. Each DFPC district has a regional mutual aid coordinator, whose duties include ensuring that a competent mutual aid plan exists in each DFPC district and who serves as the point of contact within the DFPC district and coordinates mutual aid requests for fire and EMS resources. The bill specifies the duties of each regional mutual aid coordinator and of the director of the division with respect to administration of the RSMAS and CCRMAS overall.

Unless an emergency responder has opted out of the RSMAS and CCRMAS, all emergency responders are part of the RSMAS and CCRMAS. An emergency responder is relieved from any duty to make its equipment and personnel available to the RSMAS and CCRMAS under circumstances specified in the bill. An emergency responder that opts out of the RSMAS and CCRMAS is only eligible for reimbursement to the extent authorized in the rules promulgated by the director of the division.

The RSMAS and CCRMAS do not affect any other mutual aid agreement that may be entered into by one or more emergency responders.

At the end of any state fiscal year commencing with the 2022 state fiscal year, **section 6** requires the state treasurer to transfer any money in the aviation resources line of the annual general appropriation act for that

same state fiscal year that would otherwise revert to the general fund into the wildfire preparedness fund (WPF). Money transferred by the state treasurer into the WPF must be used for the purpose of traditional mitigation efforts. As long as money transferred into the WPF is being expended for one of the purposes specified in the bill, the division may allocate the money to any such purpose as will maximize the impact of such funding as the division may determine in its sole discretion.

Not less than once every 3 years commencing January 15, 2025, the division is required to report to the joint budget committee concerning its expenditures from the transfers made into the WPF under the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 29-5-105 as
3 follows:

4 **29-5-105. Assignment of emergency response personnel for**
5 **temporary duty - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "EMERGENCY RESPONDER" MEANS A COUNTY IMPROVEMENT
8 DISTRICT PROVIDING FIRE PROTECTION SERVICES OR ANY OTHER COUNTY
9 DEPARTMENT OR AGENCY THAT PROVIDES FIRE OR EMERGENCY MEDICAL
10 SERVICES, MUNICIPAL FIRE DEPARTMENTS, FIRE PROTECTION DISTRICTS,
11 METROPOLITAN DISTRICTS PROVIDING FIRE PROTECTION SERVICES, FIRE
12 AUTHORITIES, HAZARDOUS MATERIALS AUTHORITIES, VOLUNTEER FIRE
13 DEPARTMENTS RECOGNIZED UNDER THE "VOLUNTEER FIRE DEPARTMENT
14 ORGANIZATION ACT", SECTION 24-33.5-1208.5, AND ANY AMBULANCE
15 SERVICE OPERATED BY A SUBDIVISION OF STATE GOVERNMENT.

16 (b) "EMERGENCY RESPONDER PERSONNEL" MEANS PAID OR
17 VOLUNTEER PERSONNEL OF AN EMERGENCY RESPONDER.

18 (2) ~~The chief of the fire department of any town, city, city and~~
19 ~~county, or fire protection district~~ OR EXECUTIVE OFFICER OF AN
20 EMERGENCY RESPONDER may, in his or her discretion and upon A request

1 ~~therefor~~ MADE by the chief of any fire department of any other town, city,
2 ~~city and county, or fire protection district, assign members of his or her~~
3 ~~department or companies thereof, together with such~~ OR EXECUTIVE
4 OFFICER OF ANY OTHER EMERGENCY RESPONDER, ASSIGN SUCH PERSONNEL
5 AND equipment as ~~the fire chief~~ HE OR SHE determines to be proper, to
6 perform temporary ~~fire fighting or other~~ EMERGENCY SERVICES duties
7 under the direction and control of the requesting ~~fire chief~~ EMERGENCY
8 RESPONDER; except that the assigning fire chief OR EXECUTIVE OFFICER
9 may require that such ~~firefighters, fire companies,~~ EMERGENCY
10 RESPONDER PERSONNEL and equipment shall be under the immediate
11 direction and control of a superior officer of the assigning ~~fire department~~
12 EMERGENCY RESPONDER, which superior officer shall be, during such
13 temporary assignment, under the direction and control of the requesting
14 fire chief OR EXECUTIVE OFFICER. Nothing contained in ~~sections 29-5-103~~
15 ~~to 29-5-110 shall be construed to limit~~ THIS SECTION AND SECTIONS
16 29-5-107 TO 29-5-110 LIMITS the power of ~~any town, city, or city and~~
17 ~~county or fire protection district~~ THE GOVERNING BODY OF ANY
18 EMERGENCY RESPONDER to prohibit or limit by ordinance or regulation
19 the exercise by a fire chief OR EXECUTIVE OFFICER of the discretion
20 granted in ~~sections 29-5-103 to 29-5-110~~ THIS SECTION AND SECTIONS
21 29-5-107 TO 29-5-110.

