

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0189.03 Megan Waples x4348

SENATE BILL 22-002

SENATE SPONSORSHIP

Ginal and Story, Lee

HOUSE SPONSORSHIP

Cutter and Will, Lynch, Snyder, Valdez D.

Senate Committees

Local Government
Appropriations

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, AND, IN CONNECTION THEREWITH,**
104 **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/>.)

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

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.

SENATE
Amended 2nd Reading
April 4, 2022

fire suppression activities conducted in the fire department's jurisdiction if the fire department relies primarily or solely on volunteer firefighters, 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 -**

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 THE GOVERNOR'S
6 EMERGENCY FUND AND THE WILDLAND FIRE COST 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) , (3)(a), (3)(b), and (4); and **add** (3.5) and (5) as
13 follows:

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

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

8 (II) REIMBURSE A MULTIPLE EMPLOYER BEHAVIORAL HEALTH
9 TRUST FOR THE DIRECT COSTS OF PROVIDING A PROGRAM PURSUANT TO
10 PART 5 OF ARTICLE 5 OF TITLE 29. IN FISCAL YEAR 2022-23, THE TOTAL
11 REIMBURSEMENT PURSUANT TO THIS SUBSECTION (2)(a)(II) MUST NOT
12 EXCEED ONE MILLION DOLLARS. IN SUBSEQUENT FISCAL YEARS, THE FIRE
13 SERVICE TRAINING, CERTIFICATION, AND FIREFIGHTER SAFETY ADVISORY
14 BOARD, CREATED IN SECTION 24-33.5-1204 (1) SHALL MAKE A
15 RECOMMENDATION TO THE DIVISION BASED UPON THE BEHAVIORAL
16 HEALTHCARE AND SAFETY NEEDS OF FIREFIGHTERS AS TO THE AMOUNT OF
17 MONEY IN THE FUND THAT MAY BE USED FOR THIS PURPOSE.

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

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

26 (a) The recommendations of the fire service training, certification,
27 and firefighter safety advisory board, created in section 24-33.5-1204 (1),

1 concerning the grant application process, funding priorities, and the
2 criteria for awarding grants, SUBJECT TO THE REQUIREMENTS OF
3 SUBSECTION (3.5) OF THIS SECTION;

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

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

13 (a) DEMONSTRATE THE GREATEST NEED FOR ADDITIONAL FUNDING
14 TO ENSURE THE SAFETY OF VOLUNTEER AND SEASONAL FIREFIGHTERS;

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

18 (c) RELY PRIMARILY OR SOLELY ON VOLUNTEER FIREFIGHTERS AND
19 ARE SERVING COMMUNITIES AFFECTED BY WILDLAND FIRES.

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

27 (II) ON OR BEFORE SEPTEMBER 1, 2032, THE STAFF OF THE JOINT

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

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

14 (II) THE DIVISION MAY USE A PORTION OF THE MONEY IN THE FUND
15 TO DIRECTLY PURCHASE AND DISTRIBUTE PROTECTIVE EQUIPMENT TO
16 GOVERNING BODIES AND VOLUNTEER FIRE DEPARTMENTS TO DIRECTLY
17 PAY FOR TRAINING DESIGNED TO INCREASE FIREFIGHTER SAFETY AND
18 PREVENT OCCUPATION-RELATED DISEASES FOR GOVERNING BODIES AND
19 VOLUNTEER FIRE DEPARTMENTS OR TO REIMBURSE GOVERNING BODIES
20 AND VOLUNTEER FIRE DEPARTMENTS FOR THE COSTS OF PROTECTIVE
21 EQUIPMENT AND TRAINING WITHOUT REQUIRING A GRANT APPLICATION
22 AND PEER REVIEW PROCESS PURSUANT TO SUBSECTIONS (2) AND (3) OF
23 THIS SECTION. IN DISTRIBUTING EQUIPMENT, PAYING FOR TRAINING, OR
24 PROVIDING REIMBURSEMENT PURSUANT TO THIS SUBSECTION (4)(b)(II),
25 THE DIVISION SHALL PRIORITIZE GOVERNING BODIES AND VOLUNTEER FIRE
26 DEPARTMENTS IN ACCORDANCE WITH THE CRITERIA SPECIFIED IN
27 SUBSECTION (3.5) OF THIS SECTION.

