

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0682.01 Bob Lackner x4350

SENATE BILL 21-166

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SENATE SPONSORSHIP

Rankin and Fenberg,

HOUSE SPONSORSHIP

McCluskie and Will,

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Senate Committees

Agriculture & Natural Resources

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM  
102 THE COLORADO FIRE COMMISSION.

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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://leg.colorado.gov>.)*

The bill implements recommendations of the 2020 Colorado Fire Commission Annual Report.

**Sections 1, 2, and 3** of the bill update 3 mutual aid statutes affecting the responsibilities of requesting and assisting fire control. Under current statutory provisions, all resources from an agency assisting in fire prevention are under the control of the requesting agency and

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.

liability is placed with the requesting agency. Under the changes made by the bill, the assisting agency, working under the direction of the incident commander, retains operational control of its resources and, therefore, retains liability for the actions of its crews. These changes also add public emergency medical services (EMS) agencies to the applicable statutory provisions to allow for better coordination of EMS mutual aid resources.

**Section 4** creates the state responsibility and large wildland fire fund (fund) in the state treasury, which fund is to be administered by the division of fire prevention and control (division) in the department of public safety. Commencing July 1, 2021, and on July 1 of all subsequent state fiscal years, the bill requires the state treasurer to make an annual transfer from the general fund into the fund. Money in the fund must be used to pay for the state's share of suppression costs on large responsibility fires that are deemed to be the responsibility of the state.

The regional and statewide mutual aid system (RSMAS) is a regional and statewide system that provides for the coordinated initial response of emergency responders to emergency incidents. **Section 5** establishes the RSMAS to be administered by the division.

The director of the division is required to establish, implement, and maintain the RSMAS. Among the duties of the director in administering the RSMAS is implementing the Colorado coordinated regional mutual aid system (CCRMAS). The CCRMAS establishes 4 roughly equal geographic areas within the state to be known as division of fire prevention and control (DFPC) districts. Each DFPC district has a regional mutual aid coordinator, whose duties include ensuring that a competent mutual aid plan exists in each DFPC district and who serves as the point of contact within the DFPC district and coordinates mutual aid requests for fire and EMS resources. The bill specifies the duties of each regional mutual aid coordinator and of the director of the division with respect to administration of the RSMAS and CCRMAS overall.

Unless an emergency responder has opted out of the RSMAS and CCRMAS, all emergency responders are part of the RSMAS and CCRMAS. An emergency responder is relieved from any duty to make its equipment and personnel available to the RSMAS and CCRMAS under circumstances specified in the bill. An emergency responder that opts out of the RSMAS and CCRMAS is only eligible for reimbursement to the extent authorized in the rules promulgated by the director of the division.

The RSMAS and CCRMAS do not affect any other mutual aid agreement that may be entered into by one or more emergency responders.

At the end of any state fiscal year commencing with the 2022 state fiscal year, **section 6** requires the state treasurer to transfer any money in the aviation resources line of the annual general appropriation act for that same state fiscal year that would otherwise revert to the general fund into

the wildfire preparedness fund (WPF). Money transferred by the state treasurer into the WPF must be used for the purpose of traditional mitigation efforts. As long as money transferred into the WPF is being expended for one of the purposes specified in the bill, the division may allocate the money to any such purpose as will maximize the impact of such funding as the division may determine in its sole discretion.