22 **SECTION 2.** In Colorado Revised Statutes, **amend** 29-5-107 as
23 follows:

24 **29-5-107. Request for temporary assignment of emergency**
25 **response personnel - definitions.** (1) AS USED IN THIS SECTION, UNLESS
26 THE CONTEXT OTHERWISE REQUIRES:

27 (a) "EMERGENCY INCIDENT" MEANS A NATURAL OR MANMADE

1 EMERGENCY INCIDENT THAT OVERWHELMS OR HAS THE POTENTIAL TO
2 OVERWHELM LOCAL RESOURCES, WHICH INCIDENTS INCLUDE, WITHOUT
3 LIMITATION, WILDLAND FIRES, FIRES OCCURRING IN WILDLAND-URBAN
4 INTERFACE AREAS, STRUCTURAL FIRES, TORNADOES, FLOODS, EXPLOSIONS,
5 WEAPONS OF MASS DESTRUCTION, MASS CASUALTY, HAZARDOUS
6 MATERIALS INCIDENTS, TECHNICAL RESCUE AND EXTRICATION,
7 EMERGENCY MEDICAL TRANSPORT, AND EMERGENCY MEDICAL SERVICES.

8 (b) "EMERGENCY RESPONDER" HAS THE SAME MEANING AS
9 SPECIFIED IN SECTION 29-5-105 (1).

10 (c) "EMERGENCY RESPONDER PERSONNEL" HAS THE SAME
11 MEANING AS SPECIFIED IN SECTION 29-5-105 (1).

12 (2) The chief OR EXECUTIVE OFFICER of ~~the fire department of any~~
13 ~~town, city, city and county, or fire protection district~~ AN EMERGENCY
14 RESPONDER may, when in his or her opinion the same is required by ~~any~~
15 ~~conflagration, fire, or other such~~ AN emergency INCIDENT, request the
16 chief of ~~the fire department of any other town, city, city and county, or~~
17 ~~fire protection district~~ OR EXECUTIVE OFFICER of ANOTHER EMERGENCY
18 RESPONDER to assign to him or her ~~firefighters, fire companies,~~
19 EMERGENCY RESPONDER PERSONNEL and equipment of ~~such other fire~~
20 ~~department~~ to perform temporary duty within the boundaries of such
21 requesting ~~town, city, city and county, or fire protection district,~~
22 EMERGENCY RESPONDER under the direction and control of such
23 requesting fire chief OR EXECUTIVE OFFICER and under such terms and
24 conditions as shall be agreed upon between the requesting and assigning
25 fire chiefs OR EXECUTIVE OFFICERS. Such firefighters EMERGENCY
26 RESPONDER PERSONNEL shall, while so assigned and performing duties
27 subject to the direction and control of the requesting fire chief OR

1 EXECUTIVE OFFICER, have the same power as ~~regular firefighters and fire~~
2 ~~companies~~ THE EMERGENCY RESPONDER PERSONNEL of the requesting
3 ~~town, city, city and county, or fire protection district~~ EMERGENCY
4 RESPONDER.

5 **SECTION 3.** In Colorado Revised Statutes, **amend** 29-5-108 as
6 follows:

7 **29-5-108. Liability of requesting jurisdiction.** (1) During the
8 time that a police officer OR deputy sheriff, ~~or firefighter~~, AS APPLICABLE,
9 of a town, city, city and county, county, ~~or fire protection district~~ or of a
10 state institution of higher education employing a peace officer in
11 accordance with article 7.5 of title 24 ~~C.R.S.~~, is assigned to temporary
12 duty within the jurisdiction of another town, city, city and county, county,
13 ~~or fire protection district~~, or of another state institution of higher
14 education employing a peace officer in accordance with article 7.5 of title
15 24, ~~C.R.S.~~, as provided in ~~sections 29-5-103 to 29-5-107~~ SECTIONS
16 29-5-103, 29-5-104, AND 29-5-106, any liability that accrues under the
17 provisions of article 10 of title 24, ~~C.R.S.~~, on account of the negligent or
18 otherwise tortious act of the police officer OR deputy sheriff ~~or firefighter~~
19 while performing the duty ~~shall be~~ IS imposed upon the requesting town,
20 city, city and county, county, ~~fire protection district~~, or state institution of
21 higher education, and not upon the assigning jurisdiction.

