

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
10.7.21

BILL 6

LLS NO. 22-0189.03 Megan Waples x4348

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Resources For Volunteer Firefighters"

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE RESOURCES AVAILABLE FOR FIRE**
102 **PROTECTION SERVICES PROVIDED BY VOLUNTEER AND**
103 **SEASONAL FIREFIGHTERS.**

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/>.)

Wildfire Matters Review Committee. The bill allows fire departments, including fire protection districts and volunteer fire departments, to be compensated from state funding sources for wildland fire suppression activities conducted in the fire department's jurisdiction if the fire department relies primarily or solely on volunteer firefighters

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

and the fire exceeds the department's capacity to extinguish or control. The fire department may use money received to reimburse volunteer firefighters for lost wages or out-of-pocket expenses incurred in working on the fire or to provide financial incentives to recruit or retain volunteer firefighters to work on wildland fires. Boards of county commissioners are authorized to reimburse fire departments from county funds for wildland fire suppression activities conducted within the fire department's jurisdiction in the same circumstances.

County sheriffs are required to provide access to behavioral and mental health-care services to all firefighters, including volunteer and seasonal firefighters, responding to a large prairie, forest, or wildland fire at no cost to the firefighter. The county sheriff is entitled to reimbursement of costs incurred in providing access to services from the wildfire emergency response fund or the wildland fire cost recovery fund.

The bill amends the existing local firefighter safety and disease prevention fund grant program (program) to allow grants to be spent to provide access to mental health services for seasonal and volunteer firefighters involved in wildland fire suppression in addition to purchasing equipment and providing training. The bill requires the program to give priority in awarding grants to governing bodies and volunteer fire departments that:

- Have lost tax revenues as a result of decreased assessment values due to a wildland fire within their jurisdiction in the previous 5 years;
- Rely solely or primarily on volunteer firefighters and serve communities affected by wildland fires; or
- Demonstrate the greatest need for additional funding to ensure the safety of volunteer and seasonal firefighters.

The general assembly is required to annually appropriate \$5 million to the program and may appropriate additional money as necessary to meet the needs of governing bodies and volunteer fire departments. On or before September 1, 2032, the staff of the joint budget committee is required to report on whether the amount of the annual appropriation should be adjusted based on current needs.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1220, **add**
3 (6) and (7) as follows:

4 **24-33.5-1220. Funds available - emergency fire fund - wildland**
5 **fire equipment repair fund - wildland fire cost recovery fund -**

1 **creation - gifts, grants, and donations authorized - rules.**

2 (6) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FIRE
3 DEPARTMENT IS ELIGIBLE FOR REIMBURSEMENT FOR WILDLAND FIRE
4 SUPPRESSION ACTIVITIES WITHIN THE JURISDICTION OR DESIGNATED
5 BOUNDARIES OF THE FIRE DEPARTMENT FROM ANY STATE FUNDING
6 SOURCE USED TO PAY FOR WILDFIRE SUPPRESSION FOR THAT FIRE,
7 INCLUDING BUT NOT LIMITED TO THE GOVERNOR'S EMERGENCY FUND, THE
8 EMERGENCY FIRE FUND, THE WILDLAND FIRE COST RECOVERY FUND, AND
9 THE WILDFIRE EMERGENCY RESPONSE FUND CREATED IN SECTION
10 24-33.5-1226 IF:

11 (I) THE FIRE DEPARTMENT RELIES SOLELY OR PRIMARILY ON
12 VOLUNTEER FIREFIGHTERS TO PROVIDE FIRE PROTECTION SERVICES, AS
13 DETERMINED UNDER RULES ESTABLISHED BY THE DIVISION; AND

14 (II) THE WILDLAND FIRE EXCEEDS THE CAPABILITIES OF THE FIRE
15 DEPARTMENT TO CONTROL OR EXTINGUISH.

