

Wildfire Matters Review Committee

Members of the Committee

Representative Jonathan Singer, Chair
Senator Randy Baumgardner, Vice-Chair

Representative KC Becker
Representative Perry Buck
Representative Millie Hamner
Representative Dan Thurlow

Senator John Cooke
Senator Matt Jones
Senator Mike Merrifield
Senator Ellen Roberts

Legislative Council Staff

Damion Pechota, Research Analyst
Luisa Altmann, Research Analyst
Julia Jackson, Senior Research Analyst
Erin Reynolds, Fiscal Analyst
Josh Abram, Fiscal Analyst

Office of Legislative Legal Services

Bob Lackner, Senior Attorney
Kate Meyer, Senior Attorney
Thomas Morris, Senior Attorney
Esther van Mourik, Senior Attorney
Ashley Zimmermann, Senior Legislative Editor

November 2015

Wildfire Matters Review Committee

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.

Committee Activities

The committee met three times during August and September 2015. At all three 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; 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 and biomass industries; prescribed burning; wildfire behavior predictability; forest and watershed restoration; stakeholder legislative recommendations; auxiliary emergency communications; and wildfire preparedness efforts undertaken by local governments. Entities represented before the committee included:

- the Department of Public Safety;
- the Division of Fire Prevention and Control;
- the Division of Homeland Security and Emergency Management;
- the Nature Conservancy;
- Colorado State Fire Chiefs;
- County Sheriffs of Colorado;
- the Amateur Radio Relay League;
- the Colorado Department of Public Health and Environment;
- the Colorado Department of Natural Resources;
- the Colorado Emergency Management Association;
- the United States Forest Service;
- the Colorado State Forest Service;
- representatives of the timber and biomass industries;
- forest and watershed health experts;
- the Colorado Municipal League; and
- local governments.

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, two resolutions, and one letter were drafted at the request of the committee, which ultimately approved four bills and two resolutions. Topics covered and recommendations made by the committee are discussed below.

Radio and auxiliary communications during emergencies. The committee heard from representatives of the Amateur Radio Relay League's Amateur Radio Emergency Service for the state of Colorado and discussed the role of volunteer amateur radio operators during wildfire emergencies. Bill D, which incorporates the topics discussed by the committee, creates the Auxiliary Emergency Communications Unit (unit) in the Office of Emergency Management in the Division of Homeland Security and Emergency Management in the Colorado Department of Public Safety (DPS).

In addition, the committee discussed the communication needs during a wildfire emergency, including coverage, funding, consolidated governance, interoperability, and proper training. A draft letter to the DPS regarding a study to find feasible alternatives to radio communications during wildfire events in rural areas was discussed by the committee, but did not go forward.

Wildfire risks in the wildland-urban interface areas. The committee discussed forest health issues and heard from representatives of forest utilization industries. Specifically, the committee addressed issues regarding forest management in low-elevation areas and the need to mitigate wildfire risks in the wildland-urban interface (WUI) areas. Representatives from local governments discussed the issues in communities and developments in the WUI areas. Based on the topics covered during this discussion, the committee discussed two bills. Bill A eliminates the wildfire mitigation income tax deduction and creates a wildfire mitigation state income tax credit. Another bill that would have required counties and municipalities that have adopted a building code to also adopt and enforce a wildfire mitigation code was ultimately not approved by the committee.

Forest health and watershed restoration. The committee heard from the Colorado State Forest Service (CSFS), the Nature Conservancy, timber and biomass industry experts, and forest researchers regarding the health of Colorado's forests. Specifically, the density of forests due to the lack of naturally occurring wildfires and lack of proper fire mitigation has increased the severity and dangers associated with wildfires in some areas. The committee discussed the wildfire risk reduction programs administered by the state.

In addition, the committee heard from representatives of water conservation districts on the impact of wildfires on watershed health. Proper forest management and wildfire mitigation efforts can also be used to protect watershed health. Based on the topics covered during this discussion, the committee recommends two bills. Bill B adds broadcast burning to the types of methods that may be awarded grants from the Healthy Forests and Vibrant Communities Cash Fund and the Forest Restoration Program Cash Fund. Bill C also adds broadcast burning to the types of projects and methods for which the Department of Natural Resources may award grants from the Wildfire Risk Reduction Fund.