Not less than once every 3 years commencing January 15, 2025, the division is required to report to the joint budget committee concerning its expenditures from the transfers made into the WPF under the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 29-5-105 as  
3 follows:

4 **29-5-105. Assignment of emergency response personnel for**  
5 **temporary duty - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "EMERGENCY RESPONDER" MEANS A COUNTY IMPROVEMENT  
8 DISTRICT PROVIDING FIRE PROTECTION SERVICES OR OTHER COUNTY  
9 DEPARTMENTS OR AGENCIES PROVIDING FIRE OR EMERGENCY MEDICAL  
10 SERVICES, MUNICIPAL FIRE DEPARTMENTS, FIRE PROTECTION DISTRICTS,  
11 METROPOLITAN DISTRICTS PROVIDING FIRE PROTECTION SERVICES, FIRE  
12 AUTHORITIES, HAZARDOUS MATERIAL AUTHORITIES, VOLUNTEER FIRE  
13 DEPARTMENTS RECOGNIZED UNDER THE "VOLUNTEER FIRE DEPARTMENT  
14 ORGANIZATION ACT" IN SECTION 24-33.5-1208.5, HEALTH SERVICES  
15 DISTRICTS PROVIDING AMBULANCE SERVICES, AND AMBULANCE DISTRICTS.

16 (b) "EMERGENCY RESPONDER PERSONNEL" MEANS PAID OR  
17 VOLUNTEER PERSONNEL OF AN EMERGENCY RESPONDER.

18 (2) ~~The chief of the fire department of any town, city, city and~~  
19 ~~county, or fire protection district~~ OR EXECUTIVE OFFICER OF AN  
20 EMERGENCY RESPONDER may, in his or her discretion and upon A request

1 ~~therefor~~ MADE by the chief of any fire department of any other town, city,  
2 ~~city and county, or fire protection district, assign members of his or her~~  
3 ~~department or companies thereof, together with such~~ OR EXECUTIVE  
4 OFFICER OF ANY OTHER EMERGENCY RESPONDER, ASSIGN SUCH PERSONNEL  
5 AND equipment as ~~the fire chief~~ HE OR SHE determines to be proper, to  
6 perform temporary ~~fire fighting or other~~ EMERGENCY SERVICES duties  
7 under the direction and control of the requesting ~~fire chief~~ EMERGENCY  
8 RESPONDER; except that the assigning fire chief OR EXECUTIVE OFFICER  
9 may require that such ~~firefighters, fire companies,~~ EMERGENCY  
10 RESPONDER PERSONNEL and equipment shall be under the immediate  
11 direction and control of a superior officer of the assigning ~~fire department~~  
12 EMERGENCY RESPONDER, which superior officer shall be, during such  
13 temporary assignment, under the direction and control of the requesting  
14 fire chief OR EXECUTIVE OFFICER. Nothing contained in ~~sections 29-5-103~~  
15 ~~to 29-5-110 shall be construed to limit~~ THIS SECTION AND SECTIONS  
16 29-5-107 TO 29-5-110 LIMITS the power of ~~any town, city, or city and~~  
17 ~~county or fire protection district~~ THE GOVERNING BODY OF ANY  
18 EMERGENCY RESPONDER to prohibit or limit by ordinance or regulation  
19 the exercise by a fire chief OR EXECUTIVE OFFICER of the discretion  
20 granted in ~~sections 29-5-103 to 29-5-110~~ THIS SECTION AND SECTIONS  
21 29-5-107 TO 29-5-110.

22 **SECTION 2.** In Colorado Revised Statutes, **amend** 29-5-107 as  
23 follows:

24 **29-5-107. Request for temporary assignment of emergency**  
25 **response personnel - definitions.** (1) AS USED IN THIS SECTION, UNLESS  
26 THE CONTEXT OTHERWISE REQUIRES:

27 (a) "EMERGENCY INCIDENT" MEANS A NATURAL OR MANMADE

1 EMERGENCY INCIDENT THAT OVERWHELMS OR HAS THE POTENTIAL TO  
2 OVERWHELM LOCAL RESOURCES, WHICH INCIDENTS INCLUDE, WITHOUT  
3 LIMITATION, WILDLAND FIRES, FIRES OCCURRING IN WILDLAND-URBAN  
4 INTERFACE AREAS, STRUCTURAL FIRES, TORNADOES, FLOODS, EXPLOSIONS,  
5 WEAPONS OF MASS DESTRUCTION, MASS CASUALTY, HAZARDOUS  
6 MATERIALS INCIDENTS, TECHNICAL RESCUE AND EXTRICATION,  
7 EMERGENCY MEDICAL TRANSPORT, AND EMERGENCY MEDICAL SERVICES.

