

Wildfire Matters Review Committee

Members of the Committee

Senator Jeanne Nicholson, Chair
Representative Millie Hamner, Vice-Chair

Senator Matt Jones	Representative Perry Buck
Senator Steve King	Representative Thomas Exum
Senator Ellen Roberts	Representative Mike McLachlan
Senator Lois Tochtrop	Representative Dan Nordberg

Legislative Council Staff

Bo Pogue, Senior Research Analyst
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Bob Lackner, Senior Attorney
Duane Gall, Senior Attorney
Kate Meyer, Senior Staff Attorney
Thomas Morris, Senior Attorney
Esther van Mourik, Senior Staff Attorney II
Ashley Zimmerman, Senior Legislative Editor

October 2014

Wildfire Matters Review Committee Report

Committee Charge

Pursuant to Senate Bill 13-082, the Wildfire Matters Review Committee is charged with reviewing and proposing legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues. In addition, the bill transferred to the committee any remaining powers, duties, and responsibilities delegated to the Lower North Fork Wildfire Commission by House Bill 12-1352. In passing SB 13-082, the General Assembly intended for the Wildfire Matters Review Committee to be a permanent interim committee through which the General Assembly reviews state policies and resources addressing wildfire prevention and mitigation and the successful implementation and execution of such policies; the committee sunsets on July 1, 2018. In 2014, the General Assembly added a requirement that the committee consider the creation of a commission to assist the director of the Division of Fire Prevention and Control within the Department of Public Safety in performing his or her duties, and report any recommendations about such a commission to the agriculture committees of the Senate and House of Representatives.

Committee Activities

The committee met four times during August and September 2014. At all four meetings, the committee heard presentations from, and engaged in discussion with, representatives of various entities involved in wildfire prevention, mitigation, and response. These presentations and discussions covered a wide range of topics associated with wildfires, including efforts undertaken by the General Assembly to address wildfire issues in recent years; wildfire aviation response capabilities and aviation activities undertaken in 2014; forest health; homeowner's insurance in the wildland-urban interface; funding needs for various wildfire mitigation and response initiatives, including federal funding; the status of the timber industry; prescribed burning; wildfire behavior predictability; stakeholder legislative recommendations; communications during emergencies; and wildfire preparedness efforts undertaken by local governments. Entities represented before the committee included:

- the Divisions of Fire Prevention and Control and Homeland Security and Emergency Management within the Department of Public Safety;
- the Department of Natural Resources;
- Colorado State Fire Chiefs;
- the United States Forest Service;
- the Colorado State Forest Service;
- the Division of Insurance within the Department of Regulatory Agencies;
- the National Center for Atmospheric Research;
- the State Land Board;
- Colorado Counties, Inc.;
- the Colorado Municipal League;
- local governments;
- emergency first responders; and
- the Nature Conservancy.

The committee heard public testimony at all four of its meetings, and spent time during meetings undertaking organizational activities and considering draft legislation. Six bills and one joint resolution were drafted at the request of the committee, which ultimately approved five bills and the resolution. Topics covered and recommendations made by the committee are discussed below.

Fuel reduction in forested areas. The committee continued to focus on opportunities for decreasing the dangerous build-up of fuel in Colorado's forests, particularly in the wildland-urban interface, where a growing population lives alongside densely forested tracts of land that are often not mitigated for wildfire-risk purposes. Several witnesses stressed the importance of fuel load reduction to forest fire management, and Michael Lester, Colorado State Forester, provided an overview of the timber industry in the state. On several occasions, the committee returned to the theme of the timber industry as a partner in helping to reduce forest fuel loads. Representatives from Colorado Counties, Inc., and the Colorado Municipal League briefed the committee on efforts undertaken at the local government level to reduce forest fuels through such practices as slash pile burning, prescribed burning, thinning and chipping, and marketing forest products. These discussions, along with stakeholder recommendations, resulted in two bills. Bill A continues the Wildfire Risk Reduction Grant Program, which provides funding opportunities for projects implementing hazardous forest fuel reduction treatment. Bill B creates the Woody Biomass Grant Program, which promotes the use of woody biomass as a fuel source for public buildings.

Issues regarding prescribed burns. The committee received testimony from a panel on prescribed burn activities. The panel included Michael Lester, Paige Lewis, Forest Heath Program Director for The Nature Conservancy, and Paul Cooke, Director of the Division of Fire Prevention and Control (DFPC) within the Department of Public Safety. The panel members discussed the practice of prescribed burns as a tool for wildfire mitigation. The Nature Conservancy recommended that state employees who are officially certified to conduct prescribed burn activities and who are acting within the scope of their duties be immune from the liability under existing law. This recommendation was incorporated into Bill C.

Federal support for wildfire suppression. Various witnesses and committee members expressed concern regarding the federal government's role in wildfire suppression. The committee discussed the mitigation of federal land, aerial fleet support for wildfire suppression efforts, and federal funding for mitigation programs. In response to these concerns, Resolution A asks the federal government to create a separate fire suppression line item in the federal budget due to changes in funding and asks the federal government to purchase and deploy additional aerial equipment to be used for wildfire suppression.

