

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 15-0130.01 Bart Miller

HOUSE BILL 15-1017

HOUSE SPONSORSHIP

Hamner and Buck,

SENATE SPONSORSHIP

Roberts,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

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

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://www.leg.state.co.us/bills summaries>.)

Wildfire Matters Review Committee. The bill enacts the "Volunteer Fire Department Organization Act". To assist areas that currently lack full-time fire protection services, the bill sets forth the framework to establish and maintain volunteer fire departments recognized by the division of fire prevention and control in the

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.

HOUSE
3rd Reading Unamended
January 28, 2015

HOUSE
Amended 2nd Reading
January 27, 2015

department of public safety. The bill also makes available grants for technical and funding assistance for the establishment of volunteer fire departments recognized by the division.

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

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

4 **24-33.5-1208.5. "Volunteer Fire Department Organization**
5 **Act" - legislative declaration - areas without fire protection - state**
6 **assistance for creation of volunteer fire departments - eligibility for**
7 **grants.** (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
8 "VOLUNTEER FIRE DEPARTMENT ORGANIZATION ACT".

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

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

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

19 (III) FIRE PREVENTION, FIRE SUPPRESSION, AND RELATED
20 EMERGENCY SERVICES PROVIDED BY NOT-FOR-PROFIT,
21 NONGOVERNMENTAL VOLUNTEER FIRE DEPARTMENTS ARE VITAL TO THE
22 PROTECTION OF THE SAFETY OF THE CITIZENS OF THE STATE.

23 (b) THE GENERAL ASSEMBLY THEREFORE:

24 (I) FINDS THAT IT IS IN THE PUBLIC INTEREST TO ESTABLISH AND

1 MAINTAIN A COMPLETE, COOPERATIVE, AND COORDINATED FIRE
2 PROTECTION AND SUPPRESSION PROGRAM FOR THE STATE; AND

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

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

11 (I) BE ORGANIZED UNDER AND IN COMPLIANCE WITH, THE
12 "COLORADO REVISED NONPROFIT CORPORATION ACT", ARTICLES 121 TO
13 137 OF TITLE 7, C.R.S.; AND

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

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

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

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

27 (b) (I) AT A MINIMUM, THE AGREEMENT REQUIRED BY

1 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) MUST
2 SPECIFY THE TYPES OF SERVICES TO BE PROVIDED BY THE VOLUNTEER FIRE
3 DEPARTMENT AND THE BOUNDARIES OF ITS SERVICE AREA.

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

11 (c) A VOLUNTEER FIRE DEPARTMENT SHALL COMPLETE AND FILE
12 WITH THE DIVISION A FIRE DEPARTMENT REGISTRATION FORM SPECIFIED BY
13 THE DIVISION WITHIN SIXTY DAYS AFTER JANUARY 1, 2016, AND
14 ANNUALLY THEREAFTER. THE DIVISION MAY ISSUE A FIRE DEPARTMENT
15 IDENTIFICATION NUMBER TO THE VOLUNTEER FIRE DEPARTMENT BASED
16 UPON THE REGISTRATION FILED UNDER THIS PARAGRAPH (c).

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

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

25 (6) (a) THE GENERAL ASSEMBLY INTENDS THIS SUBSECTION (6) TO
26 PROVIDE THE DIVISION WITH A MEANS BY WHICH THE STATE CAN
27 ENCOURAGE AND SUPPORT THE CREATION OF VOLUNTEER FIRE

1 DEPARTMENTS IN AREAS OF THE STATE WHERE THERE IS NO ORGANIZED
2 FIRE PROTECTION.

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

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

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

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

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

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

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

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

3 **24-33.5-1202. Definitions.** As used in this part 12, unless the
4 context otherwise requires:

5 (3.9) "Fire department" means the duly authorized fire protection
6 organization of a town, city, county, or city and county, a fire protection
7 district, or a metropolitan district or county improvement district that
8 provides fire protection. "FIRE DEPARTMENT" ALSO INCLUDES VOLUNTEER
9 FIRE DEPARTMENTS ORGANIZED UNDER SECTION 24-33.5-1208.5.

10 (14.5) "VOLUNTEER FIRE DEPARTMENT" MEANS A
11 NONGOVERNMENTAL UNIT ORGANIZED IN ACCORDANCE WITH SECTION
12 24-33.5-1208.5 AS A NONPROFIT ORGANIZATION WITH A PRIMARY PURPOSE
13 OF FIREFIGHTING, FIRE PROTECTION, OR OTHER EMERGENCY SERVICES TO
14 A DEFINED SERVICE AREA THAT IS RECOGNIZED BY THE APPROPRIATE
15 GOVERNMENTAL ENTITY WITH JURISDICTION FOR THE AREA THE UNIT
16 SERVICES.

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

19 **24-33.5-1231. Local firefighter safety and disease prevention**
20 **fund - creation - grants - rules.** (2) The division shall use the moneys
21 in the fund to award need-based grants to governing bodies AND
22 VOLUNTEER FIRE DEPARTMENTS to provide funding or reimbursement for
23 equipment and training designed to increase firefighter safety and prevent
24 occupation-related diseases. The division may expend up to three percent
25 per year from the fund for its direct and indirect costs in administering the
26 grant program. The general assembly intends that the need-based grants
27 from the fund are in addition to, and do not supplant, other sources of

1 funding to ~~governing bodies~~ regarding firefighting.

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

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

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

10 **13-21-113.3. Donation of firefighting equipment - exemption**
11 **from civil and criminal liability - definitions - legislative declaration.**

12 (2) As used in this section:

13 (a) "Fire department" has the meaning set forth in section
14 24-33.5-1202, C.R.S., and includes a fire department that uses paid
15 firefighters, volunteer firefighters, or both. The term includes, without
16 limitation, not-for-profit nongovernmental entities that are organized to
17 provide firefighting services AND RECOGNIZED UNDER SECTION
18 24-33.5-1208.5, C.R.S.

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

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

24 (b) "Fire department" has the meaning set forth in section
25 24-33.5-1202, C.R.S., and includes a fire department that uses paid
26 firefighters, volunteer firefighters, or both. The term includes, without
27 limitation, not-for-profit nongovernmental entities that are organized to

1 provide firefighting services AND RECOGNIZED UNDER SECTION
2 24-33.5-1208.5, C.R.S.

3 **SECTION 6. 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, and safety.