8 (b) "EMERGENCY RESPONDER" HAS THE SAME MEANING AS  
9 SPECIFIED IN SECTION 29-5-105 (1).

10 (c) "EMERGENCY RESPONDER PERSONNEL" HAS THE SAME  
11 MEANING AS SPECIFIED IN SECTION 29-5-105 (1).

12 (2) The chief OR EXECUTIVE OFFICER of ~~the fire department of any~~  
13 ~~town, city, city and county, or fire protection district~~ AN EMERGENCY  
14 RESPONDER may, when in his or her opinion the same is required by ~~any~~  
15 ~~conflagration, fire, or other such~~ AN emergency INCIDENT, request the  
16 chief of ~~the fire department of any other town, city, city and county, or~~  
17 ~~fire protection district~~ OR EXECUTIVE OFFICER of ANOTHER EMERGENCY  
18 RESPONDER to assign to him or her ~~firefighters, fire companies,~~  
19 EMERGENCY RESPONDER PERSONNEL and equipment of ~~such other fire~~  
20 ~~department~~ to perform temporary duty within the boundaries of such  
21 requesting ~~town, city, city and county, or fire protection district,~~  
22 EMERGENCY RESPONDER under the direction and control of such  
23 requesting fire chief OR EXECUTIVE OFFICER and under such terms and  
24 conditions as shall be agreed upon between the requesting and assigning  
25 fire chiefs OR EXECUTIVE OFFICERS. Such firefighters shall, while so  
26 assigned and performing duties subject to the direction and control of the  
27 requesting fire chief OR EXECUTIVE OFFICER, have the same power as

1 ~~regular firefighters and fire companies~~ THE EMERGENCY RESPONDER  
2 PERSONNEL of the requesting town, city, city and county, or fire protection  
3 ~~district~~ EMERGENCY RESPONDER.

4 **SECTION 3.** In Colorado Revised Statutes, **amend** 29-5-108 as  
5 follows:

6 **29-5-108. Liability of requesting jurisdiction.** (1) During the  
7 time that a police officer OR deputy sheriff, ~~or firefighter~~, AS APPLICABLE,  
8 of a town, city, city and county, county, ~~or fire protection district~~ or of a  
9 state institution of higher education employing a peace officer in  
10 accordance with article 7.5 of title 24 ~~C.R.S.~~, is assigned to temporary  
11 duty within the jurisdiction of another town, city, city and county, county,  
12 ~~or fire protection district~~, or of another state institution of higher  
13 education employing a peace officer in accordance with article 7.5 of title  
14 24, ~~C.R.S.~~, as provided in ~~sections 29-5-103 to 29-5-107~~ SECTIONS  
15 29-5-103, 29-5-104, AND 29-5-106, any liability that accrues under the  
16 provisions of article 10 of title 24, ~~C.R.S.~~, on account of the negligent or  
17 otherwise tortious act of the police officer OR deputy sheriff ~~or firefighter~~  
18 while performing the duty ~~shall be~~ IS imposed upon the requesting town,  
19 city, city and county, county, ~~fire protection district~~, or state institution of  
20 higher education, and not upon the assigning jurisdiction.