Property tax relief. The committee received testimony from Esther van Mourik, Senior Staff Attorney with the Office of Legislative Legal Services (OLLS), concerning rule review of updated provisions in the Assessors' Reference Library Manuals produced by the Department of Local Affairs, Division of Property Taxation. Specifically, the OLLS found that the Property tax administrator does not have the authority to provide for continued agricultural classification of land after its productive capacity is destroyed in a natural disaster, such as a wildland fire. Bill E provides this authority.

Volunteer fire departments. A number of volunteer fire departments in Colorado operate without governmental organization and authority. Of the state's approximately 40 nonprofit volunteer fire departments, many rely on contracts or other funding from local governments. Because these volunteer fire departments are not recognized in statute as part of the state's fire service, they are often ineligible for grants, training, and other assistance. The

Governor's Wildland and Prescribed Fire Advisory Commission recommends the creation of a statutory framework that will enable nonprofit volunteer fire departments to receive grants and participate in other aspects of the fire service. Bill D creates a statutory framework consistent with this recommendation.

Recommendations to the House and Senate Agriculture Committees. To satisfy a statutory requirement that the committee consider the merits of creating a wildland and prescribed fire advisory commission to assist the director of the DFPC in performing his or her duties, at its September 10 meeting, the committee discussed the merits of creating such an advisory commission.¹ The committee also discussed the role of the current Governor's Wildland and Prescribed Fire Advisory Commission, which was created by executive order in 2013 to fulfill a similar advisory role to the director of the DFPC.² The committee elected not to recommend creating a statutory commission at this time, and recommended to the House and Senate Agriculture Committees that the director of the DFPC work with the Wildfire Matters Review Committee to address the following concerns with respect to the Governor's commission:

- representation from the Western Slope and/or San Luis Valley;
- a travel allowance or other compensation for members participating from remote parts of the state;
- representation on the advisory committee to include additional individuals with a science background;
- full voting representation for the State Forester; and
- representation by air quality regulators (e.g., the Colorado Department of Public Health and Environment).

Draft bills rejected by the committee. The committee rejected one bill drafted for its consideration concerning changing an existing tax deduction for landowners who perform wildfire mitigation measures into a tax credit. The bill would have allowed a landowner to claim a tax credit of 25 percent of costs incurred in performing these measures, not to exceed \$2,500. A similar bill was recommended by the committee in 2013, but the resulting legislation, House Bill 14-1009, was lost in the Senate.

Committee Recommendations

Bill A — Continue Funding Wildfire Risk Reduction Grants. In 2013, the General Assembly created the Wildfire Risk Reduction Grant Program to fund competitive grants for projects implementing hazardous forest fuel reduction treatments. The program, administered by the Department of Natural Resources, received an initial funding transfer of \$9.8 million from the General Fund. Bill A transfers an additional \$9.8 million in General Fund moneys to the program, effective July 1, 2015, and makes certain technical changes to the program.

Bill B — Public Building Woody Biomass Energy Grant Program. Bill B creates the Public Woody Biomass Energy Grant Program to be administered by the Department of Natural Resources, and transfers \$1 million annually to the program for five years beginning July 1, 2015. Under the program, the department awards grants to public entities to use woody biomass as a fuel source for biomass energy systems in public buildings when the grant allows

¹Section 2-3-1602 (1.5), C.R.S.

²Executive Order B 2013-001

the public building to be cost-effective in comparison to other fuels or the executive director of the department reasonably believes the grant will provide other substantial benefits specified in rules promulgated by the executive director. The bill outlines some of the rules to be promulgated, including the criteria to be considered in determining the special benefits that a particular grant may provide.

Bill C — Sovereign Immunity for State Employees in a Prescribed Fire. Bill C clarifies that state employees conducting a prescribed burn activity are covered under existing sovereign immunity laws. The bill states that an employee, who is officially certified to conduct prescribed burns and who is acting within the scope of his or her employment, is immune from liability for tort claims. The bill does not extend immunity to an employee whose actions or failures are willful or wanton.

Bill D — Volunteer Fire Department Organization. Bill D creates a framework for the organization of nonprofit, nongovernmental volunteer fire departments and provides for the participation of these departments in programs and grants administered by the Division of Fire Prevention and Control in the Department of Public Safety. To be recognized as a volunteer fire department under the bill, the department must be incorporated as a nonprofit corporation and enter into an agreement to provide firefighting and related services to local or state officials responsible for fire protection.

Bill E — Agricultural Land Destroyed by Natural Cause. Bill E specifies that if agricultural land is destroyed by a natural cause on or after January 1, 2012, the land will retain its agricultural classification for a rehabilitation period consisting of the year of destruction and the next four property tax years. During the rehabilitation period, the bill specifies that the owner must make progress toward restoring agricultural use or, in the case of forest land, must comply with an approved forest management plan.

Resolution A — Request Federal Wildland Fire Suppression Support. Resolution A requests action from the federal government concerning wildfire suppression and mitigation. The request asks the federal government to create a separate fire suppression line item in the federal budget due to changes in federal funding for fire mitigation. Additionally, the resolution asks the federal government to purchase additional aerial firefighting equipment to be used for wildfire suppression in Colorado and other states.

