

## CHAPTER 3

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**GOVERNMENT - STATE**


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**HOUSE BILL 15-1017**

BY REPRESENTATIVE(S) Hamner and Buck, Arndt, Becker K., Court, Danielson, Esgar, Fields, Garnett, Ginal, Lee, McCann, Melton, Mitsch Bush, Pabon, Pettersen, Rosenthal, Roupe, Ryden, Singer, Tyler, Vigil, Williams, Young; also SENATOR(S) Roberts, Aguilar, Crowder, Donovan, Guzman, Heath, Jahn, Kefalas, Lambert, Martinez Humenik, Sonnenberg, Todd, Woods.

**AN ACT**

**CONCERNING NONGOVERNMENTAL VOLUNTEER FIRE DEPARTMENTS IN COLORADO, AND, IN CONNECTION THEREWITH, ENACTING THE "VOLUNTEER FIRE DEPARTMENT ORGANIZATION ACT".**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-1208.5 as follows:

**24-33.5-1208.5. "Volunteer Fire Department Organization Act" - legislative declaration - areas without fire protection - state assistance for creation of volunteer fire departments - eligibility for grants.** (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "VOLUNTEER FIRE DEPARTMENT ORGANIZATION ACT".

(2) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) WHILE THE COUNTY SHERIFF IS THE FIRE WARDEN AND IS RESPONSIBLE FOR WILDLAND FIRE IN UNINCORPORATED AREAS OUTSIDE OF FIRE PROTECTION DISTRICTS, THERE IS SIGNIFICANT LAND AREA IN COLORADO THAT DOES NOT HAVE ORGANIZED FIRE PROTECTION;

(II) THE EXISTENCE OF AREAS WITHOUT ORGANIZED FIRE PROTECTION ADVERSELY IMPACTS ADJACENT FIRE PROTECTION DISTRICTS AND OTHER ENTITIES THAT PROVIDE FIRE PROTECTION AND RELATED EMERGENCY SERVICES; AND

(III) FIRE PREVENTION, FIRE SUPPRESSION, AND RELATED EMERGENCY SERVICES

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROVIDED BY NOT-FOR-PROFIT, NONGOVERNMENTAL VOLUNTEER FIRE DEPARTMENTS ARE VITAL TO THE PROTECTION OF THE SAFETY OF THE CITIZENS OF THE STATE.

(b) THE GENERAL ASSEMBLY THEREFORE:

(I) FINDS THAT IT IS IN THE PUBLIC INTEREST TO ESTABLISH AND MAINTAIN A COMPLETE, COOPERATIVE, AND COORDINATED FIRE PROTECTION AND SUPPRESSION PROGRAM FOR THE STATE; AND

(II) DECLARES THAT THE PURPOSE OF THIS SECTION IS TO CREATE A FRAMEWORK FOR THE ORGANIZATION OF NOT-FOR-PROFIT, NONGOVERNMENTAL VOLUNTEER FIRE DEPARTMENTS AND TO PROMOTE, ENCOURAGE, AND SUPPORT THEIR CREATION IN AREAS OF THE STATE WHERE THERE IS NO ORGANIZED FIRE PROTECTION.

(3) (a) IN ORDER TO BE RECOGNIZED UNDER THIS SECTION AND BE CONSIDERED IN GOOD STANDING, THE VOLUNTEER FIRE DEPARTMENT MUST:

(I) BE ORGANIZED UNDER AND IN COMPLIANCE WITH, THE "COLORADO REVISED NONPROFIT CORPORATION ACT", ARTICLES 121 TO 137 OF TITLE 7, C.R.S.; AND

(II) ENTER INTO AN AGREEMENT TO PROVIDE FIRE FIGHTING, FIRE PROTECTION, OR OTHER EMERGENCY SERVICES WITH:

(A) THE TOWN, CITY, COUNTY, CITY AND COUNTY, FIRE PROTECTION DISTRICT, METROPOLITAN DISTRICT, OR COUNTY IMPROVEMENT DISTRICT PROVIDING FIRE PROTECTION SERVICES AND HAVING JURISDICTIONAL AUTHORITY OVER THE AREA THE UNIT SERVICES;

(B) THE APPROPRIATE COUNTY SHERIFF FOR THE UNINCORPORATED AREA OF THE COUNTY OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION DISTRICT, METROPOLITAN DISTRICT, OR COUNTY IMPROVEMENT DISTRICT PROVIDING FIRE PROTECTION SERVICES; OR

(C) THE DIVISION FOR THE DETECTION, PREVENTION, OR SUPPRESSION OF FOREST AND RANGE FIRES WHERE STATE RESPONSIBILITY HAS BEEN DETERMINED PURSUANT TO SECTION 24-33.5-1221.