16 (b) A FIRE DEPARTMENT RECEIVING REIMBURSEMENT UNDER
17 SUBSECTION (6)(a) OF THIS SECTION IS ELIGIBLE FOR REIMBURSEMENT
18 BEGINNING AFTER THE FIRST OPERATIONAL PERIOD OR PERIOD OF MUTUAL
19 AID, WHICHEVER IS EARLIER. THE FIRE DEPARTMENT MAY USE MONEY
20 RECEIVED PURSUANT TO THIS SUBSECTION (6)(b) TO REIMBURSE
21 VOLUNTEER FIREFIGHTERS FOR LOST WAGES OR OUT-OF-POCKET COSTS
22 INCURRED IN WORKING ON THE FIRE OR TO PROVIDE OTHER FINANCIAL
23 INCENTIVES TO RETAIN AND RECRUIT VOLUNTEER FIREFIGHTERS TO WORK
24 ON WILDLAND FIRES.

25 (c) THE DIVISION AND EACH COUNTY SHERIFF'S OFFICE SHALL
26 MODIFY ANY INTERGOVERNMENTAL AGREEMENTS GOVERNING
27 REIMBURSEMENT FOR WILDLAND FIRE SUPPRESSION ACTIVITIES AS

1 NECESSARY TO ALLOW REIMBURSEMENT IN ACCORDANCE WITH THIS
2 SUBSECTION (6).

3 (d) THE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO
4 IMPLEMENT THIS SUBSECTION (6).

5 (7) IN ADDITION TO ANY OTHER PURPOSE FOR THE USE OF MONEY
6 IN THE WILDLAND FIRE COST RECOVERY FUND, THE DIVISION MAY USE
7 MONEY IN THE FUND TO REIMBURSE COUNTY SHERIFFS FOR EXPENSES
8 INCURRED IN PROVIDING ACCESS TO BEHAVIORAL AND MENTAL
9 HEALTH-CARE SERVICES IN ACCORDANCE WITH SECTION 30-10-513 (2.5).
10 THE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT
11 THIS SUBSECTION (7).

12 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1226,
13 **amend (2.5)** as follows:

14 **24-33.5-1226. Wildfire emergency response fund - creation -**
15 **gifts, grants, and donations authorized - rules. (2.5)** In addition to any
16 other purpose for the use of money in the wildfire emergency
17 ~~preparedness~~ RESPONSE fund specified in this section, the division may
18 use money in the fund:

19 (a) To provide wildfire suppression assistance to county sheriffs,
20 municipal fire departments, or fire protection districts throughout the state
21 at no cost to such entities pursuant to annual guidelines published by the
22 division in the wildfire preparedness plan required by section
23 24-33.5-1227 (2)(a); AND

24 (b) TO REIMBURSE COUNTY SHERIFFS FOR EXPENSES INCURRED IN
25 PROVIDING ACCESS TO BEHAVIORAL AND MENTAL HEALTH-CARE SERVICES
26 IN ACCORDANCE WITH SECTION 30-10-513 (2.5). THE DIRECTOR MAY
27 PROMULGATE RULES AS NECESSARY TO IMPLEMENT THIS SUBSECTION

1 (2.5)(b).

2 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1231,
3 **amend** (1), (2), (3)(a), (3)(b), and (4); and **add** (3.5) as follows:

4 **24-33.5-1231. Local firefighter safety and disease prevention**
5 **fund - creation - grants - rules.** (1) There is hereby created in the state
6 treasury the local firefighter safety and disease prevention fund. The fund
7 consists of all ~~moneys~~ MONEY that may be appropriated OR TRANSFERRED
8 to the fund by the general assembly and all private and public ~~moneys~~
9 MONEY received through gifts, grants, or donations that ~~are~~ IS transmitted
10 to the state treasurer and credited to the fund. The state treasurer shall
11 credit all interest earned from the investment of ~~moneys~~ MONEY in the
12 fund to the fund. The ~~moneys~~ MONEY in the fund ~~are~~ IS hereby
13 continuously appropriated to the division for the purposes indicated in
14 this section. Any ~~moneys~~ MONEY not expended at the end of each fiscal
15 year ~~remain~~ REMAINS in the fund and shall not be transferred to or revert
16 to the general fund.

17 (2) (a) The division shall use the ~~moneys~~ MONEY in the fund to
18 award need-based grants to governing bodies and volunteer fire
19 departments to provide funding or reimbursement for:

20 (I) PURCHASING equipment ~~and~~ OR REPLACING DAMAGED OR
21 OBSOLETE EQUIPMENT, INCLUDING THE COSTS OF DISPOSAL OF DAMAGED
22 AND OBSOLETE EQUIPMENT;

23 (II) PROVIDING training designed to increase firefighter safety and
24 prevent occupation-related diseases; AND

25 (III) PROVIDING ACCESS TO BEHAVIORAL AND MENTAL
26 HEALTH-CARE SERVICES FOR SEASONAL AND VOLUNTEER FIREFIGHTERS
27 INVOLVED IN WILDLAND FIRE SUPPRESSION.