22 (2) ~~During the time that a person from another state is performing~~
23 ~~firefighting duties within the jurisdiction of a county, municipality, fire~~
24 ~~protection district, or fire protection authority in this state under an~~
25 ~~agreement authorized in section 29-1-206.5 (1), any liability that accrues~~
26 ~~under the provisions of article 10 of title 24, C.R.S., on account of the~~
27 ~~negligent or otherwise tortious act of the firefighter while performing the~~

1 ~~duty is imposed upon the county, municipality, fire protection district, or~~
2 ~~fire protection authority of this state that is a party to the agreement.~~

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4 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-1235 as
5 follows:

6 **24-33.5-1235. Regional and statewide mutual aid system -**
7 **powers and duties of division director - rules - legislative declaration**
8 **- definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
9 DETERMINES, AND DECLARES THAT:

10 (I) NATURAL AND MANMADE EMERGENCIES THAT OVERWHELM OR
11 HAVE THE POTENTIAL TO OVERWHELM LOCAL FIRE AND EMS RESOURCES
12 POSE A SERIOUS THREAT TO LIFE, PROPERTY, CRITICAL INFRASTRUCTURE,
13 THE ECONOMY, AND THE ENVIRONMENT ACROSS THE STATE;

14 (II) A SYSTEMATIC, PROACTIVE APPROACH TO THE INITIAL
15 RESPONSE TO SUCH INCIDENTS, REGARDLESS OF CAUSE, LOCATION, OR
16 COMPLEXITY, IS NEEDED IN ORDER TO PROTECT LIFE, PROPERTY, CRITICAL
17 INFRASTRUCTURE, THE ECONOMY, AND ENVIRONMENT ACROSS THE STATE;
18 AND

19 (III) IT IS ESSENTIAL TO THE PROPER MANAGEMENT OF SUCH
20 INCIDENTS TO DEVELOP A REGIONAL AND STATEWIDE MUTUAL AID SYSTEM
21 AMONG THE VARIOUS LOCAL FIRE AND EMERGENCY MEDICAL RESPONSE
22 AGENCIES TO ENSURE RAPID COORDINATED INITIAL RESPONSE.

23 (b) THE GENERAL ASSEMBLY INTENDS THIS SECTION TO ESTABLISH
24 A REGIONAL AND STATEWIDE MUTUAL AID SYSTEM TO BE ADMINISTERED
25 BY THE DIVISION.

26 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "COLORADO COORDINATED REGIONAL MUTUAL AID SYSTEM"
2 OR "CCRMAS" MEANS THE COORDINATED REGIONAL MUTUAL AID
3 SYSTEM CREATED IN SUBSECTION (3) OF THIS SECTION.

4 (b) "DIVISION OF FIRE PREVENTION AND CONTROL" OR "DFPC"
5 MEANS THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE
6 DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-1201.

7 (c) "EMERGENCY INCIDENT" MEANS A NATURAL OR MANMADE
8 EMERGENCY INCIDENT THAT OVERWHELMS OR HAS THE POTENTIAL TO
9 OVERWHELM LOCAL FIRE AND EMS RESOURCES, WHICH INCIDENTS
10 INCLUDE, WITHOUT LIMITATION, WILDLAND FIRES, FIRES OCCURRING IN
11 WILDLAND-URBAN INTERFACE AREAS, STRUCTURAL FIRES, TORNADOES,
12 FLOODS, EXPLOSIONS, WEAPONS OF MASS DESTRUCTION, MASS CASUALTY,
13 HAZARDOUS MATERIALS INCIDENTS, TECHNICAL RESCUE AND
14 EXTRICATION, EMERGENCY MEDICAL TRANSPORT, AND EMERGENCY
15 MEDICAL SERVICES.