Firefighter safety and recognition of work. The committee heard from the Division of Fire Prevention and Control and the Colorado Department of Public Health and Environment (CDPHE) on health and safety concerns related to wildfires. A representative from CDPHE discussed air quality and health issues related to smoke. In addition, the committee discussed methods and resources for the protection of the public and emergency responders, which includes efforts to reduce the risks and severity of wildfire activities. The committee discussed but did not approve a bill that would have clarified terms related to the criminal offense of obstructing a peace officer, firefighter, or other emergency response personnel, and would have transferred or diverted state revenue to firefighter safety and wildfire risk reduction programs.

The committee also discussed the sacrifices made by firefighters during emergency responses. Resolution A honors and recognizes firefighters that have been killed in the line of duty.

Federal support for wildfire suppression. The committee heard from representatives of the U.S. Forest Service regarding the federal government's role in wildfire suppression. The committee discussed the current federal funding for wildfire suppression and mitigation. In response to these concerns, Resolution B asks Congress to fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.

Committee Recommendations

As a result of committee discussion and deliberation, the Wildfire Matters Review Committee recommends the following four bills and two resolutions for consideration in the 2016 legislative session:

Bill A — Change the Wildfire Mitigation Tax Deduction to a Credit. Bill A eliminates the wildfire mitigation income tax deduction and creates a wildfire mitigation state income tax credit. The tax credit will be available for tax years 2017 through 2019. The amount of the credit is equal to 25 percent of the costs a landowner incurs performing wildfire mitigation on his or her property located in the WUI. The amount of the credit per tax year cannot exceed \$2,500. Any amount above the limit can be carried forward for five years. Any remaining credit after five years is nonrefundable.

Bill B — Use Broadcast Burns to Promote Watershed Restoration. Bill B adds broadcast burning to the types of projects and methods for which the CSFS may award grants from the Healthy Forests and Vibrant Communities Cash Fund and the Forest Restoration Program Cash Fund.

Bill C — Add Broadcast Burning to Wildfire Risk Reduction Grant Program and Replenish Funds. Bill C adds broadcast burning to the types of projects and methods for which the Department of Natural Resources may award grants from the Wildfire Risk Reduction Fund, and authorizes the transfer of a total of \$3.0 million into the cash fund: \$1.5 million from the General Fund and \$1.5 million from the Severance Tax Operational Fund.

Bill D — Auxiliary Emergency Communication. Bill D creates the Auxiliary Emergency Communications Unit (unit) in the Office of Emergency Management in the Division of Homeland Security and Emergency Management in the DPS. The unit has the power to:

- establish programs for the training and credentialing of auxiliary emergency or disaster communicators across the state;

- assume all the duties and responsibilities of the Radio Amateur Civil Emergency Service (RACES); and
- ensure that auxiliary emergency communicators are authorized volunteers entitled to the appropriate protections and benefits of emergency volunteers when assisting local governments with the maintenance or demolition of communication facilities.

Pursuant to this authority, the DPS may develop and issue photo identification cards to auxiliary communicators, conduct criminal background checks, and reimburse emergency communicators for necessary travel and other expenses incurred in performance of their duties.

Finally, the bill increases from 23 to 24 the number of members serving on the Public Safety Communications Subcommittee of the Homeland Security and All-Hazards Senior Advisory Committee in the DPS. The additional member is the section emergency coordinator for the Amateur Radio Emergency Service of the Colorado section of the Amateur Radio Relay League.

Resolution A — Recognizing Firefighters Killed in the Line of Duty. The resolution honors and recognizes firefighters that have been killed in the line of duty.

Resolution B — Federal Budgets for Catastrophic Wildfire Response. The joint resolution with the Water Resources Review Committee requests that Congress fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.