21 (2) ~~During the time that a person from another state is performing~~  
22 ~~firefighting duties within the jurisdiction of a county, municipality, fire~~  
23 ~~protection district, or fire protection authority in this state under an~~  
24 ~~agreement authorized in section 29-1-206.5 (1), any liability that accrues~~  
25 ~~under the provisions of article 10 of title 24, C.R.S., on account of the~~  
26 ~~negligent or otherwise tortious act of the firefighter while performing the~~  
27 ~~duty is imposed upon the county, municipality, fire protection district, or~~

1 ~~fire protection authority of this state that is a party to the agreement.~~

2           **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-1228.5  
3 as follows:

4           **24-33.5-1228.5. State responsibility and large wildland fire**  
5 **fund - creation.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY  
6 THE STATE RESPONSIBILITY AND LARGE WILDLAND FIRE FUND, WHICH  
7 FUND IS ADMINISTERED BY THE DIVISION. THE FUND CONSISTS OF ALL  
8 MONEY THAT MAY BE APPROPRIATED OR TRANSFERRED TO THE FUND BY  
9 THE GENERAL ASSEMBLY AND ALL PRIVATE AND PUBLIC FUNDS RECEIVED  
10 THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE  
11 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND.  
12 ALL INTEREST EARNED FROM MONEY IN THE FUND IS CREDITED TO THE  
13 FUND. MONEY IN THE FUND IS HEREBY CONTINUOUSLY APPROPRIATED FOR  
14 THE PURPOSES INDICATED IN THIS SECTION. ANY MONEY NOT EXPENDED  
15 AT THE END THE FISCAL YEAR REMAINS IN THE FUND AND DOES NOT  
16 REVERT TO THE GENERAL FUND.

17           (2) COMMENCING JULY 1, 2021, AND ON JULY 1 OF ALL STATE  
18 FISCAL YEARS THEREAFTER, THE STATE TREASURER SHALL MAKE AN  
19 ANNUAL TRANSFER FROM THE GENERAL FUND TO THE STATE  
20 RESPONSIBILITY AND LARGE WILDLAND FIRE FUND CREATED IN  
21 SUBSECTION (1) OF THIS SECTION. THE TRANSFER REQUIRED BY THIS  
22 SUBSECTION (2) MUST BE IN AN AMOUNT THAT REFLECTS A ROLLING  
23 AVERAGE OF THE STATE'S ANNUAL SHARE OF FIRE SUPPRESSION COSTS ON  
24 STATE RESPONSE TO FIRES FOR THE FIVE CALENDAR YEARS PRIOR TO THE  
25 STATE FISCAL YEAR IN WHICH THE TRANSFER IS BEING MADE. MONEY IN  
26 THE FUND MUST BE USED TO PAY FOR THE STATE'S SHARE OF SUPPRESSION  
27 COSTS ON LARGE RESPONSIBILITY FIRES THAT ARE DEEMED TO BE THE

1 RESPONSIBILITY OF THE STATE.

2           **SECTION 5.** In Colorado Revised Statutes, **add** 24-33.5-1235 as  
3 follows:

4           **24-33.5-1235. Regional and statewide mutual aid system -**  
5 **powers and duties of division director - rules - legislative declaration**

6 **- definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,  
7 DETERMINES, AND DECLARES THAT:

8           (I) NATURAL AND MANMADE EMERGENCIES THAT OVERWHELM OR  
9 HAVE THE POTENTIAL TO OVERWHELM LOCAL FIRE AND EMS RESOURCES  
10 POSE A SERIOUS THREAT TO LIFE, PROPERTY, CRITICAL INFRASTRUCTURE,  
11 THE ECONOMY, AND THE ENVIRONMENT ACROSS THE STATE;

12           (II) A SYSTEMATIC, PROACTIVE APPROACH TO THE INITIAL  
13 RESPONSE TO SUCH INCIDENTS, REGARDLESS OF CAUSE, LOCATION, OR  
14 COMPLEXITY, IS NEEDED IN ORDER TO PROTECT LIFE, PROPERTY, CRITICAL  
15 INFRASTRUCTURE, THE ECONOMY, AND ENVIRONMENT ACROSS THE STATE;  
16 AND

17           (III) IT IS ESSENTIAL TO THE PROPER MANAGEMENT OF SUCH  
18 INCIDENTS TO DEVELOP A REGIONAL AND STATEWIDE MUTUAL AID SYSTEM  
19 AMONG THE VARIOUS LOCAL FIRE AND EMERGENCY MEDICAL RESPONSE  
20 AGENCIES TO ENSURE RAPID COORDINATED INITIAL RESPONSE.

