

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

BILL C

LLS NO. 22-0189.03 Megan Waples x4348

SENATE BILL

SENATE SPONSORSHIP

Ginal and Story, Lee

HOUSE SPONSORSHIP

Cutter and Will, Lynch, Snyder, Valdez D.

Senate Committees

House Committees

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,

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.

the fire exceeds the department's capacity to extinguish or control, and the period of mutual aid has ended. The fire department must use money received to compensate volunteer firefighters in accordance with guidelines adopted by the division of fire prevention and control (division) in the annual wildfire preparedness plan. 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.

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.

In addition, the division may use money in the firefighter safety and disease prevention fund to reimburse mental and behavioral health-care specialists for services provided to firefighters who have served as volunteer or seasonal wildland firefighters, in accordance with rules adopted by the division.

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) as follows:

4 **24-33.5-1220. Funds available - emergency fire fund - wildland**
5 **fire equipment repair fund - wildland fire cost recovery fund -**
6 **creation - gifts, grants, and donations authorized - rules.**

1 (6) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FIRE
2 DEPARTMENT IS ELIGIBLE FOR REIMBURSEMENT FOR WILDLAND FIRE
3 SUPPRESSION ACTIVITIES WITHIN THE JURISDICTION OR DESIGNATED
4 BOUNDARIES OF THE FIRE DEPARTMENT FROM THE GOVERNOR'S
5 EMERGENCY FUND, THE EMERGENCY FIRE FUND, AND THE WILDLAND COST
6 RECOVERY FUND IF:

7 (I) THE FIRE DEPARTMENT RELIES SOLELY OR PRIMARILY ON
8 VOLUNTEER FIREFIGHTERS TO PROVIDE FIRE PROTECTION SERVICES, AS
9 DETERMINED UNDER GUIDELINES ADOPTED BY THE DIVISION IN THE
10 ANNUAL WILDFIRE PREPAREDNESS PLAN REQUIRED BY SECTION
11 24-33.5-1227 (2)(a);

12 (II) THE WILDLAND FIRE EXCEEDS THE CAPABILITIES OF THE FIRE
13 DEPARTMENT TO CONTROL OR EXTINGUISH; AND

14 (III) THE MUTUAL AID PERIOD FOR THAT FIRE HAS ENDED.

15 (b) THE FIRE DEPARTMENT MUST USE MONEY RECEIVED PURSUANT
16 TO THIS SUBSECTION (6) TO COMPENSATE VOLUNTEER FIREFIGHTERS
17 PURSUANT TO GUIDELINES ADOPTED BY THE DIVISION IN THE ANNUAL
18 WILDFIRE PREPAREDNESS PLAN REQUIRED BY SECTION 24-33.5-1227
19 (2)(a).

20 (c) THE DIVISION AND EACH COUNTY SHERIFF'S OFFICE SHALL
21 MODIFY ANY INTERGOVERNMENTAL AGREEMENTS GOVERNING
22 REIMBURSEMENT FOR WILDLAND FIRE SUPPRESSION ACTIVITIES AS
23 NECESSARY TO ALLOW REIMBURSEMENT IN ACCORDANCE WITH THIS
24 SUBSECTION (6).

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

27 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1226,

1 **amend** (2.5) as follows:

2 **24-33.5-1226. Wildfire emergency response fund - creation -**
3 **gifts, grants, and donations authorized - rules.** (2.5) In addition to any
4 other purpose for the use of money in the wildfire emergency
5 ~~preparedness~~ RESPONSE fund specified in this section, the division may
6 use money in the fund to provide wildfire suppression assistance to
7 county sheriffs, municipal fire departments, or fire protection districts
8 throughout the state at no cost to such entities pursuant to annual
9 guidelines published by the division in the wildfire preparedness plan
10 required by section 24-33.5-1227 (2)(a).

11 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1231,
12 **amend** (1), (2), (3) introductory portion, (3)(a), (3)(b), and (4); and **add**
13 (3.5) as follows:

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

27 (2) (a) The division shall use the ~~moneys~~ MONEY in the fund to:

1 (I) Award need-based grants to governing bodies and volunteer
2 fire departments to provide funding or reimbursement for:

3 (A) PURCHASING equipment ~~and~~ OR REPLACING DAMAGED OR
4 OBSOLETE EQUIPMENT, INCLUDING THE COSTS OF DISPOSAL OF DAMAGED
5 AND OBSOLETE EQUIPMENT;

6 (B) PROVIDING training designed to increase firefighter safety and
7 prevent occupation-related diseases; AND