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

BILL A

LLS NO. 16-0273.01 Esther van Mourik x4215

HOUSE BILL

HOUSE SPONSORSHIP

Becker K., Singer

SENATE SPONSORSHIP

None,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGING THE WILDFIRE MITIGATION INCOME TAX**
102 **DEDUCTION TO THE WILDFIRE MITIGATION INCOME TAX CREDIT.**

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 changes the wildfire mitigation income tax deduction to the wildfire mitigation income tax credit. An income tax deduction reduces a taxpayer's taxable income, the amount to which the tax rate is applied. A tax credit reduces

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.*

a taxpayer's tax liability by taking a dollar-for-dollar reduction in what is owed by what the credit allows. The bill allows a landowner a credit of 25% of the costs incurred in performing wildfire mitigation measures, not to exceed \$2,500. Any amount in excess of the landowner's tax liability in the year the credit is first claimed may be carried forward to offset the landowner's future tax liability for 5 years.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Warm winters, hot and dry summers, severe drought, insect and disease infestations, years of fire suppression, and population growth in the wildland-urban interface continue to increase wildfire risk and the potential for catastrophic wildland fires in Colorado;

(b) Mitigating wildfire risk by creating a defensible space around structures is imperative not only to the home and the homeowner, but also to the homeowner's community and to the safety of the firefighters called to defend a home from a wildfire;

(c) By creating an adequate defensible space around structures, a homeowner can give firefighters the safest and best chance to defend the home from a wildfire; and

(d) Offering an income tax credit to a taxpayer for a portion of the costs of wildfire mitigation measures that the taxpayer incurs is sound public policy.

SECTION 2. In Colorado Revised Statutes, 39-22-104, **amend** (4) (n.5) (I) (A) and (4) (n.5) (IV) as follows:

39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - definitions - repeal. (4) There shall be subtracted from federal taxable income:

1 (n.5) (I) (A) For income tax years commencing on or after January
2 1, 2014, but prior to ~~January 1, 2025~~ JANUARY 1, 2017, an amount equal
3 to fifty percent of a landowner's costs incurred in performing wildfire
4 mitigation measures in that income tax year on his or her property located
5 within the state; except that the amount of the deduction claimed in an
6 income tax year shall not exceed two thousand five hundred dollars or the
7 total amount of the landowner's federal taxable income for the income tax
8 year for which the deduction is claimed, whichever is less.

9 (IV) This paragraph (n.5) is repealed, effective ~~January 1, 2026~~
10 JANUARY 1, 2018.

11 **SECTION 3.** In Colorado Revised Statutes, **add** 39-22-538 as
12 follows:

13 **39-22-538. Credit for wildfire mitigation - definitions - repeal.**

14 (1) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1,
15 2017, BUT PRIOR TO JANUARY 1, 2020, THERE IS ALLOWED A WILDFIRE
16 MITIGATION TAX CREDIT AGAINST THE INCOME TAXES IMPOSED PURSUANT
17 TO PART 1 OF THIS ARTICLE. EXCEPT AS PROVIDED IN SUBSECTION (3) OF
18 THIS SECTION, THE AMOUNT OF THE CREDIT IS TWENTY-FIVE PERCENT OF
19 A LANDOWNER'S COSTS INCURRED IN THAT INCOME TAX YEAR IN
20 PERFORMING WILDFIRE MITIGATION MEASURES ON HIS OR HER PROPERTY
21 LOCATED IN A WILDLAND-URBAN INTERFACE AREA WITHIN THE STATE;
22 EXCEPT THAT THE CREDIT CLAIMED IN AN INCOME TAX YEAR SHALL NOT
23 EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.

24 (2) IF THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION
25 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE
26 TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS
27 BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET

1 AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR MAY BE
2 CARRIED FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS'
3 INCOME TAX LIABILITY FOR A PERIOD NOT TO EXCEED FIVE YEARS AND
4 SHALL BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.
5 ANY CREDIT REMAINING AFTER SAID PERIOD SHALL NOT BE REFUNDED OR
6 CREDITED TO THE TAXPAYER.

7 (3) (a) IN THE CASE OF TWO TAXPAYERS FILING A JOINT RETURN,
8 THE AMOUNT OF THE CREDIT SHALL NOT EXCEED TWO THOUSAND FIVE
9 HUNDRED DOLLARS IN ANY TAXABLE YEAR. IN THE CASE OF TWO
10 TAXPAYERS WHO MAY LEGALLY FILE A JOINT RETURN BUT ACTUALLY FILE
11 SEPARATE RETURNS, ONLY ONE OF THE TAXPAYERS MAY CLAIM THE
12 CREDIT SPECIFIED IN THIS SECTION.