16 (d) (I) "EMERGENCY RESPONDER" MEANS A COUNTY
17 IMPROVEMENT DISTRICT PROVIDING FIRE PROTECTION SERVICES OR OTHER
18 COUNTY DEPARTMENTS OR AGENCIES PROVIDING FIRE OR EMERGENCY
19 MEDICAL SERVICES, MUNICIPAL FIRE DEPARTMENTS, FIRE PROTECTION
20 DISTRICTS, METROPOLITAN DISTRICTS PROVIDING FIRE PROTECTION
21 SERVICES, FIRE AUTHORITIES, HAZARDOUS MATERIAL AUTHORITIES,
22 VOLUNTEER FIRE DEPARTMENTS RECOGNIZED UNDER THE "VOLUNTEER
23 FIRE DEPARTMENT ORGANIZATION ACT" IN SECTION 24-33.5-1208.5,
24 HEALTH SERVICES DISTRICTS PROVIDING AMBULANCE SERVICES, AND
25 AMBULANCE DISTRICTS.

26 (II) "EMERGENCY RESPONDER" ALSO INCLUDES OTHER PUBLIC,
27 PRIVATE, NONPROFIT, OR GOVERNMENT ORGANIZATIONS THAT HAVE BEEN

1 ACCEPTED INTO THE RSMAS BY THE DIRECTOR OF THE DIVISION AND
2 THAT PROVIDE ONE OR MORE OF THE FOLLOWING SERVICES IN THE STATE
3 OF COLORADO: FIRE SUPPRESSION; TECHNICAL RESCUE; EMERGENCY
4 EXTRICATION; HAZARDOUS MATERIALS; OR ALL-HAZARDS EMERGENCY
5 RESPONSE, AMBULANCE, OR EMERGENCY MEDICAL SERVICES.

6 (e) "EMS" MEANS EMERGENCY MEDICAL SERVICES.

7 (f) "REGIONAL AND STATEWIDE MUTUAL AID SYSTEM" OR
8 "RSMAS" MEANS A REGIONAL AND STATEWIDE SYSTEM THAT PROVIDES
9 FOR THE COORDINATED INITIAL RESPONSE OF EMERGENCY RESPONDERS TO
10 EMERGENCY INCIDENTS.

11 (3) THE DIRECTOR OF THE DIVISION SHALL ESTABLISH, IMPLEMENT,
12 AND MAINTAIN THE RSMAS, WHICH AUTHORITY ENCOMPASSES THE
13 FOLLOWING ADDITIONAL POWERS AND DUTIES, WITHOUT LIMITATION:

14 (a) IMPLEMENTING THE COLORADO COORDINATED REGIONAL
15 MUTUAL AID SYSTEM. THE CCRMAS ESTABLISHES GEOGRAPHIC AREAS
16 WITHIN THE STATE TO BE KNOWN AS DFPC DISTRICTS. EACH DFPC
17 DISTRICT MUST BE OPERATED BY A REGIONAL MUTUAL AID COORDINATOR,
18 WHO SHALL ENSURE THAT A COMPETENT MUTUAL AID PLAN FOR FIRE,
19 EMS, AND EMERGENCY RESPONDERS EXISTS IN EACH DFPC DISTRICT AND
20 WHO SHALL SERVE AS THE POINT OF CONTACT WITHIN THE DFPC DISTRICT
21 AND COORDINATE MUTUAL AID REQUESTS. THE DUTIES OF EACH REGIONAL
22 MUTUAL AID COORDINATOR SHALL INCLUDE WITHOUT LIMITATION:

23 (I) GATHERING AND PROVIDING INFORMATION FOR A STATEWIDE
24 COMMON OPERATING PICTURE;

25 (II) COORDINATING, ASSISTING, AND BRIDGING GAPS WITH THE
26 INTERAGENCY DISPATCH SYSTEM;

27 (III) COORDINATING WITH THE OFFICE OF EMERGENCY

1 MANAGEMENT CREATED IN SECTION 24-33.5-705 (1) TO ENSURE EFFICIENT
2 AND EFFECTIVE IMPLEMENTATION AND INTEGRATION OF THE
3 MOBILIZATION PLAN REQUIRED BY SECTION 24-33.5-705.4 (3)(a) AND
4 OTHER STATE AND LOCAL EMERGENCY OPERATIONS PLANS, AS
5 APPROPRIATE.