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

BILL A

LLS NO. 15-0123.01 Duane Gall x4335

SENATE BILL

SENATE SPONSORSHIP

Nicholson, Roberts

HOUSE SPONSORSHIP

Exum,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE WILDFIRE RISK REDUCTION GRANT PROGRAM.**

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. In 2013, the general assembly created the wildfire risk reduction grant program, funded through the wildfire risk reduction fund. An initial transfer of \$9,800,000 was made from the general fund to the wildfire risk reduction fund as a result of that legislation. **Section 4** of the bill directs the state treasurer to make a similar transfer, effective July 1, 2015.

Sections 1 and 3 change terminology to broaden references to

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hazardous fuels from "forest" to "wild land vegetation" and specify methods of manipulation or removal of fuel.

Section 2:

- Encourages grant applicants to utilize the labor of veterans participating in a unit or program recognized by the Colorado state forest service that employs veterans in wildfire mitigation activities; and
- Removes the requirement for grant applicants to specify the location of projects in relation to United States forest service (USFS) projects using USFS maps.

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

2 **SECTION 1.** In Colorado Revised Statutes, 36-7-402, **amend** (3)
3 and (4) (a) as follows:

4 **36-7-402. Definitions.** As used in this part 4, unless the context
5 otherwise requires:

6 (3) "Hazardous ~~forest~~ fuel reduction treatment" means treatments
7 THAT REMOVE OR REDUCE VEGETATIVE FUEL, including ~~manipulation or~~
8 ~~removal of fuel to help diminish~~ MECHANICAL, MANUAL, AND PILE
9 BURNING FIRE TREATMENTS, IN ORDER TO:

10 (a) DIMINISH the potential damage arising from a catastrophic
11 wildfire; and

12 (b) ENHANCE emergency personnel's ability to influence the
13 spread of wildfire.

14 (4) "Wildland-urban interface" or "WUI" means an area where:

15 (a) Human development is close to ~~forested public land~~ WILD
16 LAND VEGETATION; and

17 **SECTION 2.** In Colorado Revised Statutes, 36-7-403, **amend** (1),
18 (2) (a), (2) (c) (II), and (2) (d) as follows:

19 **36-7-403. Wildfire risk reduction grant program - creation -**
20 **eligibility - department powers and duties - rules.** (1) There is hereby

1 created in the department the wildfire risk reduction grant program. The
2 purpose of the program is to provide funding opportunities for projects
3 implementing hazardous ~~forest~~ fuel reduction treatments to reduce the
4 risks associated with wildfires in the WUI throughout Colorado.

5 (2) The department shall develop and administer the program in
6 consultation with an advisory committee created in section 36-7-404. In
7 developing the program, the department shall:

8 (a) Dedicate up to twenty-five percent of the grant funds available
9 in the wildfire risk reduction fund, created in section 36-7-405, to fund
10 capacity-building efforts to provide local governments, community
11 groups, and collaborative forestry groups with the resources necessary to
12 provide site-based hazardous ~~forest~~ fuel reduction treatments, including
13 neighborhood slash piles and community equipment for use by
14 landowners;

15 (c) Require a grant applicant to demonstrate that:

16 (II) The proposed project includes a plan for utilizing any woody
17 material generated by the project, including traditional forest products and
18 biomass energy products. Pursuant to its authority ~~created in~~ UNDER
19 section 23-31-315, C.R.S., the Colorado state forest service shall ~~upon~~
20 ~~request~~, offer technical support to grant applicants to assist with the
21 development of the applicant's plan for utilizing forest products. The
22 department shall inform applicants of the availability of the Colorado
23 state forest service's technical support.

24 (d) Encourage a grant applicant, where feasible, to

25 ~~(f)~~ utilize the labor of:

26 ~~(A)~~ (I) Youth and young adults participating in a Colorado youth
27 corps organization accredited by the Colorado youth corps association; or

1 ~~(B)~~ (II) VETERANS PARTICIPATING IN the veterans green corps
2 operated by the Colorado youth corps association OR IN ANOTHER UNIT OR
3 PROGRAM RECOGNIZED BY THE COLORADO STATE FOREST SERVICE THAT
4 EMPLOYS VETERANS IN WILDFIRE MITIGATION ACTIVITIES. **and**

5 ~~(H) Identify whether the proposed project will take place on state~~
6 ~~or private lands adjacent to United States forest service projects in the~~
7 ~~WUI, using project maps that the department anticipates will be provided~~
8 ~~by the United States forest service. Once the department receives the~~
9 ~~maps from the United States forest service, it shall make the maps~~
10 ~~available to grant applicants. When appropriate, applicants may apply the~~
11 ~~principles of good neighbor authority, as defined in section 23-31-313 (3)~~
12 ~~(c), C.R.S., to address cross-boundary treatment needs on United States~~
13 ~~forest service lands.~~

14 **SECTION 3.** In Colorado Revised Statutes, 36-7-404, **amend** (3)
15 (a) (V) as follows:

16 **36-7-404. Wildfire risk reduction grant program advisory**
17 **committee - creation - appointment - duties.** (3) (a) In consultation
18 with the department, the advisory committee shall determine eligibility
19 criteria for grant recipients. Eligible grant recipients include:

20 (V) Nonprofit groups that promote hazardous ~~forest~~ fuel reduction
21 treatment projects in partnership with local, state, or private entities.