13 (b) IN THE CASE OF REAL PROPERTY OWNED AS TENANTS IN
14 COMMON, THE CREDIT ALLOWED PURSUANT TO THIS SECTION IS ONLY
15 ALLOWED FOR ONE OF THE INDIVIDUALS OF THE OWNERSHIP GROUP.

16 (4) FOR PURPOSES OF THIS SECTION:

17 (a) "COLORADO STATE FOREST SERVICE" MEANS THE COLORADO
18 STATE FOREST SERVICE IDENTIFIED IN SECTION 23-31-302, C.R.S.

19 (b) "COSTS" MEANS ANY ACTUAL OUT-OF-POCKET EXPENSES
20 INCURRED AND PAID BY THE LANDOWNER, DOCUMENTED BY RECEIPT, FOR
21 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE
22 ANY INSPECTION OR CERTIFICATION FEES, IN-KIND CONTRIBUTIONS,
23 DONATIONS, INCENTIVES, OR COST SHARING ASSOCIATED WITH
24 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE
25 EXPENSES PAID BY THE LANDOWNER FROM ANY GRANTS AWARDED TO THE
26 LANDOWNER FOR PERFORMING WILDFIRE MITIGATION MEASURES.

27 (c) "LANDOWNER" MEANS ANY OWNER OF RECORD OF PRIVATE

1 LAND LOCATED WITHIN THE STATE, INCLUDING ANY EASEMENT,
2 RIGHT-OF-WAY, OR ESTATE IN THE LAND, AND INCLUDES THE HEIRS,
3 SUCCESSORS, AND ASSIGNS OF SUCH LAND, AND DOES NOT INCLUDE ANY
4 PARTNERSHIP, S CORPORATION, OR OTHER SIMILAR ENTITY THAT OWNS
5 PRIVATE LAND.

6 (d) "WILDFIRE MITIGATION MEASURES" MEANS THE CREATION OF
7 A DEFENSIBLE SPACE AROUND STRUCTURES; THE ESTABLISHMENT OF FUEL
8 BREAKS; THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
9 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILDLAND FIRE; OR
10 THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING AND
11 SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR PRESCRIBED
12 BURNING; SO LONG AS SUCH ACTIVITIES MEET OR EXCEED ANY COLORADO
13 STATE FOREST SERVICE STANDARDS OR ANY OTHER APPLICABLE STATE
14 RULES.

15 (5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2024.

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2016 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.

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

BILL B

LLS NO. 16-0276.01 Thomas Morris x4218

HOUSE BILL

HOUSE SPONSORSHIP

Becker K., Buck, Hamner, Thurlow, Singer

SENATE SPONSORSHIP

Jones and Roberts, Baumgardner, Cooke, Merrifield

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED AUTHORITY TO USE BROADCAST BURNING AS**
102 **A TOOL TO PROMOTE WATERSHED RESTORATION.**

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 adds broadcast burning, the method by which fire is applied generally to most or all of an area within well-defined boundaries, to the types of projects and methods for which the state forest service may award grants from the healthy

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.

forests and vibrant communities fund and the forest restoration program cash fund to help restore community watersheds.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-31-313, **amend**
3 (3) (g) (IV) and (6) (a) (II) as follows:

4 **23-31-313. Healthy forests - vibrant communities - funds**
5 **created - repeal. (3) Definitions.** As used in this section, unless the
6 context otherwise requires:

7 (g) "Wildfire risk mitigation" or "fuel mitigation treatments"
8 means preventive forest management projects or actions, which meet or
9 exceed forest service standards or any other applicable state rules, that are
10 designed to reduce the potential for unwanted impacts caused by
11 wildfires, including:

12 (IV) The secondary treatment of woody fuels by lopping and
13 scattering, piling, chipping, removing from the site, BROADCAST
14 BURNING, or prescribed burning; and

15 (6) **Community watershed restoration.** (a) In order to support
16 communities and land managers in moving from risk reduction to
17 long-term ecological restoration so that the underlying condition of
18 Colorado's forests supports a variety of values, particularly public water
19 supply and high-quality wildlife habitat, the forest service shall:

20 (II) Facilitate and work collaboratively with the division of fire
21 prevention and control, landowners, local governments, including
22 conservation districts created pursuant to article 70 of title 35, C.R.S., and
23 county noxious weed program administrators and other appropriate
24 parties, including any electric, gas, and water utilities in the affected area,
25 to design prescribed fire AND FUEL MITIGATION TREATMENT projects and

1 to encourage increased responsible use of prescribed fire AND FUEL
2 MITIGATION TREATMENTS as a tool for restoring healthy forest conditions
3 consistent with programs established pursuant to section 25-7-106 (7) and
4 (8), C.R.S., and section 24-33.5-1217, C.R.S. The forest service shall
5 emphasize providing training and technical assistance for landowners,

6 **SECTION 2. Applicability.** This act applies to conduct occurring
7 on or after the effective date of this act.

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

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

BILL C

LLS NO. 16-0277.01 Thomas Morris x4218

SENATE BILL

SENATE SPONSORSHIP

Roberts and Jones, Baumgardner, Cooke, Merrifield

HOUSE SPONSORSHIP

Becker K., Buck, Singer, Thurlow

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED AUTHORITY TO USE BROADCAST BURNING AS**
102 **AN OPTIONAL TOOL TO REDUCE WILDFIRE RISK, AND, IN**
103 **CONNECTION THEREWITH, PROVIDING ADDITIONAL FUNDING**
104 **FOR WILDFIRE RISK REDUCTION EFFORTS.**

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. Section 1 of the bill adds broadcast burning, the method by which fire is applied generally to most

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.

or all of an area within well-defined boundaries with well-defined conditions, as an optional method for which the department of natural resources may award grants from the wildfire risk reduction fund to reduce wildfire risk in the wildland-urban interface.

Sections 2 and 3 transfer \$3 million to the wildfire risk reduction fund, half from tier 2 of the severance tax operational fund and half from the general fund.

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

SECTION 1. In Colorado Revised Statutes, 36-7-402, **amend** (3) introductory portion as follows:

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

(3) "Hazardous fuel reduction treatment" means treatments that remove or reduce vegetative fuel, including mechanical, manual, BROADCAST BURNING, and pile burning fire treatments, in order to:

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

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

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2016.

(b) ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER:

(I) FROM THE SEVERANCE TAX OPERATIONAL FUND AS SPECIFIED IN SECTION 39-29-109.3 (2) (t), C.R.S., TO THE WILDFIRE RISK REDUCTION FUND THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

(II) FROM THE GENERAL FUND TO THE WILDFIRE RISK REDUCTION FUND THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

(III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2018.

1 **SECTION 3.** In Colorado Revised Statutes, 39-29-109.3, **add** (2)
2 (t) as follows:

3 **39-29-109.3. Severance tax operational fund - repeal.**

4 (2) Subject to the requirements of subsections (3) and (4) of this section,
5 if the general assembly chooses not to spend up to one hundred percent
6 of the moneys in the operational fund as specified in subsection (1) of this
7 section, the state treasurer shall transfer the following:

8 (t) (I) TO THE WILDFIRE RISK REDUCTION FUND CREATED IN
9 SECTION 36-7-405, C.R.S., ONE MILLION FIVE HUNDRED THOUSAND
10 DOLLARS ON JULY 1, 2016.

11 (II) THIS PARAGRAPH (t) IS REPEALED, EFFECTIVE JULY 1, 2018.

12 **SECTION 4. 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.

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

BILL D

LLS NO. 16-0268.01 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

Singer, Becker K., Hamner

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUXILIARY EMERGENCY COMMUNICATIONS IN THE**
102 **STATE, AND, IN CONNECTION THEREWITH, ESTABLISHING THE**
103 **AUXILIARY EMERGENCY COMMUNICATIONS UNIT IN THE OFFICE**
104 **OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC**
105 **SAFETY.**

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>.)

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.*

Wildfire Matters Review Committee. Section 1 of the bill contains a nonstatutory legislative declaration.

Section 2 of the bill creates the auxiliary emergency communications unit (unit) within the office of emergency management (office) within the division of homeland security and emergency management in the department of public safety. The unit is in the charge of the director of the office. This section specifies the unit's powers and duties and additionally specifies the powers and duties of the director of the office in connection with the powers and duties of the unit.