6 (IV) FACILITATING TRANSITION FROM INITIAL ATTACK AND
7 MUTUAL AID RESPONSE TO EXTENDED ATTACK AND LARGE SCALE
8 RESOURCE MOBILIZATION;

9 (V) DEVELOPING MUTUAL AID PLANS WHERE NONE EXIST;

10 (VI) ENSURING AN ACCURATE INVENTORY OF RESOURCES IN THE
11 REGION AND ENSURING THE INVENTORY IS INCLUDED IN THE MOBILIZATION
12 SYSTEM DESCRIBED IN SECTION 24-33.5-705.4;

13 (VII) ENSURING THE PARTICIPATION OF ALL AGENCIES;

14 (VIII) EXERCISING EXISTING AND NEWLY DEVELOPED MUTUAL AID
15 PLANS; AND

16 (IX) ACTIVATING MUTUAL AID PLANS WITHIN A REGION IN
17 RESPONSE TO REQUESTS;

18 (b) ESTABLISHING, STAFFING, AND MAINTAINING A STATE
19 COORDINATION CENTER, WHICH CENTER IS RESPONSIBLE FOR THE OVERALL
20 COORDINATION OF THE RSMAS AND CCRMAS, INCLUDING THE
21 OVERSIGHT AND COORDINATION WITH THE DFPC DISTRICTS AND THE
22 REGIONAL MUTUAL AID COORDINATORS;

23 (c) ESTABLISHING THE MECHANISMS BY WHICH AN EMERGENCY
24 RESPONDER CAN ACTIVATE THE RSMAS AND CCRMAS; AND

25 (d) PROMULGATING RULES FOR THE APPROPRIATE
26 IMPLEMENTATION, OPERATION, AND MAINTENANCE OF THE RSMAS AND
27 CCRMAS.

1 (4) (a) UNLESS AN EMERGENCY RESPONDER HAS OPTED OUT OF THE
2 RSMAS AND CCRMAS IN ACCORDANCE WITH SUBSECTION (4)(c) OF THIS
3 SECTION, ALL EMERGENCY RESPONDERS ARE PART OF THE RSMAS AND
4 CCRMAS. AN EMERGENCY RESPONDER IS RELIEVED FROM ANY DUTY TO
5 MAKE ITS EQUIPMENT AND PERSONNEL AVAILABLE IF THE EMERGENCY
6 RESPONDER DETERMINES THAT SUCH EQUIPMENT AND PERSONNEL:

7 (I) ARE NEEDED WITHIN THE EMERGENCY RESPONDER'S SERVICE
8 AREA;

9 (II) ARE NOT AVAILABLE BECAUSE OF THEIR PRIOR USE AT
10 ANOTHER LOCATION; OR

11 (III) ARE NOT AVAILABLE BECAUSE OF EQUIPMENT MECHANICAL
12 BREAK DOWN, INSUFFICIENT PERSONNEL, OR OTHERWISE.

13 (b) AN EMERGENCY RESPONDER SHALL DETERMINE WHETHER ANY
14 PERSONNEL AND EQUIPMENT MUST BE PROVIDED AND, IF SO, THE SPECIFIC
15 PERSONNEL AND EQUIPMENT THAT WILL BE PROVIDED.

16 (c) AN EMERGENCY RESPONDER, INCLUDING AN EMERGENCY
17 RESPONDER THAT THE DIRECTOR OF THE DIVISION HAS PREVIOUSLY
18 ACCEPTED INTO THE RSMAS AND CCRMAS, MAY OPT OUT OF THE
19 RSMAS AND CCRMAS BY SUBMITTING TO THE DIRECTOR OF THE
20 DIVISION WRITTEN NOTICE OF THE EMERGENCY RESPONDER'S INTENT TO
21 OPT OUT OF THE RSMAS AND CCRMAS. AN EMERGENCY RESPONDER
22 THAT OPTS OUT OF THE RSMAS AND CCRMAS IS ONLY ELIGIBLE FOR
23 REIMBURSEMENT TO THE EXTENT AUTHORIZED IN THE RULES
24 PROMULGATED BY THE DIRECTOR OF THE DIVISION.

25 (d) NOTHING IN THIS SECTION AFFECTS ANY OTHER MUTUAL AID
26 AGREEMENT THAT MAY BE ENTERED INTO BY ONE OR MORE EMERGENCY
27 RESPONDERS.

