

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**BILL D**

LLS NO. 15-0130.01 Bart Miller x2173

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Buck and Hamner,**

**SENATE SPONSORSHIP**

**Roberts,**

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**House Committees**

**Senate Committees**

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**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".**

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**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/billsummaries>.)*

**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

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.*

recognized by the division of fire prevention and control in the 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.

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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:

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

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

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

12 (I) BE ORGANIZED UNDER AND IN COMPLIANCE WITH, THE  
13 "COLORADO REVISED NONPROFIT CORPORATION ACT", ARTICLES 121 TO  
14 137 OF TITLE 7, C.R.S.; AND

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

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

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

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

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

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

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

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

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

26           (6) (a) THE GENERAL ASSEMBLY INTENDS THIS SUBSECTION (6) TO  
27 PROVIDE THE DIVISION WITH A MEANS BY WHICH THE STATE CAN

1 ENCOURAGE AND SUPPORT THE CREATION OF VOLUNTEER FIRE  
2 DEPARTMENTS IN AREAS OF THE STATE WHERE THERE IS NO ORGANIZED  
3 FIRE PROTECTION.

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

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

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

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

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

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

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

1           **24-33.5-1202. Definitions.** As used in this part 12, unless the  
2 context otherwise requires:

3           (3.9) "Fire department" means the duly authorized fire protection  
4 organization of a town, city, county, or city and county, a fire protection  
5 district, or a metropolitan district or county improvement district that  
6 provides fire protection. "FIRE DEPARTMENT" ALSO INCLUDES VOLUNTEER  
7 FIRE DEPARTMENTS ORGANIZED UNDER SECTION 24-33.5-1208.5.

8           (14.5) "VOLUNTEER FIRE DEPARTMENT" MEANS A  
9 NONGOVERNMENTAL UNIT ORGANIZED IN ACCORDANCE WITH SECTION  
10 24-33.5-1208.5 AS A NONPROFIT ORGANIZATION WITH A PRIMARY PURPOSE  
11 OF FIREFIGHTING, FIRE PROTECTION, OR OTHER EMERGENCY SERVICES TO  
12 A DEFINED SERVICE AREA THAT IS RECOGNIZED BY THE APPROPRIATE  
13 GOVERNMENTAL ENTITY WITH JURISDICTION FOR THE AREA THE UNIT  
14 SERVICES.

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

17           **24-33.5-1231. Local firefighter safety and disease prevention**  
18 **fund - creation - grants - rules.** (2) The division shall use the moneys  
19 in the fund to award need-based grants to governing bodies AND  
20 VOLUNTEER FIRE DEPARTMENTS to provide funding or reimbursement for  
21 equipment and training designed to increase firefighter safety and prevent  
22 occupation-related diseases. The division may expend up to three percent  
23 per year from the fund for its direct and indirect costs in administering the  
24 grant program. The general assembly intends that the need-based grants  
25 from the fund are in addition to, and do not supplant, other sources of  
26 funding to ~~governing bodies~~ regarding firefighting.

27           (3) The director shall promulgate rules governing the award of

1 grants pursuant to subsection (2) of this section, including consideration  
2 of:

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

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

8 **13-21-113.3. Donation of firefighting equipment - exemption**  
9 **from civil and criminal liability - definitions - legislative declaration.**

10 (2) As used in this section:

11 (a) "Fire department" has the meaning set forth in section  
12 24-33.5-1202, C.R.S., and includes a fire department that uses paid  
13 firefighters, volunteer firefighters, or both. The term includes, without  
14 limitation, not-for-profit nongovernmental entities that are organized to  
15 provide firefighting services AND RECOGNIZED UNDER SECTION  
16 24-33.5-1208.5, C.R.S.

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

19 **13-21-113.7. Immunity of volunteer firefighters, volunteers,**  
20 **incident management teams, and their employers or organizations -**  
21 **definitions - legislative declaration.** (2) As used in this section:

22 (b) "Fire department" has the meaning set forth in section  
23 24-33.5-1202, C.R.S., and includes a fire department that uses paid  
24 firefighters, volunteer firefighters, or both. The term includes, without  
25 limitation, not-for-profit nongovernmental entities that are organized to  
26 provide firefighting services AND RECOGNIZED UNDER SECTION  
27 24-33.5-1208.5, C.R.S.

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