21           (b) THE GENERAL ASSEMBLY INTENDS THIS SECTION TO ESTABLISH  
22 A REGIONAL AND STATEWIDE MUTUAL AID SYSTEM TO BE ADMINISTERED  
23 BY THE DIVISION.

24           (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
25 REQUIRES:

26           (a) "COLORADO COORDINATED REGIONAL MUTUAL AID SYSTEM"  
27 OR "CCRMAS" MEANS THE COORDINATED REGIONAL MUTUAL AID

1 SYSTEM CREATED IN SUBSECTION (3) OF THIS SECTION.

2 (b) "DIVISION OF FIRE PREVENTION AND CONTROL" OR "DFPC"  
3 MEANS THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE  
4 DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-1201.

5 (c) "EMERGENCY INCIDENT" MEANS A NATURAL OR MANMADE  
6 EMERGENCY INCIDENT THAT OVERWHELMS OR HAS THE POTENTIAL TO  
7 OVERWHELM LOCAL FIRE AND EMS RESOURCES, WHICH INCIDENTS  
8 INCLUDE, WITHOUT LIMITATION, WILDLAND FIRES, FIRES OCCURRING IN  
9 WILDLAND-URBAN INTERFACE AREAS, STRUCTURAL FIRES, TORNADOES,  
10 FLOODS, EXPLOSIONS, WEAPONS OF MASS DESTRUCTION, MASS CASUALTY,  
11 HAZARDOUS MATERIALS INCIDENTS, TECHNICAL RESCUE AND  
12 EXTRICATION, EMERGENCY MEDICAL TRANSPORT, AND EMERGENCY  
13 MEDICAL SERVICES.

14 (d) (I) "EMERGENCY RESPONDER" MEANS A COUNTY  
15 IMPROVEMENT DISTRICT PROVIDING FIRE PROTECTION SERVICES OR OTHER  
16 COUNTY DEPARTMENTS OR AGENCIES PROVIDING FIRE OR EMERGENCY  
17 MEDICAL SERVICES, MUNICIPAL FIRE DEPARTMENTS, FIRE PROTECTION  
18 DISTRICTS, METROPOLITAN DISTRICTS PROVIDING FIRE PROTECTION  
19 SERVICES, FIRE AUTHORITIES, HAZARDOUS MATERIAL AUTHORITIES,  
20 VOLUNTEER FIRE DEPARTMENTS RECOGNIZED UNDER THE "VOLUNTEER  
21 FIRE DEPARTMENT ORGANIZATION ACT" IN SECTION 24-33.5-1208.5,  
22 HEALTH SERVICES DISTRICTS PROVIDING AMBULANCE SERVICES, AND  
23 AMBULANCE DISTRICTS.

24 (II) "EMERGENCY RESPONDER" ALSO INCLUDES OTHER PUBLIC,  
25 PRIVATE, NONPROFIT, OR GOVERNMENT ORGANIZATIONS THAT HAVE BEEN  
26 ACCEPTED INTO THE RSMAS BY THE DIRECTOR OF THE DIVISION AND  
27 THAT PROVIDE ONE OR MORE OF THE FOLLOWING SERVICES IN THE STATE

1 OF COLORADO: FIRE SUPPRESSION; TECHNICAL RESCUE; EMERGENCY  
2 EXTRICATION; HAZARDOUS MATERIALS; OR ALL-HAZARDS EMERGENCY  
3 RESPONSE, AMBULANCE, OR EMERGENCY MEDICAL SERVICES.

4 (e) "EMS" MEANS EMERGENCY MEDICAL SERVICES.