Sections 3 through 7 of the bill make modifications to existing statutory provisions governing compensation benefits to volunteer civil defense workers. Specifically:

- Section 3 of the bill expands the definition of "emergency volunteer service" to include activities undertaken during a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency;
- Section 4 of the bill specifies that any credentialed member of the unit is a qualified volunteer and is eligible to receive accompanying protections and benefits under existing statutory provisions;
- Section 5 of the bill includes the amateur radio emergency service as a specified volunteer organization authorized to provide emergency services to state and local agencies. This section of the bill also specifies that the amateur radio emergency service is a qualified volunteer.
- Section 6 of the bill expands the activities for which a qualified volunteer may be called to service to include a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency. The statutory provisions protecting qualified volunteers do not apply to a training exercise, drill, or class without the express prior consent and approval of the volunteer's employer.
- Section 7 of the bill expands the list of activities used to verify that a qualified volunteer provided volunteer services to include an organized training exercise, drill, or class.

Section 8 of the bill increases the size of the public safety communications subcommittee to the homeland security and all-hazards senior advisory committee from 23 to 24 members and makes the section emergency coordinator for the amateur radio emergency service of the

Colorado section of the amateur radio relay league or his or her designee a standing member of the subcommittee.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that:

4 (a) Amateur radio operators have served their communities, the
5 state, and the nation for over seventy-five years providing emergency and
6 disaster communications;

7 (b) Following World War II, the federal government recognized
8 the need for trained radio operators to assist with civil defense in the
9 event of war and created a branch within the amateur radio service, the
10 Radio Amateur Civil Emergency Service (RACES);

11 (c) The American Radio Relay League, the national association
12 for radio amateurs, created the Amateur Radio Emergency Service
13 (ARES) in 1935 and, since that time, ARES has been the only national
14 organization recruiting and training amateur radio operators to serve in
15 times of emergency;

16 (d) ARES is well established and well organized within Colorado;

17 (e) In many communities ARES and RACES units were combined
18 with ARES members assuming the role of RACES operators when local
19 emergencies were declared. In other communities, separate ARES and
20 RACES organizations were established, thereby diluting the available
21 resources and creating confusion or conflict as to roles and
22 responsibilities.

23 (f) Communication failures have been a defining element of
24 recent disasters, both natural and manmade;

25 (g) The September 11, 2001, attacks on the World Trade Center

1 in New York City, Hurricane Katrina, the 2003 North American blackout,
2 and Hurricane Sandy in 2012 were all disasters where amateur radio
3 provided key communication links when other communication facilities
4 failed;

5 (h) The United States congress recognized the importance of
6 amateur radio communications as a part of the national disaster response
7 framework in 2012 when it directed the Federal Communications
8 Commission (FCC) to conduct a study on the uses and capabilities of
9 amateur radio service communications in emergencies and disaster relief;

10 (i) The FCC report, GN docket no. 12-91 dated August 16, 2012,
11 concluded that "amateur radio can be of great value in emergency
12 response situations. Amateur radio carries with it a wide range of
13 advantages that allow it to supplement other emergency communications
14 activities during disasters. This has been demonstrated time and again in
15 a wide variety of emergency and disaster situations."

16 (j) The FCC report acknowledged that the "value [of amateur
17 radio] could potentially be increased, however, through cooperation
18 among DHS [the United States department of homeland security], public
19 safety, emergency management, and amateur radio communications
20 associations and groups to develop future training protocols." The FCC
21 recommended to congress that DHS work with state, local, and tribal
22 authorities to develop disaster area access policies and qualifications for
23 trained amateur radio operators who provide emergency communications
24 support.