1 (e) AN EMERGENCY RESPONDER'S PROVISION OF PERSONNEL UNDER
2 THE RSMAS AND CCRMAS DOES NOT CONSTITUTE A TEMPORARY
3 ASSIGNMENT AND SECTION 29-5-105 AND SECTIONS 29-5-107 TO 29-5-110
4 DO NOT APPLY TO AN EMERGENCY RESPONDER'S PROVISION OF PERSONNEL
5 UNDER THE RSMAS AND CCRMAS.

6 (f) NOTWITHSTANDING ANY RULE OR REGULATION ADOPTED BY
7 THE COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT OR ANY
8 FEDERAL OR STATE STATUTE, AN EMERGENCY RESPONDER THAT IS DULY
9 LICENSED TO OPERATE AN AMBULANCE IN A COUNTY WITHIN THE STATE
10 AND IS PROVIDING SUCH AMBULANCE SERVICES PURSUANT TO THE
11 RSMAS AND CCRMAS IS NOT REQUIRED TO BE LICENSED IN ANY COUNTY
12 IN WHICH IT RESPONDS.

13 (5) THE DIVISION MAY SEEK AND ACCEPT GIFTS, GRANTS,
14 REIMBURSEMENTS, OR DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCE
15 FOR THE PURPOSE OF THIS SECTION.

16 **SECTION 5. In Colorado Revised Statutes, 24-33.5-705.4,**
17 **amend (3)(a); and add (3)(a.3) and (3)(a.5) as follows:**

18 **24-33.5-705.4. All-hazards resource mobilization system -**
19 **creation - plan - duties - reimbursement for expenses incurred by**
20 **mobilized entities - eligibility - resource mobilization fund - creation**
21 **- definitions - legislative declaration. (3) Powers and duties. (a) The**
22 **director, IN CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF FIRE**
23 **PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY**
24 **CREATED IN SECTION 24-33.5-1201 (1)(a), shall develop and maintain a**
25 **statewide all-hazards resource mobilization plan that sets forth procedures**
26 **for mobilization, allocation, deployment, coordination, tracking, cost**
27 **accounting, and demobilization of resources during disasters and other**

1 large-scale emergencies and local incidents that require more resources
2 than those available under any existing interjurisdictional or mutual aid
3 agreement. In developing the mobilization plan, the director shall consult
4 with and solicit recommendations from the homeland security and
5 all-hazards senior advisory committee created in section 24-33.5-1614
6 and other appropriate representatives of state, tribal, and local
7 governmental and private sector emergency management organizations.
8 The director shall ensure that the mobilization plan is consistent with, and
9 incorporated into, the Colorado state comprehensive emergency
10 management program described in section 24-33.5-705 (2) AND THE
11 COLORADO COORDINATED REGIONAL AND STATEWIDE MUTUAL AID
12 SYSTEM CREATED IN SECTION 24-33.5-1235 (3).

13 (a.3) THE DIRECTOR SHALL ENSURE THAT RESOURCES IN THE
14 COLORADO COORDINATED REGIONAL AND STATEWIDE MUTUAL AID
15 SYSTEM CREATED IN SECTION 24-33.5-1235 (3)(a) ARE INCLUDED IN THE
16 ALL-HAZARDS RESOURCE MOBILIZATION SYSTEM DESCRIBED IN THIS
17 SECTION.

18 (a.5) THE DIRECTOR SHALL COORDINATE WITH THE STATE
19 COORDINATION CENTER CREATED IN SECTION 24-33.5-1235 (3)(b) TO
20 ENSURE SUFFICIENT AND EFFECTIVE IMPLEMENTATION AND INTEGRATION
21 OF THE RESOURCE MOBILIZATION PLAN REQUIRED BY SUBSECTION (3)(a)
22 OF THIS SECTION AND STATE AND LOCAL EMERGENCE OPERATIONS PLANS,
23 AS APPROPRIATE.