5 (f) "REGIONAL AND STATEWIDE MUTUAL AID SYSTEM" OR  
6 "RSMAS" MEANS A REGIONAL AND STATEWIDE SYSTEM THAT PROVIDES  
7 FOR THE COORDINATED INITIAL RESPONSE OF EMERGENCY RESPONDERS TO  
8 EMERGENCY INCIDENTS.

9 (3) THE DIRECTOR OF THE DIVISION SHALL ESTABLISH, IMPLEMENT,  
10 AND MAINTAIN THE RSMAS, WHICH AUTHORITY ENCOMPASSES THE  
11 FOLLOWING ADDITIONAL POWERS AND DUTIES, WITHOUT LIMITATION:

12 (a) IMPLEMENTING THE COLORADO COORDINATED REGIONAL  
13 MUTUAL AID SYSTEM. THE CCRMAS ESTABLISHES FOUR ROUGHLY EQUAL  
14 GEOGRAPHIC AREAS WITHIN THE STATE TO BE KNOWN AS DFPC DISTRICTS.  
15 EACH DFPC DISTRICT MUST BE OPERATED BY A REGIONAL MUTUAL AID  
16 COORDINATOR, WHO SHALL ENSURE THAT A COMPETENT MUTUAL AID  
17 PLAN FOR FIRE, EMS, AND EMERGENCY RESPONDERS EXISTS IN EACH  
18 DFPC DISTRICT AND WHO SHALL SERVE AS THE POINT OF CONTACT WITHIN  
19 THE DFPC DISTRICT AND COORDINATE MUTUAL AID REQUESTS. THE  
20 DUTIES OF EACH REGIONAL MUTUAL AID COORDINATOR SHALL INCLUDE  
21 WITHOUT LIMITATION:

22 (I) GATHERING AND PROVIDING INFORMATION FOR A STATEWIDE  
23 COMMON OPERATING PICTURE;

24 (II) COORDINATING, ASSISTING, AND BRIDGING GAPS WITH THE  
25 INTRA-AGENCY DISPATCH SYSTEM;

26 (III) BRIDGING GAPS WITH THE STATE EMERGENCY OPERATIONS  
27 CENTER;

1 (IV) FACILITATING TRANSITION FROM INITIAL ATTACK AND  
2 MUTUAL AID RESPONSE TO EXTENDED ATTACK AND LARGE SCALE  
3 RESOURCE MOBILIZATION;

4 (V) DEVELOPING MUTUAL AID PLANS WHERE NONE EXIST;

5 (VI) ENSURING AN ACCURATE INVENTORY OF RESOURCES IN THE  
6 REGION;

7 (VII) ENSURING THE PARTICIPATION OF ALL AGENCIES;

8 (VIII) EXERCISING EXISTING AND NEWLY DEVELOPED MUTUAL AID  
9 PLANS; AND

10 (IX) ACTIVATING MUTUAL AID PLANS WITHIN A REGION IN  
11 RESPONSE TO REQUESTS;

12 (b) ESTABLISHING, STAFFING, AND MAINTAINING A STATE  
13 COORDINATION CENTER, WHICH CENTER IS RESPONSIBLE FOR THE OVERALL  
14 COORDINATION OF THE RSMAS AND CCRMAS, INCLUDING THE  
15 OVERSIGHT AND COORDINATION OF THE DFPC DISTRICTS AND THE  
16 REGIONAL MUTUAL AID COORDINATORS;

17 (c) ESTABLISHING THE MECHANISMS BY WHICH AN EMERGENCY  
18 RESPONDER CAN ACTIVATE THE RSMAS AND CCRMAS; AND

19 (d) PROMULGATING RULES FOR THE APPROPRIATE  
20 IMPLEMENTATION, OPERATION, AND MAINTENANCE OF THE RSMAS AND  
21 CCRMAS.