25 (k) In Colorado, amateur radio operators and, in particular, ARES
26 members have a rich history of providing communication expertise during
27 natural or man-made disasters such as the blizzards of December 2006;

1 the Hayman, North Fork, Four Mile Canyon, High Park, Waldo Canyon,
2 and Black Forest wildfires; and the September 2013 floods;

3 (l) Today, amateur radio operators assist the division of homeland
4 security and emergency management of the department of public safety;
5 train side-by-side with their professional counterparts in federal, state,
6 and local government entities; and serve as members of local and regional
7 incident management teams;

8 (m) In recent years amateur radio operators have been called upon
9 by state and local governments to act as communication experts across a
10 broader range of duties and responsibilities that extend beyond traditional
11 amateur radio communication;

12 (n) While maintaining their traditional roles as amateur radio
13 operators, many of these volunteers assist with the establishment and
14 maintenance of communication facilities, assist with programming public
15 safety radios during emergencies, and act as radio operators on public
16 safety channels;

17 (o) During the past year, amateur radio operators have performed
18 tens of thousands of hours of devoted service to the people of Colorado;

19 (p) While ARES has worked closely and cooperatively with the
20 office of emergency management in the division of homeland security and
21 emergency management, it has done so in a largely informal manner,
22 lacking a formal memorandum of understanding between it and the
23 office;

24 (q) Emergency preparedness and disaster response across the state
25 would be improved by a comprehensive integrated and unified
26 communications response framework;

27 (r) The office of emergency communications of the United States

1 department of homeland security (OEC) has provided direct technical
2 assistance to state and local emergency responders and government
3 officials through the development and delivery of training, tools, and
4 onsite assistance to advance public safety interoperable communications
5 capabilities; and

6 (s) The concept of auxiliary emergency communications
7 (auxcomm) is being deployed nationally under the sponsorship of the
8 OEC, and the framework has been embraced by the office of emergency
9 management.

10 (2) Having a uniformly trained and credentialed unit of
11 communication volunteers available for disaster response will materially
12 assist emergency preparedness and disaster response efforts across the
13 state. Accordingly, the general assembly hereby finds, declares, and
14 determines that the matters addressed in this act are a matter of statewide
15 concern.

16 (3) By enacting House Bill 16-____, the general assembly intends
17 to establish the auxiliary emergency communications unit within the
18 office of emergency management in the division of homeland security and
19 emergency management of the department of public safety as an
20 all-volunteer, unpaid auxiliary unit for the purpose of lending technical
21 and communication assistance to emergency management, firefighting,
22 emergency medical service, search-and-rescue, and law enforcement
23 agencies across the state. The general assembly further intends that the act
24 be liberally construed to promote these objectives.

25 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-705.5
26 as follows:

27 **24-33.5-705.5. Auxiliary emergency communications unit -**

1 **powers and duties of unit and office of emergency management**
2 **regarding auxiliary communications - definitions.** (1) AS USED IN THIS
3 SECTION:

4 (a) "AUXILIARY EMERGENCY COMMUNICATOR" MEANS AN
5 AMATEUR RADIO OPERATOR LICENSED BY THE UNITED STATES FEDERAL
6 COMMUNICATIONS COMMISSION PURSUANT TO 47 CFR 97 WHO MEETS THE
7 TRAINING REQUIREMENTS AND IS CREDENTIALLED BY THE OFFICE. AN
8 AUXILIARY EMERGENCY COMMUNICATOR MEETING THE REQUIREMENTS OF
9 THIS PARAGRAPH (a) SERVES AS AN AUTHORIZED VOLUNTEER OF THE
10 OFFICE FOR PURPOSES OF ARTICLE 10 OF THIS TITLE.

11 (b) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY AND
12 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603.

13 (c) "OFFICE" MEANS THE OFFICE OF EMERGENCY MANAGEMENT
14 CREATED IN SECTION 24-33.5-705 (1) (a).

15 (d) "UNIT" MEANS THE AUXILIARY EMERGENCY COMMUNICATIONS
16 UNIT OF THE OFFICE.

17 (2) THE AUXILIARY EMERGENCY COMMUNICATIONS UNIT IS
18 HEREBY ESTABLISHED WITHIN THE OFFICE. THE UNIT IS IN THE CHARGE OF
19 THE DIRECTOR OF THE OFFICE.