22 **SECTION 4.** In Colorado Revised Statutes, 36-7-405, **amend** (2)
23 as follows:

24 **36-7-405. Wildfire risk reduction fund - creation - transfer.** (2) (a)
25 (I) On July 1, 2013, the state treasurer shall transfer from the general fund to
26 the wildfire risk reduction fund the sum of nine million eight hundred thousand
27 dollars.

1 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2015.

2 (b) (I) ON JULY 1, 2015, THE STATE TREASURER SHALL TRANSFER FROM
3 THE GENERAL FUND TO THE WILDFIRE RISK REDUCTION FUND THE SUM OF NINE
4 MILLION EIGHT HUNDRED THOUSAND DOLLARS.

5 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2017.

6 **SECTION 5. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

BILL B

LLS NO. 15-0124.01 Thomas Morris x4218

SENATE BILL

SENATE SPONSORSHIP

Nicholson and Jones,

HOUSE SPONSORSHIP

Exum,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING A GRANT PROGRAM TO PROMOTE THE USE OF WOODY**
102 **BIOMASS AS A FUEL SOURCE FOR PUBLIC BUILDINGS.**

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 promotes the use of woody biomass as a fuel source for public buildings by creating the woody biomass grant program. The program is funded by an annual \$1 million transfer from the general fund for 5 fiscal years. The executive director of the department of natural resources will award grants to a

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public entity that will use woody biomass as a fuel source for a public building's biomass energy system when either the use of the grant allows the public building to be cost-effective when compared with other fuels or the executive director reasonably believes that making the grant provides other substantial benefits as specified in rules.

The rules must include:

- A preference for making grants to projects that use a woody biomass energy system for 2 or more public buildings that are located near one another; and
- Criteria to evaluate grant applications and prioritize the award of grants, including at least an analysis of whether the public building is or will be located within a reasonable distance of a substantial forested area of the state as determined by the state forester.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-82-603 as
3 follows:

4 **24-82-603. Woody biomass grant program - fund - rules -**
5 **repeal.** (1) (a) FOR FIVE STATE FISCAL YEARS BEGINNING ON OR AFTER
6 JULY 1, 2015, THE STATE TREASURER SHALL TRANSFER ONE MILLION
7 DOLLARS FROM THE GENERAL FUND CREATED IN SECTION 24-75-201 TO
8 THE WOODY BIOMASS GRANT CASH FUND, WHICH IS HEREBY CREATED IN
9 THE STATE TREASURY AND REFERRED TO IN THIS SECTION AS THE "FUND".

10 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
11 RESOURCES SHALL USE REVENUES IN THE FUND ONLY TO MAKE GRANTS
12 PURSUANT TO THIS SECTION; EXCEPT THAT THE DEPARTMENT OF NATURAL
13 RESOURCES MAY SPEND UP TO THREE PERCENT OF THE REVENUES IN THE
14 FUND FOR ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE FUND.
15 A GRANT MAY BE AWARDED ONLY:

16 (I) TO A PUBLIC ENTITY THAT WILL USE WOODY BIOMASS AS A FUEL
17 SOURCE FOR A PUBLIC BUILDING'S BIOMASS ENERGY SYSTEM; AND

1 (II) WHEN EITHER:

2 (A) THE USE OF THE GRANT ALLOWS THE PUBLIC BUILDING TO BE
3 COST-EFFECTIVE WHEN COMPARED WITH OTHER FUELS; OR

4 (B) THE EXECUTIVE DIRECTOR REASONABLY BELIEVES THAT
5 MAKING THE GRANT PROVIDES OTHER SUBSTANTIAL BENEFITS AS
6 SPECIFIED IN RULES PROMULGATED PURSUANT TO THIS SECTION.

7 (2) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES AS
8 NECESSARY TO IMPLEMENT THIS SECTION, INCLUDING:

9 (a) CRITERIA THAT PROVIDE GUIDANCE REGARDING SITUATIONS IN
10 WHICH THE USE OF A BIOMASS ENERGY SYSTEM IN A PUBLIC BUILDING IS
11 NOT COST-EFFECTIVE WHEN COMPARED WITH OTHER FUELS BUT MAKING
12 A GRANT WOULD NEVERTHELESS PROVIDE OTHER SUBSTANTIAL BENEFITS,
13 TAKING INTO CONSIDERATION:

14 (I) POTENTIAL AIR QUALITY BENEFITS OF REDUCING THE RISK OF
15 WILDFIRES;

16 (II) THE PROMOTION OF FOREST HEALTH; AND

17 (III) THE PROMOTION OF THE FOREST PRODUCTS INDUSTRY;

18 (b) A DEFINITION OF "PUBLIC BUILDING" THAT INCLUDES
19 BUILDINGS OWNED OR SUBSTANTIALLY FINANCED BY THE STATE OR ANY
20 LOCAL GOVERNMENT, INCLUDING SCHOOL DISTRICTS AND SPECIAL
21 DISTRICTS;

22 (c) A PREFERENCE FOR MAKING GRANTS TO PROJECTS THAT USE A
23 WOODY BIOMASS ENERGY SYSTEM FOR TWO OR MORE PUBLIC BUILDINGS
24 THAT ARE LOCATED NEAR ONE ANOTHER; AND

25 (d) CRITERIA TO EVALUATE GRANT APPLICATIONS AND PRIORITIZE
26 THE AWARD OF GRANTS, INCLUDING AT LEAST AN ANALYSIS OF WHETHER
27 THE PUBLIC BUILDING IS OR WILL BE LOCATED WITHIN AN ECONOMICALLY

1 REASONABLE DISTANCE OF A SUBSTANTIAL FORESTED AREA OF THE STATE
2 AS DETERMINED BY THE STATE FORESTER PURSUANT TO SECTION
3 30-15-401 (1) (n.5) (V) (B), C.R.S. THE PROJECTED SUPPLY OF WOODY
4 BIOMASS NECESSARY FOR THE PUBLIC BUILDING MUST NOT EXCEED FIVE
5 PERCENT OF THE STANDING TIMBER WITHIN EACH COUNTY THAT IS OR WILL
6 BE THE SOURCE OF THE WOODY BIOMASS.