22 (4)(a) UNLESS AN EMERGENCY RESPONDER HAS OPTED OUT OF THE  
23 RSMAS AND CCRMAS IN ACCORDANCE WITH SUBSECTION (4)(c) OF THIS  
24 SECTION, ALL EMERGENCY RESPONDERS ARE PART OF THE RSMAS AND  
25 CCRMAS. AN EMERGENCY RESPONDER IS RELIEVED FROM ANY DUTY TO  
26 MAKE ITS EQUIPMENT AND PERSONNEL AVAILABLE IF THE EMERGENCY  
27 RESPONDER DETERMINES THAT SUCH EQUIPMENT AND PERSONNEL:

1 (I) ARE NEEDED WITHIN THE EMERGENCY RESPONDER'S SERVICE  
2 AREA;

3 (II) ARE NOT AVAILABLE BECAUSE OF THEIR PRIOR USE AT  
4 ANOTHER LOCATION; OR

5 (III) ARE NOT AVAILABLE BECAUSE OF EQUIPMENT MECHANICAL  
6 BREAK DOWN, INSUFFICIENT PERSONNEL, OR OTHERWISE.

7 (b) AN EMERGENCY RESPONDER SHALL DETERMINE WHETHER ANY  
8 PERSONNEL AND EQUIPMENT MUST BE PROVIDED AND, IF SO, THE SPECIFIC  
9 PERSONNEL AND EQUIPMENT THAT WILL BE PROVIDED.

10 (c) AN EMERGENCY RESPONDER, INCLUDING AN EMERGENCY  
11 RESPONDER THAT THE DIRECTOR OF THE DIVISION HAS PREVIOUSLY  
12 ACCEPTED INTO THE RSMAS AND CCRMAS, MAY OPT OUT OF THE  
13 RSMAS AND CCRMAS BY SUBMITTING TO THE DIRECTOR OF THE  
14 DIVISION WRITTEN NOTICE OF THE EMERGENCY RESPONDER'S INTENT TO  
15 OPT OUT OF THE RSMAS AND CCRMAS. AN EMERGENCY RESPONDER  
16 THAT OPTS OUT OF THE RSMAS AND CCRMAS IS ONLY ELIGIBLE FOR  
17 REIMBURSEMENT TO THE EXTENT AUTHORIZED IN THE RULES  
18 PROMULGATED BY THE DIRECTOR OF THE DIVISION.

19 (d) NOTHING IN THIS SECTION AFFECTS ANY OTHER MUTUAL AID  
20 AGREEMENT THAT MAY BE ENTERED INTO BY ONE OR MORE EMERGENCY  
21 RESPONDERS.

22 (e) AN EMERGENCY RESPONDER'S PROVISION OF PERSONNEL UNDER  
23 THE RSMAS AND CCRMAS DOES NOT CONSTITUTE A TEMPORARY  
24 ASSIGNMENT AND SECTION 29-5-105 AND SECTIONS 29-5-107 TO 29-5-110  
25 DO NOT APPLY TO AN EMERGENCY RESPONDER'S PROVISION OF PERSONNEL  
26 UNDER THE RSMAS AND CCRMAS.

27 (f) NOTWITHSTANDING ANY RULE OR REGULATION ADOPTED BY

1 THE COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT OR ANY  
2 FEDERAL OR STATE STATUTE, AN EMERGENCY RESPONDER THAT IS DULY  
3 LICENSED TO OPERATE AN AMBULANCE IN A COUNTY WITHIN THE STATE  
4 AND IS PROVIDING SUCH AMBULANCE SERVICES PURSUANT TO THE  
5 RSMAS AND CCRMAS IS NOT REQUIRED TO BE LICENSED IN ANY COUNTY  
6 IN WHICH IT RESPONDS.

7 (5) THE DIVISION MAY SEEK AND ACCEPT GIFTS, GRANTS,  
8 REIMBURSEMENTS, OR DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCE  
9 FOR THE PURPOSE OF THIS SECTION.