8 (C) PROVIDING ACCESS TO BEHAVIORAL AND MENTAL
9 HEALTH-CARE SERVICES FOR SEASONAL AND VOLUNTEER FIREFIGHTERS
10 INVOLVED IN WILDLAND FIRE SUPPRESSION; AND

11 (II) REIMBURSE MENTAL AND BEHAVIORAL HEALTH-CARE
12 SPECIALISTS WHO PROVIDE SERVICES TO FIREFIGHTERS WHO HAVE
13 PROVIDED DOCUMENTATION TO THE SPECIALIST THAT THEY HAVE SERVED
14 AS A VOLUNTEER OR SEASONAL WILDLAND FIREFIGHTER IN COLORADO,
15 PURSUANT TO RULES ADOPTED BY THE DIVISION.

16 (b) The division may expend up to three percent per year from the
17 fund for its direct and indirect costs in administering the ~~grant program~~
18 PROGRAMS AUTHORIZED BY THIS SECTION. The general assembly intends
19 that the need-based grants from the fund are in addition to, and do not
20 supplant, other sources of funding regarding firefighting.

21 (3) The director shall promulgate rules governing THE
22 REIMBURSEMENT OF MENTAL AND BEHAVIORAL HEALTH-CARE SPECIALISTS
23 AND the award of grants pursuant to subsection (2) of this section,
24 including consideration of:

25 (a) The recommendations of the fire service training, certification,
26 and firefighter safety advisory board, created in section 24-33.5-1204 (1),
27 concerning the grant application process, funding priorities, and the

1 criteria for awarding grants, SUBJECT TO THE REQUIREMENTS OF
2 SUBSECTION (3.5) OF THIS SECTION;

3 (b) How to structure the grant application process, which must
4 include a merit-based, peer-review process with grant reviewers from the
5 Colorado state fire chiefs, Colorado professional fire fighters association,
6 ~~and~~ the Colorado state fire fighters association, AND INDIVIDUALS WITH
7 EXPERIENCE AS VOLUNTEER FIREFIGHTERS in equal representation. The
8 peer reviewers shall make recommendations to the director on the award
9 of grants under the program.

10 (3.5) IN AWARDING GRANTS, THE DIVISION SHALL GIVE PRIORITY
11 TO GOVERNING BODIES AND VOLUNTEER FIRE DEPARTMENTS THAT:

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

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

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

19 (4) (a) (I) ~~On July 1, 2018, the state treasurer shall transfer two~~
20 ~~hundred fifty thousand dollars from the general fund to the fund~~ FOR
21 EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE
22 MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE
23 IMPLEMENTATION OF THIS SECTION. THE GENERAL ASSEMBLY MAY
24 APPROPRIATE ADDITIONAL MONEY TO THE FUND AS NECESSARY TO MEET
25 THE NEEDS OF FIRE DEPARTMENTS ACROSS THE STATE.

26 (II) ON OR BEFORE SEPTEMBER 1, 2032, THE STAFF OF THE JOINT
27 BUDGET COMMITTEE SHALL REVIEW THE IMPLEMENTATION OF THE GRANT

1 PROGRAM AND MAKE A RECOMMENDATION TO THE JOINT BUDGET
2 COMMITTEE AND TO THE WILDFIRE MATTERS REVIEW COMMITTEE OR ANY
3 SUCCESSOR COMMITTEE AS TO WHETHER THE ANNUAL APPROPRIATION
4 REQUIRED BY SUBSECTION (4)(a)(I) OF THIS SECTION SHOULD BE ADJUSTED
5 BASED ON THE CURRENT NEEDS OF FIRE DEPARTMENTS ACROSS THE STATE.

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

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

15 **29-22.5-103. Wildland fires - general authority and**
16 **responsibilities.** (1) (d) The fire chief shall not seek reimbursement from
17 the county for expenses incurred by the district for their own apparatus,
18 equipment, and personnel used in containing or suppressing a wildfire
19 occurring on private property within the boundaries of the district,
20 EXCEPT AS PROVIDED IN SECTION 30-10-513 (3)(b).

21 **SECTION 5.** In Colorado Revised Statutes, 30-10-513, **amend**
22 (3) as follows:

23 **30-10-513. Duties of sheriff - coordination of fire suppression**
24 **efforts for forest, prairie, or wildland fire - expenses.** (3) (a) The
25 board of county commissioners of any county may allow the sheriff,
26 undersheriffs, deputies, municipal or county fire departments, fire
27 protection districts, fire authorities, and such other persons as may be

1 called upon to assist in controlling or extinguishing a prairie, forest, or
2 wildland fire such compensation and reimbursement for other expenses
3 necessarily incurred as the board deems just.

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

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

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

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