7 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

8 **SECTION 2. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly (August 5, 2015, if adjournment sine die is on May 6,
12 2015); except that, if a referendum petition is filed pursuant to section 1
13 (3) of article V of the state constitution against this act or an item, section,
14 or part of this act within such period, then the act, item, section, or part
15 will not take effect unless approved by the people at the general election
16 to be held in November 2016 and, in such case, will take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) This act applies to conduct occurring on or after the applicable
19 effective date of this act.

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

BILL C

LLS NO. 15-0125.01 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

Roberts,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE STATUS UNDER THE "COLORADO GOVERNMENTAL**
102 **IMMUNITY ACT" OF STATE EMPLOYEES CONDUCTING**
103 **PRESCRIBED FIRE ACTIVITY.**

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 grants immunity from liability for tort claims to employee of the state conducting prescribed fire activity where the employee is officially certified or recognized by the state as being able to conduct such activity and is acting

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within the course and scope of his or her employment except where otherwise provided by law or where the employee's act or failure to act giving rise to the claim of injury was willful or wanton.

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

SECTION 1. In Colorado Revised Statutes, 24-10-106.1, **amend** (1), (2), and (3) as follows:

24-10-106.1. Immunity and partial waiver - claims against the state - state employees - injuries from prescribed fire - on or after January 1, 2012. (1) (a) Notwithstanding any other provision of this article, the state ~~shall be~~ IS immune from liability in all claims for injury that lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as provided otherwise in this section or section 24-10-106. In addition to any other claims for which the state waives immunity under this article, ~~sovereign immunity is waived by the state~~ WAIVES SOVEREIGN IMMUNITY in an action for injuries resulting from a prescribed fire started or maintained by the state or any of its employees on or after January 1, 2012.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN EMPLOYEE OF THE STATE CONDUCTING PRESCRIBED FIRE ACTIVITY WHO HAS BEEN OFFICIALLY CERTIFIED OR RECOGNIZED BY THE STATE AS BEING ABLE TO CONDUCT SUCH ACTIVITY AND WHO IS ACTING WITHIN THE COURSE AND SCOPE OF HIS OR HER EMPLOYMENT IS COVERED BY SECTION 24-10-106 EXCEPT WHERE THE EMPLOYEE'S ACT OR FAILURE TO ACT GIVING RISE TO THE CLAIM OF INJURY WAS WILLFUL OR WANTON.

(2) SUBJECT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, nothing in this section ~~shall be construed to constitute~~

1 CONSTITUTES a waiver of sovereign immunity if the injury arises from any
2 act, or failure to act, of a state employee if the act is the type of act for
3 which the state employee would be or heretofore has been personally
4 immune from liability.

5 (3) SUBJECT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS
6 SECTION, in addition to the immunity provided under subsection (1) of
7 this section, the state ~~shall also have~~ HAS the same immunity as a state
8 employee for any act or failure to act for which a state employee would
9 be or heretofore has been personally immune from liability.

10 **SECTION 2. Effective date - applicability.** This act takes effect
11 July 1, 2015, and applies to claims asserted on or after said date.

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

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

BILL D

LLS NO. 15-0130.01 Bart Miller x2173

HOUSE BILL

HOUSE SPONSORSHIP

Buck and Hamner,

SENATE SPONSORSHIP

Roberts,

House Committees

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/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

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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.

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

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

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

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

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

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

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

(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.

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

BILL E

LLS NO. 15-0128.01 Esther van Mourik x4215

HOUSE BILL

HOUSE SPONSORSHIP

McLachlan and Hamner,

SENATE SPONSORSHIP

Roberts,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CLASSIFICATION OF AGRICULTURAL LAND WHEN**
102 **THE LAND IS DESTROYED BY A NATURAL CAUSE.**

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 specifies that if agricultural land is destroyed by a natural cause on or after January 1, 2012, so that, were it not for such destruction, the land would have qualified as agricultural land for the following property tax year, the agricultural land classification is to remain in place for the year of

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.*

destruction and the 4 subsequent property tax years unless:

- The land is not rehabilitated for agricultural use before the end of the period;
- The assessor determines that the classification at the time of destruction by a natural cause was erroneous; or
- A change of use, other than the destruction by a natural cause, has occurred.