10 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1227,  
11 **amend** (1)(a)(I); and **add** (1.5) as follows:

12 **24-33.5-1227. Wildfire preparedness fund - creation - gifts,**  
13 **grants, and donations authorized - wildfire preparedness plan -**  
14 **report.** (1) (a) (I) There is hereby created in the state treasury the  
15 wildfire preparedness fund. The fund consists of all money that may be  
16 appropriated thereto by the general assembly, all private and public  
17 money received through gifts, grants, reimbursements, or donations that  
18 are transmitted to the state treasurer and credited to the fund, all money  
19 transferred to the fund from the healthy forests and vibrant communities  
20 fund created in section 23-31-313 (10), money transferred pursuant to  
21 section 39-29-109.3 (2)(n)(I)(C), MONEY TRANSFERRED PURSUANT TO  
22 SUBSECTION (1.5)(a) OF THIS SECTION, and money transferred pursuant to  
23 subsection (1)(a)(II) of this section. All interest earned from the  
24 investment of money in the fund shall be credited to the fund. The money  
25 in the fund is hereby continuously appropriated for the purposes indicated  
26 in this section. Any money not expended at the end of the fiscal year shall  
27 remain in the fund and shall not be transferred to or revert to the general

1 fund.

2 (1.5) (a) AT THE END OF ANY STATE FISCAL YEAR COMMENCING  
3 WITH THE 2022 STATE FISCAL YEAR, THE STATE TREASURER SHALL  
4 TRANSFER ANY MONEY IN THE AVIATION RESOURCES LINE OF THE ANNUAL  
5 GENERAL APPROPRIATION ACT FOR THAT SAME STATE FISCAL YEAR THAT  
6 WOULD OTHERWISE REVERT TO THE GENERAL FUND INTO THE WILDFIRE  
7 PREPAREDNESS FUND CREATED IN SUBSECTION (1)(a) OF THIS SECTION.  
8 MONEY TRANSFERRED BY THE STATE TREASURER INTO THE WILDFIRE  
9 PREPAREDNESS FUND IN ACCORDANCE WITH THIS SUBSECTION (1.5)(a)  
10 MUST BE USED FOR THE PURPOSE OF TRADITIONAL MITIGATION EFFORTS  
11 INCLUDING BUT NOT LIMITED TO MAINTAINING STAFF AND NECESSARY  
12 EQUIPMENT FOR PRESCRIBED FIRE PROJECTS; MECHANICAL AND OTHER  
13 FUELS TREATMENT PROJECTS; PROJECT PLANNING, COORDINATION, AND  
14 AGREEMENTS; AND COMMUNITY ASSISTANCE AND PLANNING EFFORTS. AS  
15 LONG AS MONEY TRANSFERRED INTO THE WILDFIRE PREPAREDNESS FUND  
16 PURSUANT TO THIS SUBSECTION (1.5)(a) IS BEING EXPENDED FOR ONE OF  
17 THE PURPOSES SPECIFIED IN THIS SUBSECTION (1.5)(a), THE DIVISION MAY  
18 ALLOCATE THE MONEY TO ANY SUCH PURPOSE AS WILL MAXIMIZE THE  
19 IMPACT OF SUCH FUNDING AS THE DIVISION MAY DETERMINE IN ITS SOLE  
20 DISCRETION.

21 (b) NOT LESS THAN ONCE EVERY THREE YEARS COMMENCING  
22 JANUARY 15, 2025, THE DIVISION SHALL REPORT TO THE JOINT BUDGET  
23 COMMITTEE CONCERNING THE AMOUNT OF MONEY TRANSFERRED INTO THE  
24 WILDFIRE PREPAREDNESS FUND PURSUANT TO SUBSECTION (1.5)(a) OF THIS  
25 SECTION DURING THE PRIOR THREE-YEAR PERIOD, THE AMOUNT EXPENDED  
26 BY THE DIVISION FROM THE MONEY TRANSFERRED INTO IT, AND THE  
27 PURPOSES FOR WHICH THE MONEY HAS BEEN EXPENDED.

1           **SECTION 7. 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, or safety.