(b) (I) AT A MINIMUM, THE AGREEMENT REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) MUST SPECIFY THE TYPES OF SERVICES TO BE PROVIDED BY THE VOLUNTEER FIRE DEPARTMENT AND THE BOUNDARIES OF ITS SERVICE AREA.

(II) FOR VOLUNTEER FIRE DEPARTMENTS CREATED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, THE AGREEMENT REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) MAY BE REPLACED BY A LETTER FROM THE JURISDICTIONAL AUTHORITY RECOGNIZING THE EXISTENCE OF THE VOLUNTEER FIRE DEPARTMENT AND SPECIFYING THE BOUNDARIES OF ITS SERVICE AREA AND THE SERVICES IT PROVIDES.

(c) A VOLUNTEER FIRE DEPARTMENT SHALL COMPLETE AND FILE WITH THE

DIVISION A FIRE DEPARTMENT REGISTRATION FORM SPECIFIED BY THE DIVISION WITHIN SIXTY DAYS AFTER JANUARY 1, 2016, AND ANNUALLY THEREAFTER. THE DIVISION MAY ISSUE A FIRE DEPARTMENT IDENTIFICATION NUMBER TO THE VOLUNTEER FIRE DEPARTMENT BASED UPON THE REGISTRATION FILED UNDER THIS PARAGRAPH (c).

(4) A VOLUNTEER FIRE DEPARTMENT RECOGNIZED UNDER THIS SECTION AND CONSIDERED IN GOOD STANDING THAT PROVIDES SERVICES WITHIN A JURISDICTION MAY ESTABLISH A SCHEDULE OF CHARGES FOR THE SERVICES THAT THE VOLUNTEER FIRE DEPARTMENT PROVIDES.

(5) A VOLUNTEER FIRE DEPARTMENT RECOGNIZED UNDER THIS SECTION AND CONSIDERED IN GOOD STANDING MAY ENTER INTO AGREEMENTS WITH THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE.

(6) (a) THE GENERAL ASSEMBLY INTENDS THIS SUBSECTION (6) TO PROVIDE THE DIVISION WITH A MEANS BY WHICH THE STATE CAN ENCOURAGE AND SUPPORT THE CREATION OF VOLUNTEER FIRE DEPARTMENTS IN AREAS OF THE STATE WHERE THERE IS NO ORGANIZED FIRE PROTECTION.

(b) A GROUP OF INDIVIDUALS WISHING TO ESTABLISH A VOLUNTEER FIRE DEPARTMENT MAY PETITION THE DIRECTOR FOR TECHNICAL OR FUNDING ASSISTANCE.

(c) PRIOR TO PROVIDING ASSISTANCE IN THE CREATION OF A NEW VOLUNTEER FIRE DEPARTMENT UNDER THIS SUBSECTION (6), THE DIRECTOR SHALL FIRST CONSULT WITH LOCAL OFFICIALS AND CONSIDER THE QUESTION OF THE APPROPRIATENESS AND VIABILITY OF:

(I) INCLUSION OF THE PROPOSED SERVICE AREA INTO ONE OR MORE EXISTING FIRE PROTECTION DISTRICTS OR METROPOLITAN DISTRICTS PROVIDING FIRE PROTECTION; AND

(II) THE PROVISION OF FIRE PROTECTION BY AN ADJACENT OR NEARBY FIRE DEPARTMENT.

(d) NOTHING IN THIS SUBSECTION (6) PERMITS STATE ASSISTANCE IN THE CREATION OF A VOLUNTEER FIRE DEPARTMENT WITHIN THE BOUNDARIES OF A FIRE PROTECTION DISTRICT, METROPOLITAN DISTRICT, OR COUNTY IMPROVEMENT DISTRICT PROVIDING FIRE PROTECTION SERVICES WITHOUT PERMISSION FROM SUCH DISTRICT.