The bill makes an exception to the 5-year rehabilitation period applicable to other agricultural land if the land is defined as agricultural land because it is used to produce tangible wood products, but only if such land is in compliance with an approved forest management plan and is on the list provided by the Colorado state forest service as having such a plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-1-103, **amend** (5)
3 (c); and **add** (5) (e) and (5) (f) as follows:

4 **39-1-103. Actual value determined - when.** (5) (c) Except as
5 provided in section 39-1-102 (14.4) (b) AND IN PARAGRAPHS (e) AND (f)
6 OF THIS SUBSECTION (5), once any property is classified for property tax
7 purposes, it shall remain so classified until such time as its actual use
8 changes or the assessor discovers that the classification is erroneous. The
9 property owner shall endeavor to comply with the reasonable requests of
10 the assessor to supply information which cannot be ascertained
11 independently but which is necessary to determine actual use and properly
12 classify the property when the assessor has evidence that there has been
13 a change in the use of the property. Failure to supply such information
14 shall not be the sole reason for reclassifying the property. Any such
15 request for such information shall be accompanied by a notice that states
16 that failure on the part of the property owner to supply such information
17 will not be used as the sole reason for reclassifying the property in
18 question. Subject to the availability of funds under the assessor's budget

1 for such purpose, no later than May 1 of each year, the assessor shall
2 inform each person whose property has been reclassified from
3 agricultural land to any other classification of property of the reasons for
4 such reclassification including, but not limited to, the basis for the
5 determination that the actual use of the property has changed or that the
6 classification of such property is erroneous.

7 (e) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
8 PARAGRAPH (e) AND IN PARAGRAPH (f) OF THIS SUBSECTION (5), IF A
9 PARCEL OF LAND IS CLASSIFIED AS AGRICULTURAL LAND AS DEFINED IN
10 SECTION 39-1-102 (1.6) AND THE PARCEL OF LAND IS DESTROYED BY A
11 NATURAL CAUSE ON OR AFTER JANUARY 1, 2012, SO THAT, WERE IT NOT
12 FOR THE DESTRUCTION OF THE LAND BY A NATURAL CAUSE, THE LAND
13 WOULD HAVE QUALIFIED AS AGRICULTURAL LAND FOR THE FOLLOWING
14 PROPERTY TAX YEAR, THE AGRICULTURAL LAND CLASSIFICATION SHALL
15 REMAIN IN PLACE FOR THE YEAR OF DESTRUCTION AND THE FOUR
16 SUBSEQUENT PROPERTY TAX YEARS SO LONG AS THE ASSESSOR RECEIVES
17 EVIDENCE FROM THE OWNER THAT THE OWNER IS IN THE PROCESS OF
18 REHABILITATING THE LAND FOR AGRICULTURAL USE. SUCH EVIDENCE
19 INCLUDES, BUT IS NOT LIMITED TO, REMOVING DEBRIS, REMOVING
20 CONTAMINANTS, RESTORING FENCES AND AGRICULTURAL STRUCTURES,
21 RESEEDING, PROVIDING WATER FOR LIVESTOCK, OR CONTOURING THE
22 LAND SUITABLE FOR AGRICULTURAL USE.

23 (II) THE AGRICULTURAL LAND CLASSIFICATION OF THE LAND
24 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) MUST CHANGE
25 ACCORDING TO CURRENT USE IF:

26 (A) THE LAND IS NOT REHABILITATED FOR AGRICULTURAL USE
27 PRIOR TO THE JANUARY 1 AFTER THE PERIOD DESCRIBED IN

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (e);

2 (B) THE ASSESSOR DETERMINES THAT THE CLASSIFICATION AT THE
3 TIME OF DESTRUCTION OF THE LAND AS A RESULT OF A NATURAL CAUSE
4 WAS ERRONEOUS; OR

5 (C) A CHANGE OF USE HAS OCCURRED. FOR PURPOSES OF THIS
6 SUB-SUBPARAGRAPH (C), A CHANGE OF USE DOES NOT INCLUDE THE
7 TEMPORARY LOSS OF AGRICULTURAL CLASSIFICATION OF THE LAND AS A
8 RESULT OF THE DESTRUCTION OF THE LAND BY A NATURAL CAUSE.

9 (f) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
10 PARAGRAPH (f), IF A PARCEL OF LAND IS CLASSIFIED AS AGRICULTURAL
11 LAND AS DEFINED IN SECTION 39-1-102 (1.6) (a) (II) AND THE PARCEL OF
12 LAND IS DESTROYED BY A NATURAL CAUSE ON OR AFTER JANUARY 1, 2012,
13 SO THAT, WERE IT NOT FOR THE DESTRUCTION OF THE LAND BY A NATURAL
14 CAUSE, THE LAND WOULD HAVE QUALIFIED AS AGRICULTURAL LAND FOR
15 THE FOLLOWING PROPERTY TAX YEAR, THE AGRICULTURAL LAND
16 CLASSIFICATION SHALL REMAIN IN PLACE NOTWITHSTANDING THE LENGTH
17 OF THE REHABILITATION PERIOD SPECIFIED IN SUBPARAGRAPH (I) OF
18 PARAGRAPH (e) OF THIS SUBSECTION (5) SO LONG AS THE OWNER IS IN
19 COMPLIANCE WITH AN APPROVED FOREST MANAGEMENT PLAN AND IS ON
20 THE LIST PROVIDED BY THE COLORADO STATE FOREST SERVICE AS HAVING
21 SUCH A PLAN.