1 MEETING THIS DEFINITION WHO PROVIDES VOLUNTEER SERVICES TO A FIRE
2 AUTHORITY CREATED BY AN INTERGOVERNMENTAL AGREEMENT
3 PROVIDING FIRE PROTECTION.

4 (3) "TRUST" MEANS A MULTIPLE EMPLOYER BEHAVIORAL HEALTH
5 TRUST DESCRIBED IN SECTION 10-3-903.5 (7)(e), ESTABLISHED FOR THE
6 PURPOSES OF THIS PART 5.

7 **29-5-502. Required program - reimbursement.** (1) AN
8 EMPLOYER SHALL PARTICIPATE IN A MULTIPLE EMPLOYER BEHAVIORAL
9 HEALTH TRUST IN ORDER TO PROVIDE THE PROGRAM SPECIFIED IN THIS
10 SECTION FOR ITS FIREFIGHTERS. IF AT ANY TIME THE FUNDING PROVIDED
11 PURSUANT TO SUBSECTION (4) OF THIS SECTION IS INSUFFICIENT TO COVER
12 THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THEN THE
13 REQUIREMENT TO PARTICIPATE IN THE PROGRAM BECOMES OPTIONAL
14 PURSUANT TO SECTION 29-1-304.5.

15 (2) A TRUST SHALL PROVIDE A PROGRAM PLANNED, ORGANIZED,
16 OPERATED, AND MAINTAINED TO PROVIDE BASIC SERVICES TO
17 FIREFIGHTERS FOR THE PREVENTION, DIAGNOSIS, AND INITIAL TREATMENT
18 OF EMOTIONAL, BEHAVIORAL, OR MENTAL HEALTH DISORDERS. SERVICES
19 PROVIDED UNDER THE PROGRAM SHALL BE RENDERED PRIMARILY ON AN
20 OUTPATIENT AND CONSULTATIVE BASIS, INCLUDING SERVICES DELIVERED
21 TELEPHONICALLY OR REMOTELY.

22 (3) SUBJECT TO AVAILABLE APPROPRIATIONS AND THE
23 REQUIREMENTS OF SECTION 24-33.5-1231 (2)(a)(II), THE DIVISION OF FIRE
24 PREVENTION AND CONTROL SHALL REIMBURSE A MULTIPLE EMPLOYER
25 BEHAVIORAL HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING A
26 PROGRAM AS REQUIRED BY THIS PART 5 FROM THE LOCAL FIREFIGHTER
27 SAFETY AND DISEASE PREVENTION FUND CREATED IN SECTION

1 24-33.5-1231 (1).

2 29-5-503. Authority of the trust - rules - report. (1) IN
3 ADDITION TO ANY OTHER AUTHORITY GIVEN TO THE TRUST, THE TRUST
4 HAS THE AUTHORITY TO:

5 (a) CREATE A PROGRAM DESCRIPTION TO FURTHER DEFINE THE
6 SERVICES AVAILABLE PURSUANT TO THIS PART 5;

7 (b) STRUCTURE THE SERVICES PROVIDED UNDER THE PROGRAM
8 BASED ON ACTUARIAL RECOMMENDATIONS AND WITH INPUT FROM A
9 COMMITTEE OF THE TRUST CONSISTING OF REPRESENTATIVES OF LABOR,
10 MANAGEMENT, ADMINISTRATION, AND EMPLOYERS SERVING DIFFERENT
11 SIZED POPULATIONS; AND

12 (c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION
13 OF THE TRUST.

14 (2) ON OR BEFORE OCTOBER 1, 2024, THE TRUST, TOGETHER WITH
15 THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
16 PUBLIC SAFETY, SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS
17 REVIEW COMMITTEE ON THE IMPLEMENTATION OF THIS PART 5. THE
18 REPORT MUST, AT A MINIMUM:

19 (a) DISCUSS THE EXTENT TO WHICH THE PROGRAM PROVIDED
20 UNDER THIS PART 5 IS MEETING THE BEHAVIORAL HEALTH CARE NEEDS OF
21 FIREFIGHTERS IN THE STATE;

22 (b) ASSESS THE ONGOING FUNDING NEEDS OF THE TRUST AND
23 WHETHER THE AVAILABLE FUNDING IS SUFFICIENT TO ALLOW THE TRUST
24 TO MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS; AND

25 (c) RECOMMEND ANY CHANGES NEEDED TO MORE EFFECTIVELY
26 MEET THE BEHAVIORAL HEALTH CARE NEEDS OF FIREFIGHTERS ACROSS
27 THE STATE.