24 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1227,
25 **amend** (1)(a)(I); and **add** (1.5) as follows:

26 **24-33.5-1227. Wildfire preparedness fund - creation - gifts,**
27 **grants, and donations authorized - wildfire preparedness plan -**

1 **report.** (1) (a) (I) There is hereby created in the state treasury the
2 wildfire preparedness fund. The fund consists of all money that may be
3 appropriated thereto by the general assembly, all private and public
4 money received through gifts, grants, reimbursements, or donations that
5 are transmitted to the state treasurer and credited to the fund, all money
6 transferred to the fund from the healthy forests and vibrant communities
7 fund created in section 23-31-313 (10), money transferred pursuant to
8 section 39-29-109.3 (2)(n)(I)(C), MONEY TRANSFERRED PURSUANT TO
9 SUBSECTION (1.5)(a) OF THIS SECTION, and money transferred pursuant to
10 subsection (1)(a)(II) of this section. All interest earned from the
11 investment of money in the fund shall be credited to the fund. The money
12 in the fund is hereby continuously appropriated for the purposes indicated
13 in this section. Any money not expended at the end of the fiscal year shall
14 remain in the fund and shall not be transferred to or revert to the general
15 fund.

16 (1.5) (a) AT THE END OF ANY STATE FISCAL YEAR COMMENCING
17 WITH THE 2022 STATE FISCAL YEAR, THE STATE TREASURER SHALL
18 TRANSFER ANY MONEY IN THE AVIATION RESOURCES LINE OF THE ANNUAL
19 GENERAL APPROPRIATION ACT FOR THAT SAME STATE FISCAL YEAR THAT
20 WOULD OTHERWISE REVERT TO THE GENERAL FUND INTO THE WILDFIRE
21 PREPAREDNESS FUND CREATED IN SUBSECTION (1)(a) OF THIS SECTION.
22 MONEY TRANSFERRED BY THE STATE TREASURER INTO THE WILDFIRE
23 PREPAREDNESS FUND IN ACCORDANCE WITH THIS SUBSECTION (1.5)(a)
24 MUST BE USED FOR THE PURPOSE OF TRADITIONAL MITIGATION EFFORTS
25 INCLUDING BUT NOT LIMITED TO MAINTAINING STAFF AND NECESSARY
26 EQUIPMENT FOR PRESCRIBED FIRE PROJECTS; MECHANICAL AND OTHER
27 FUELS TREATMENT PROJECTS; PROJECT PLANNING, COORDINATION, AND

1 AGREEMENTS; AND COMMUNITY ASSISTANCE AND PLANNING EFFORTS. AS
2 LONG AS MONEY TRANSFERRED INTO THE WILDFIRE PREPAREDNESS FUND
3 PURSUANT TO THIS SUBSECTION (1.5)(a) IS BEING EXPENDED FOR ONE OF
4 THE PURPOSES SPECIFIED IN THIS SUBSECTION (1.5)(a), THE DIVISION MAY
5 ALLOCATE THE MONEY TO ANY SUCH PURPOSE AS WILL MAXIMIZE THE
6 IMPACT OF SUCH FUNDING AS THE DIVISION MAY DETERMINE IN ITS SOLE
7 DISCRETION.

8 (b) NOT LESS THAN ONCE EVERY THREE YEARS COMMENCING
9 JANUARY 15, 2025, THE DIVISION SHALL REPORT TO THE JOINT BUDGET
10 COMMITTEE CONCERNING THE AMOUNT OF MONEY TRANSFERRED INTO THE
11 WILDFIRE PREPAREDNESS FUND PURSUANT TO SUBSECTION (1.5)(a) OF THIS
12 SECTION DURING THE PRIOR THREE-YEAR PERIOD, THE AMOUNT EXPENDED
13 BY THE DIVISION FROM THE MONEY TRANSFERRED INTO IT, AND THE
14 PURPOSES FOR WHICH THE MONEY HAS BEEN EXPENDED.

15 **SECTION 7. Appropriation.** (1) For the 2021-22 state fiscal
16 year, \$1,108,800 is appropriated to the department of public safety. This
17 appropriation is from the general fund. To implement this act, the
18 department may use this appropriation as follows:

19 (a) \$56,555 for use by the executive director's office for vehicle
20 lease payments;

21 (b) \$42,240 for use by the executive director's office for leased
22 space;

23 (c) \$934,705 for use by the division of fire prevention and control
24 for wildland fire management services, which amount is based on an
25 assumption that the department will require an additional 6.4 FTE; and

26 (d) \$75,300 for use by the division of homeland security and
27 emergency management for program administration related to the office

1 of emergency management, which amount is based on an assumption that
2 the department will require an additional 0.9 FTE.

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