22 (II) THE AGRICULTURAL LAND CLASSIFICATION OF THE LAND
23 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) MUST CHANGE
24 ACCORDING TO CURRENT USE IF:

25 (A) THE ASSESSOR DETERMINES THAT THE CLASSIFICATION AT THE
26 TIME OF DESTRUCTION OF THE LAND AS A RESULT OF A NATURAL CAUSE
27 WAS ERRONEOUS; OR

1 (B) A CHANGE OF USE HAS OCCURRED. FOR PURPOSES OF THIS
2 SUB-SUBPARAGRAPH (B), A CHANGE OF USE DOES NOT INCLUDE THE
3 TEMPORARY LOSS OF AGRICULTURAL CLASSIFICATION OF THE LAND AS A
4 RESULT OF THE DESTRUCTION OF THE LAND BY A NATURAL CAUSE.

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

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

RESOLUTION A

LLS NO. R15-0129.01 Ashley Zimmerman x2291

HOUSE Joint Resolution

HOUSE SPONSORSHIP

Exum,

SENATE SPONSORSHIP

Roberts,

House Committees

Senate Committees

INTERIM COMMITTEE RESOLUTION

101 **CONCERNING REQUESTS TO THE FEDERAL GOVERNMENT REGARDING**
102 **SUPPORT FOR WILDLAND FIRE SUPPRESSION.**

1 WHEREAS, The threat of wildfire is a matter of serious concern
2 to Colorado residents, especially to those living in the wildland-urban
3 interface; and

4 WHEREAS, In the last decade, the average number of acres
5 burned by wildfires in Colorado has more than tripled; and

6 WHEREAS, Since 1994, Colorado has experienced some of its
7 worst fires on record, including:

8 ● The South Canyon Fire, also referred to as the Storm King
9 Fire, in 1994, which burned 2,115 acres and killed 14
10 firefighters;

11 ● The Hayman Fire, in 2002, which burned 137,760 acres,
12 killed 5 firefighters, destroyed 600 total structures, and
13 remains the largest wildfire in Colorado by area;

14 ● The Missionary Ridge Fire, in 2002, which burned 71,739
15 acres, killed one firefighter, and destroyed 56 homes;

16 ● The Fourmile Canyon Fire, in 2010, which burned 6,181
17 acres and destroyed at least 162 homes;

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.

- 1 ● The High Park Fire, in 2012, which burned 87,284 acres,
2 killed one person, and destroyed at least 248 homes;
- 3 ● The Waldo Canyon Fire, in 2012, which burned 18,247
4 acres, killed 2 people, and destroyed 346 homes;
- 5 ● The Black Forest Fire, in 2013, which burned 14,280 acres,
6 killed 2 people, and destroyed 511 homes;
- 7 ● The Royal Gorge Fire, in 2013, which burned 3,800 acres
8 and caused significant damage to Royal Gorge Park and the
9 Royal Gorge Bridge; and
- 10 ● The West Fork Fire Complex, in 2013, composed of 3
11 subsidiary fires that merged together, which burned
12 110,405 acres and forced the evacuation of the entire town
13 of South Fork; and

14 WHEREAS, According to the Congressional Research Service, as
15 of 2010, 36.2% of land in Colorado was federal land managed by the
16 Bureau of Land Management, the Forest Service, the Fish and Wildlife
17 Service, or the National Park Service; and

18 WHEREAS, Nearly 68% of Colorado's forests are federally
19 owned, 47% of which are owned by the United States Forest Service; and

20 WHEREAS, Other states, including California, Arizona, Oregon,
21 and Idaho, have experienced record wildfires in the last few years; and

22 WHEREAS, California has had 12 record-setting fires since 2000,
23 each one totaling over 105,000 acres burned; and

24 WHEREAS, Colorado recognizes the value of fire for forest health
25 and the need to use fire as a selective tool for maintaining healthy forests
26 in the state; and

27 WHEREAS, While wildfire suppression is important, we must
28 learn from the past and not rely solely on suppression, instead also
29 focusing attention on mitigation and land management support; and

30 WHEREAS, This increase in wildfires across the western United
31 States has led to an increase in federal agency budgets for wildfire
32 suppression, decreasing available moneys for mitigation and land
33 management support; now, therefore,

34 *Be It Resolved by the Senate of the Seventieth General Assembly*
35 *of the State of Colorado, the House of Representatives concurring herein:*

36 That we, the members of the Colorado General Assembly, ask the
37 federal government to:

38 (1) Create a separate fire suppression line item in the federal
39 budget; and

1 (2) Purchase and deploy additional aerial firefighting equipment
2 to assist in fighting wildfires across the country.

3 *Be It Further Resolved*, That copies of this Joint Resolution be sent
4 to Steven Pischke, President of Colorado State Fire Chiefs; Paul Cooke,
5 Director of the Division of Fire Prevention and Control in the Department
6 of Public Safety; Mike Rogers, President, Colorado Professional Fire
7 Fighters; Steve Trujillo, President, Colorado State Fire Fighters
8 Association; Brian Achziger, Deputy State Fire Management Officer,
9 Bureau of Land Management Colorado State Office; Mark Boche, Fire
10 and Aviation Management Director, U.S. Forest Service Rocky Mountain
11 Region; and each member of Colorado's congressional delegation.