1 **SECTION 5.** In Colorado Revised Statutes, 29-22.5-103, **amend**
2 (1)(d) as follows:

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

9 **SECTION 6.** In Colorado Revised Statutes, 30-10-513, **amend**
10 (3) as follows:

11 **30-10-513. Duties of sheriff - coordination of fire suppression**
12 **efforts for forest, prairie, or wildland fire - expenses.** (3) (a) The
13 board of county commissioners of any county may allow the sheriff,
14 undersheriffs, deputies, municipal or county fire departments, fire
15 protection districts, fire authorities, and such other persons as may be
16 called upon to assist in controlling or extinguishing a prairie, forest, or
17 wildland fire such compensation and reimbursement for other expenses
18 necessarily incurred as the board deems just.

19 (b) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY
20 ALLOW A FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR VOLUNTEER
21 FIRE DEPARTMENT COMPENSATION AND REIMBURSEMENT FROM A COUNTY
22 FUNDING SOURCE FOR OTHER EXPENSES NECESSARILY INCURRED IN
23 CONTROLLING OR EXTINGUISHING A PRAIRIE, FOREST, OR WILDLAND FIRE
24 WITHIN THE JURISDICTION OR BOUNDARIES OF THE FIRE DEPARTMENT, FIRE
25 PROTECTION DISTRICT, OR VOLUNTEER FIRE DEPARTMENT IF THE
26 CIRCUMSTANCES SET FORTH IN SECTION 24-33.5-1220 (6)(a)(I), (6)(a)(II),
27 AND (6)(a)(III) ARE MET, AS THE BOARD DEEMS JUST.

1 **SECTION 7.** In Colorado Revised Statutes, 30-10-513.5, **add**
2 (1)(c) as follows:

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

10 **SECTION 8.** In Colorado Revised Statutes, 10-3-903.5, **amend**
11 (7)(a); and add (7)(e) as follows:

12 **10-3-903.5. Jurisdiction over providers of health-care benefits**
13 **- rules.** (7) (a) The provisions of this section and any other laws of this
14 state that regulate insurance or insurance companies shall not apply to any
15 multiple employer health trust ~~which~~ THAT meets the requirements of
16 paragraph (b) of this subsection (7) or SUBSECTION (7)(b) OF THIS
17 SECTION, any multiple employer welfare arrangement ~~which~~ THAT meets
18 the requirements of paragraph (c) of this subsection (7) SUBSECTION
19 (7)(c) OF THIS SECTION, OR ANY MULTIPLE EMPLOYER BEHAVIORAL
20 HEALTH TRUST THAT MEETS THE REQUIREMENTS OF SUBSECTION (7)(e) OF
21 THIS SECTION. Any such trust or arrangement shall be subject to the
22 requirements of this subsection (7) and section 10-3-1104. The exemption
23 provided by this subsection (7) shall not apply to any entity if the division
24 of insurance determines that its operation is hazardous to the public or to
25 individuals receiving benefits.

26 (e) A MULTIPLE EMPLOYER BEHAVIORAL HEALTH TRUST IS ANY
27 TRUST THAT IS SPONSORED AND MAINTAINED BY ONE OR MORE ENTITIES

1 OF STATE GOVERNMENT OR POLITICAL SUBDIVISIONS OF THE STATE,
2 ORGANIZED PURSUANT TO STATE LAW, AND FUNDED BY THE STATE FOR
3 THE BENEFIT OF THE ENTITIES' EMPLOYEES, INCLUDING A MULTIPLE
4 EMPLOYER BEHAVIORAL HEALTH TRUST ESTABLISHED FOR THE PURPOSES
5 OF PART 5 OF ARTICLE 5 OF TITLE 29.

6 **SECTION 9. Appropriation.** (1) For the 2022-23 state fiscal
7 year, \$5,000,000 is appropriated to the local firefighter safety and disease
8 prevention fund created in section 24-33.5-1231 (1), C.R.S. This
9 appropriation is from the General Fund. The department of public safety
10 is responsible for the accounting related to this appropriation.

11 **SECTION 10. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.