

HB1162_L.005

REDRAFT
3.25.09
Double underlining
denotes changes
from prior draft

PROPOSED CONFERENCE COMMITTEE AMENDMENT
ON HB09-1162

[See Explanation at End of Amendment]

BY REPRESENTATIVE Gerou
also SENATOR Kopp

HB09-1162 be amended as follows:

1 Amend rerevised bill, page 3, after line 21, insert the following:

2 "(a) "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET
3 FORTH IN SECTION 24-33.5-1202 (3.5), C.R.S., AND INCLUDES A FIRE
4 DEPARTMENT THAT USES PAID FIREFIGHTERS, VOLUNTEER FIREFIGHTERS,
5 OR BOTH. THE TERM INCLUDES, WITHOUT LIMITATION, A NOT-FOR-PROFIT
6 NONGOVERNMENTAL ENTITY THAT IS ORGANIZED TO PROVIDE
7 FIREFIGHTING SERVICES."

8 Reletter succeeding paragraphs accordingly.

9 Page 5, after line 23, insert the following:

10 "(5) (a) IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
11 33-10-108 (3) (a), C.R.S., AND PURSUANT TO A CONTRACT,
12 INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF
13 UNDERSTANDING, THE DIVISION OF PARKS AND OUTDOOR RECREATION
14 CREATED IN SECTION 33-10-103 (1), C.R.S., MAY ALLOW FIRE MITIGATION
15 PERSONNEL AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE
16 CONTROL OR SUPERVISION OF A FIRE DEPARTMENT TO ENTER STATE PARKS,
17 STATE RECREATION AREAS, AND NATURAL AREAS FOR THE PURPOSE OF
18 MITIGATING FOREST LAND OR WILD LAND FIRES IN OR AROUND SUCH
19 PARKS, RECREATION AREAS, AND NATURAL AREAS. PERMISSIBLE
20 ACTIVITIES TO BE UNDERTAKEN BY A FIRE DEPARTMENT UNDER THIS
21 PARAGRAPH (a) INCLUDE PRESCRIBED BURNING AS A COMPONENT OF
22 WILDFIRE MITIGATION OR FOREST OR WILD LAND MANAGEMENT AND
23 EXERCISES TO PROMOTE THE TRAINING OF FIREFIGHTING PERSONNEL.

24 (b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE

1 CONSTRUED AS AFFECTING THE AUTHORITY OF ANY STATE AGENCY OTHER
2 THAN THE DIVISION OF PARKS AND OUTDOOR RECREATION TO ENTER INTO
3 A CONTRACT, INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF
4 UNDERSTANDING FOR THE PURPOSE OF ALLOWING FIRE MITIGATION
5 PERSONNEL AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE
6 CONTROL OR SUPERVISION OF A FIRE DEPARTMENT TO ENTER LAND AREAS
7 UNDER THE JURISDICTION OF THE STATE AGENCY TO UNDERTAKE THE
8 PERMISSIBLE ACTIVITIES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION
9 (5).

10 (c) FOR PURPOSES OF THIS SUBSECTION (5), "STATE AGENCY"
11 SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-18-102 (9),
12 C.R.S.

13 **SECTION 2.** 33-10-108, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **33-10-108. Duties of the division of parks and outdoor**
16 **recreation - definitions.** (3) (a) PURSUANT TO A CONTRACT,
17 INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF
18 UNDERSTANDING, THE DIVISION MAY ALLOW FIRE MITIGATION PERSONNEL
19 AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE CONTROL OR
20 SUPERVISION OF A FIRE DEPARTMENT TO ENTER STATE PARKS, STATE
21 RECREATION AREAS, AND NATURAL AREAS FOR THE PURPOSE OF
22 MITIGATING FOREST LAND OR WILD LAND FIRES IN OR AROUND SUCH
23 PARKS, RECREATION AREAS, AND NATURAL AREAS. PERMISSIBLE
24 ACTIVITIES TO BE UNDERTAKEN BY A FIRE DEPARTMENT UNDER THIS
25 PARAGRAPH (a) INCLUDE PRESCRIBED BURNING AS A COMPONENT OF
26 WILDFIRE MITIGATION OR FOREST OR WILD LAND MANAGEMENT AND
27 EXERCISES TO PROMOTE THE TRAINING OF FIREFIGHTING PERSONNEL.

28 (b) AS USED IN THIS SUBSECTION (3):

29 (I) "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET
30 FORTH IN SECTION 29-10-105.5 (2) (a), C.R.S.

31 (II) "NATURAL AREAS" SHALL HAVE THE SAME MEANING AS SET
32 FORTH IN SECTION 33-33-103 (8)."

33 Renumber succeeding section accordingly.

** ** ** ** **

Explanation:

This amendment allows the division of parks and outdoor recreation, pursuant to a contract, intergovernmental agreement, or memorandum of understanding, to allow fire mitigation personnel and accompanying equipment and material under the control or supervision of a fire department to enter state parks, state recreation areas, and natural areas for the purpose of mitigating forest land or wild land fires in or around such parks, recreation areas, and natural areas. The amendment further specifies that permissible activities to be undertaken by a fire department may include prescribed burning as a component of wildfire mitigation or forest or wild land management and exercises to promote the training of firefighting personnel.

The amendment also makes a conforming amendment to the main section addressed in the bill, section 29-20-105.5, C.R.S. The amendment specifies that nothing in the act shall be construed as affecting the authority of any state agency other than the division of parks and outdoor recreation from entering into a contract, intergovernmental agreement, or memorandum of understanding for the purpose of allowing fire mitigation personnel and accompanying equipment and material under the control or supervision of a fire department from entering land areas under the jurisdiction of the state agency to undertake the permissible activities specified in the act.

The amendment adds a definition of "fire department" that would include the duly authorized fire protection organization of a local government, a fire protection district and other special districts providing fire protection, and a not-for-profit nongovernmental entity that is organized to provide firefighting services.

This amendment is outside the scope of the differences between the two houses so it would be necessary for both houses to get "beyond the scope powers" to have it included in the readopted bill.