1 (b) The division may expend up to three percent per year from the
2 fund for its direct and indirect costs in administering the grant program.
3 The general assembly intends that the need-based grants from the fund are
4 in addition to, and do not supplant, other sources of funding regarding
5 firefighting.

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

9 (a) The recommendations of the fire service training, certification,
10 and firefighter safety advisory board, created in section 24-33.5-1204 (1),
11 concerning the grant application process, funding priorities, and the
12 criteria for awarding grants, SUBJECT TO THE REQUIREMENTS OF
13 SUBSECTION (3.5) OF THIS SECTION;

14 (b) How to structure the grant application process, which must
15 include a merit-based, peer-review process with grant reviewers from the
16 Colorado state fire chiefs, Colorado professional fire fighters association,
17 ~~and~~ the Colorado state fire fighters association, AND INDIVIDUALS WITH
18 EXPERIENCE AS VOLUNTEER FIREFIGHTERS in equal representation. The
19 peer reviewers shall make recommendations to the director on the award
20 of grants under the program.

21 (3.5) IN AWARDING GRANTS, THE DIVISION SHALL GIVE PRIORITY
22 TO GOVERNING BODIES AND VOLUNTEER FIRE DEPARTMENTS THAT:

23 (a) RELY PRIMARILY OR SOLELY ON VOLUNTEER FIREFIGHTERS AND
24 ARE SERVING COMMUNITIES AFFECTED BY WILDLAND FIRES;

25 (b) DEMONSTRATE A LOSS OF TAX REVENUE DUE TO DECREASED
26 ASSESSMENT VALUES AS A RESULT OF A WILDLAND FIRE IN THE FIRE
27 DEPARTMENT'S JURISDICTION IN THE PREVIOUS FIVE YEARS; OR

1 (c) DEMONSTRATE THE GREATEST NEED FOR ADDITIONAL FUNDING
2 TO ENSURE THE SAFETY OF VOLUNTEER AND SEASONAL FIREFIGHTERS.

3 (4) (a) (I) ~~On July 1, 2018, the state treasurer shall transfer two~~
4 ~~hundred fifty thousand dollars from the general fund to the fund~~ FOR
5 EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE
6 MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE
7 IMPLEMENTATION OF THE GRANT PROGRAM. THE GENERAL ASSEMBLY MAY
8 APPROPRIATE ADDITIONAL MONEY TO THE FUND AS NECESSARY TO MEET
9 THE NEEDS OF FIRE DEPARTMENTS ACROSS THE STATE.

10 (II) ON OR BEFORE SEPTEMBER 1, 2032, THE STAFF OF THE JOINT
11 BUDGET COMMITTEE SHALL REVIEW THE IMPLEMENTATION OF THE GRANT
12 PROGRAM AND MAKE A RECOMMENDATION TO THE JOINT BUDGET
13 COMMITTEE AND TO THE WILDFIRE MATTERS REVIEW COMMITTEE OR ANY
14 SUCCESSOR COMMITTEE AS TO WHETHER THE ANNUAL APPROPRIATION
15 REQUIRED BY SUBSECTION (4)(a)(I) OF THIS SECTION SHOULD BE ADJUSTED
16 BASED ON THE CURRENT NEEDS OF FIRE DEPARTMENTS ACROSS THE STATE.

17 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, the division shall
18 ~~use this money to make~~ AWARD grants ~~under subsection (2) of~~ AT LEAST
19 ONCE ANNUALLY IN ACCORDANCE WITH this section ~~In no event shall any~~
20 ~~individual grant be in excess of the amount of twenty-five thousand~~
21 ~~dollars.~~ AND SHALL ALLOW GOVERNING BODIES AND VOLUNTEER FIRE
22 DEPARTMENTS TO SUBMIT APPLICATIONS THROUGHOUT THE YEAR ON AN
23 AS-NEEDED BASIS DUE TO EMERGENT CIRCUMSTANCES.