(e) A VOLUNTEER FIRE DEPARTMENT RECOGNIZED UNDER THIS SECTION AND CONSIDERED IN GOOD STANDING IS ELIGIBLE TO RECEIVE STATE FUNDING ASSISTANCE, INCLUDING STATE GRANT AWARDS, TO THE EXTENT THAT A FIRE DEPARTMENT IS ELIGIBLE, UNLESS SPECIFICALLY EXCLUDED.

(7) NOTHING IN THIS SECTION PROHIBITS A PRIVATE ENTITY FROM ORGANIZING, TRAINING, OR EQUIPPING ITSELF AS A PRIVATE FIRE DEPARTMENT OR PROVIDING FIRE PROTECTION SERVICES.

**SECTION 2.** In Colorado Revised Statutes, 24-33.5-1202, **amend** (3.9); and **add** (14.5) as follows:

**24-33.5-1202. Definitions.** As used in this part 12, unless the context otherwise requires:

(3.9) "Fire department" means the duly authorized fire protection organization of a town, city, county, or city and county, a fire protection district, or a metropolitan district or county improvement district that provides fire protection. "FIRE DEPARTMENT" ALSO INCLUDES VOLUNTEER FIRE DEPARTMENTS ORGANIZED UNDER SECTION 24-33.5-1208.5.

(14.5) "VOLUNTEER FIRE DEPARTMENT" MEANS A NONGOVERNMENTAL UNIT ORGANIZED IN ACCORDANCE WITH SECTION 24-33.5-1208.5 AS A NONPROFIT ORGANIZATION WITH A PRIMARY PURPOSE OF FIREFIGHTING, FIRE PROTECTION, OR OTHER EMERGENCY SERVICES TO A DEFINED SERVICE AREA THAT IS RECOGNIZED BY THE APPROPRIATE GOVERNMENTAL ENTITY WITH JURISDICTION FOR THE AREA THE UNIT SERVICES.

**SECTION 3.** In Colorado Revised Statutes, 24-33.5-1231, **amend** (2) and (3) (d) as follows:

**24-33.5-1231. Local firefighter safety and disease prevention fund - creation - grants - rules.** (2) The division shall use the moneys in the fund to award need-based grants to governing bodies AND VOLUNTEER FIRE DEPARTMENTS to provide funding or reimbursement for equipment and training designed to increase firefighter safety and prevent occupation-related diseases. The division may expend up to three percent per year from the fund for its direct and indirect costs in administering the grant program. The general assembly intends that the need-based grants from the fund are in addition to, and do not supplant, other sources of funding to governing bodies regarding firefighting.

(3) The director shall promulgate rules governing the award of grants pursuant to subsection (2) of this section, including consideration of:

(d) ~~A governing body's~~ AN APPLICANT'S efforts to finance equipment and training designed to increase firefighter safety other than through an award of a grant pursuant to this section.

**SECTION 4.** In Colorado Revised Statutes, 13-21-113.3, **amend** (2) (a) as follows:

**13-21-113.3. Donation of firefighting equipment - exemption from civil and criminal liability - definitions - legislative declaration.** (2) As used in this section:

(a) "Fire department" has the meaning set forth in section 24-33.5-1202, C.R.S., and includes a fire department that uses paid firefighters, volunteer firefighters, or both. The term includes, without limitation, not-for-profit nongovernmental entities that are organized to provide firefighting services AND RECOGNIZED UNDER SECTION 24-33.5-1208.5, C.R.S.

**SECTION 5.** In Colorado Revised Statutes, 13-21-113.7, **amend** (2) (b) as follows:

**13-21-113.7. Immunity of volunteer firefighters, volunteers, incident management teams, and their employers or organizations - definitions - legislative declaration.** (2) As used in this section:

(b) "Fire department" has the meaning set forth in section 24-33.5-1202, C.R.S., and includes a fire department that uses paid firefighters, volunteer firefighters, or both. The term includes, without limitation, not-for-profit nongovernmental entities that are organized to provide firefighting services AND RECOGNIZED UNDER SECTION 24-33.5-1208.5, C.R.S.

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

Approved: March 11, 2015