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the Second Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2014) ***

TITLE 2. LEGISLATIVE
LEGISLATIVE SERVICES
ARTICLE 3. LEGISLATIVE SERVICES
PART 16. WILDFIRE MATTERS REVIEW COMMITTEE

[GO TO COLORADO STATUTES ARCHIVE DIRECTORY](#)

C.R.S. 2-3-1601 (2014)

2-3-1601. Legislative declaration

(1) The general assembly finds, determines, and declares that:

(a) Wildfires are a part of the natural cycle of Colorado's forests, yet increasingly pose a severe threat to human life and property;

(b) People are attracted to the forest and mountain areas of the state and increasingly choose to make their homes in what is known as the "wildland-urban interface", where wildland areas meet residential development;

(c) For many years now, residential areas in numerous parts of the state are regularly threatened by a close proximity to wildfires and, tragically, during the spring and summer of 2012, Colorado wildfires resulted in the loss of life and extensive property damage, including the destruction of homes affecting thousands of people;

(d) Since wildfires cause annual harm to many areas of the state and those residing in such areas, wildfire prevention and mitigation is a matter of extreme importance throughout the state and an issue demanding critical attention from the general assembly on a regular basis.

(2) The purpose of this part 16 is to provide a permanent interim committee as a forum through which the general assembly reviews state policies and resources addressing wildfire prevention and mitigation and the successful implementation and execution of such policies. In creating a permanent interim committee to address matters relating to wildfires, the general assembly intends that issues relating to wildfire prevention and mitigation receive

sufficient legislative scrutiny and public participation.

HISTORY: Source: L. 2013: Entire part added, ([SB 13-082](#)), ch. 386, p. 2253, § 1, effective June 5.

C.R.S. 2-3-1602

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the Second Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2014) ***

TITLE 2. LEGISLATIVE
LEGISLATIVE SERVICES
ARTICLE 3. LEGISLATIVE SERVICES
PART 16. WILDFIRE MATTERS REVIEW COMMITTEE

[GO TO COLORADO STATUTES ARCHIVE DIRECTORY](#)

C.R.S. 2-3-1602 (2014)

2-3-1602. Wildfire matters review committee - creation - repeal of part

(1) To address wildfire prevention and mitigation and to review and propose legislation relating to such matters, the wildfire matters review committee is hereby created, and is referred to in this part 16 as the "committee". The committee shall meet at the call of the chair at least once during the interim of each year to review and to propose legislation or other policy changes relating to wildfire prevention and mitigation and all related matters, including, without limitation, public safety and forest health issues. The committee may consult with experts in all fields relating to wildfire prevention and mitigation as may be necessary to achieve the objectives of this part 16. All personnel of any state agency or political subdivision of Colorado involved in wildfire prevention and mitigation, including the Colorado department of public safety and the Colorado state forest service, shall cooperate with the committee and with any persons assisting the committee in carrying out its duties pursuant to this section. On June 5, 2013, any remaining powers, duties, and responsibilities delegated to and possessed by the lower north fork wildfire commission created in [section 2-2-1702 \(1\)](#) are hereby transferred to the committee.

(1.5) (a) In 2014, in addition to any other matters it considers, the committee shall consider the creation of a Colorado wildland and prescribed fire advisory commission under the division of fire prevention and control in the department of public safety, also referred to

in this subsection (1.5) as the "advisory commission". The purpose of the advisory commission will be to assist the director of the division of fire prevention and control in performing his or her duties. The committee shall make specific findings and recommendations regarding the appropriate composition of the advisory commission, length of terms, and the types of expertise and interests that should be represented.

(b) On or before December 1, 2014, the committee shall submit its specific recommendations pertaining to the advisory commission to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate, or any successor committees. Nothing in this paragraph (b) prevents the committee from proposing legislation regarding the creation of the advisory commission.

(2) The committee consists of ten members of the general assembly selected as follows:

(a) Five members from the senate, three appointed by the president of the senate and two appointed by the minority leader of the senate;

(b) Five members from the house of representatives, three appointed by the speaker of the house of representatives and two appointed by the minority leader of the house of representatives.

(3) Appointing authorities shall make their original appointments to the committee not later than July 1, 2013. Terms of service on the committee are for two years. The terms of original appointees to the committee terminate on the convening date of the first regular session of the seventieth general assembly. Thereafter, the terms of members of the committee terminate on the convening date of the first regular session of the general assembly next following their appointment or reappointment, and all subsequent appointments or reappointments are made as soon as practicable after such convening date. Incumbent members may be reappointed to the committee. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members serve at the pleasure of the appointing authority and continue in office until a successor is appointed, as applicable.

(4) The committee shall select a chair and vice-chair from among its membership and prescribe its own rules of procedure.

(5) Members of the committee serve without compensation; except that each member is entitled to be reimbursed for necessary expenses in connection with the performance of his or her duties and receives the same per diem as other members of interim committees in attendance at meetings.

(6) Existing employees of the legislative service agencies shall provide any staff assistance required by the committee within existing appropriations.

(7) This part 16 is repealed, effective July 1, 2018.

HISTORY: Source: L. 2013: Entire part added, ([SB 13-082](#)), ch. 386, p. 2254, § 1, effective June 5. L. 2014: (1.5) added, ([SB 14-164](#)), ch. 176, p. 648, § 3, effective May 12.