24 **SECTION 4.** In Colorado Revised Statutes, 29-22.5-103, **amend**
25 (1)(d) as follows:

26 **29-22.5-103. Wildland fires - general authority and**
27 **responsibilities.** (1) (d) The fire chief shall not seek reimbursement from

1 the county for expenses incurred by the district for their own apparatus,
2 equipment, and personnel used in containing or suppressing a wildfire
3 occurring on private property within the boundaries of the district,
4 EXCEPT AS PROVIDED IN SECTION 30-10-513 (3)(b).

5 **SECTION 5.** In Colorado Revised Statutes, 30-10-513, **amend**
6 (3); and **add** (2.5) as follows:

7 **30-10-513. Duties of sheriff - coordination of fire suppression**
8 **efforts for forest, prairie, or wildland fire - expenses.** (2.5) THE
9 COUNTY SHERIFF SHALL ENSURE THAT ALL FIREFIGHTERS, INCLUDING
10 VOLUNTEER AND SEASONAL FIREFIGHTERS, WHO RESPONDED TO A PRAIRIE,
11 FOREST, OR WILDLAND FIRE THAT EXCEEDED THE CAPACITY OF THE FIRE
12 PROTECTION DISTRICT IN WHICH IT IGNITED OR THAT REQUIRED MORE
13 THAN SEVEN DAYS TO CONTROL OR EXTINGUISH HAVE ACCESS TO
14 BEHAVIORAL AND MENTAL HEALTH-CARE SERVICES AS NEEDED DURING
15 AND AFTER THE RESPONSE TO THE FIRE AT NO COST TO THE FIREFIGHTER.
16 THE COUNTY SHERIFF IS ENTITLED TO REIMBURSEMENT FOR THE COSTS OF
17 PROVIDING ACCESS TO BEHAVIORAL AND MENTAL HEALTH-CARE SERVICES
18 AS REQUIRED BY THIS SUBSECTION (2.5) FROM THE WILDLAND FIRE COST
19 RECOVERY FUND CREATED IN SECTION 24-33.5-1220 OR THE WILDFIRE
20 EMERGENCY RESPONSE FUND CREATED IN SECTION 24-33.5-1226. THE
21 COUNTY SHERIFF MAY APPLY FOR REIMBURSEMENT TO THE DIVISION OF
22 FIRE PREVENTION AND CONTROL IN ACCORDANCE WITH RULES OR POLICIES
23 ESTABLISHED BY THE DIVISION.

24 (3) (a) The board of county commissioners of any county may
25 allow the sheriff, undersheriffs, deputies, municipal or county fire
26 departments, fire protection districts, fire authorities, and such other
27 persons as may be called upon to assist in controlling or extinguishing a

1 prairie, forest, or wildland fire such compensation and reimbursement for
2 other expenses necessarily incurred as the board deems just.

3 (b) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY
4 ALLOW A FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR VOLUNTEER
5 FIRE DEPARTMENT COMPENSATION AND REIMBURSEMENT FOR OTHER
6 EXPENSES NECESSARILY INCURRED IN CONTROLLING OR EXTINGUISHING A
7 PRAIRIE, FOREST, OR WILDLAND FIRE WITHIN THE JURISDICTION OR
8 BOUNDARIES OF THE FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR
9 VOLUNTEER FIRE DEPARTMENT IN THE CIRCUMSTANCES SET FORTH IN
10 SECTION 24-33.5-1220 (6)(a), AS THE BOARD DEEMS JUST.

11 **SECTION 6.** In Colorado Revised Statutes, 30-10-513.5, **add**
12 (1)(c) as follows:

13 **30-10-513.5. Authority of sheriff relating to fires within**
14 **unincorporated areas of county - liability for expenses.** (1) (c) THIS
15 SECTION DOES NOT PROHIBIT A COUNTY FROM REIMBURSING A FIRE
16 PROTECTION DISTRICT, FIRE DEPARTMENT, OR VOLUNTEER FIRE
17 DEPARTMENT FOR WILDLAND FIRE SUPPRESSION ACTIVITIES FROM A
18 COUNTY FUNDING SOURCE IN ACCORDANCE WITH SECTION 30-10-513
19 (3)(b).

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