20 (3) THE UNIT HAS THE FOLLOWING POWERS AND DUTIES:

21 (a) ESTABLISH PROGRAMS FOR THE TRAINING AND CREDENTIALING
22 OF EMERGENCY OR DISASTER COMMUNICATORS ACROSS THE STATE, WHICH
23 TRAINING AND CREDENTIALING IS DECLARED TO BE A MATTER OF
24 STATEWIDE CONCERN. IN CONNECTION WITH SUCH TRAINING AND
25 CREDENTIALING, THE USE OF THE TERM "AUXILIARY EMERGENCY
26 COMMUNICATIONS" WITHIN THE STATE IS LIMITED TO INDIVIDUALS,
27 ENTITIES, ASSOCIATIONS, AND UNITS OF LOCAL GOVERNMENT THAT HAVE

1 BEEN CERTIFIED BY THE DIRECTOR OF THE OFFICE AS MEETING THE
2 TRAINING AND CREDENTIALING REQUIREMENTS ESTABLISHED BY THE
3 DEPARTMENT FOR AUXILIARY EMERGENCY COMMUNICATORS.

4 (b) ASSUME ALL OF THE DUTIES AND POSSESS ALL OF THE
5 AUTHORITY AND RESPONSIBILITIES OF THE RADIO AMATEUR CIVIL
6 EMERGENCY SERVICE, REFERRED TO IN THIS SECTION AS "RACES", 47
7 CFR 97.407, WITHIN THE STATE. ANY REFERENCE TO RACES IN ANY
8 FEDERAL LAW OR REGULATION, AND ANY FEDERAL, STATE, OR LOCAL
9 GOVERNMENT EMERGENCY OR DISASTER PLANS IS TO BE INTERPRETED AS
10 REFERRING TO THE UNIT, AND THE UNIT IS THE SUCCESSOR ENTITY TO ANY
11 STATE RACES ORGANIZATION REFERENCED IN ANY SUCH LAW,
12 REGULATION, OR PLAN. LANGUAGE PROHIBITING ANY INDIVIDUAL, ENTITY,
13 ASSOCIATION OR GOVERNMENT AGENCY FROM REPRESENTING THAT IT IS
14 A STATE RACES ORGANIZATION.

15 (c) ENSURE THAT AUXILIARY EMERGENCY COMMUNICATORS ARE
16 AUTHORIZED VOLUNTEERS ENTITLED TO THE PROTECTIONS AND BENEFITS
17 OF PART 8 OF THIS ARTICLE WHEN ASSISTING WITH THE INSTALLATION,
18 MAINTENANCE, OR DEMOLITION OF COMMUNICATION FACILITIES OF ANY
19 COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY PLANNING
20 COMMITTEE, OR STATE AGENCY, WHETHER OR NOT SUCH ACTIVITIES
21 OCCUR DURING A DISASTER; EXCEPT THAT THE PROVISIONS OF SECTIONS
22 24-33.5-825 AND 24-33.5-826 DO NOT APPLY TO A TRAINING EXERCISE,
23 DRILL, OR CLASS WITHOUT THE EXPRESS PRIOR CONSENT AND APPROVAL
24 OF THE VOLUNTEER'S EMPLOYER.

25 (4) IN CONNECTION WITH THE POWERS AND DUTIES OF THE UNIT AS
26 SPECIFIED IN THIS SECTION, THE DIRECTOR OF THE OFFICE MAY:

27 (a) DEVELOP AND ISSUE PHOTO IDENTIFICATION THAT IS

1 RECOGNIZED THROUGHOUT THE STATE FOR THE PURPOSE OF GRANTING
2 ACCESS TO GOVERNMENT FACILITIES, INCIDENT COMMAND POSTS, AND
3 DISASTER SCENES;

4 (b) CONDUCT CRIMINAL BACKGROUND INVESTIGATIONS ON
5 CANDIDATES FOR CREDENTIALING AS AUXILIARY EMERGENCY
6 COMMUNICATORS IN ACCORDANCE WITH THE SECURITY NEEDS OF THE
7 DEPARTMENT. THE UNIT MAY DENY CREDENTIALING TO ANY CANDIDATE
8 BASED UPON THE RESULTS OF THAT BACKGROUND CHECK.

9 (c) REIMBURSE AUXILIARY EMERGENCY COMMUNICATORS FOR
10 NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE
11 PERFORMANCE OF THEIR DUTIES, INCLUDING PROJECTS, TRAINING, DRILLS,
12 EXERCISES, AND DISASTER RESPONSE ACTIVITIES;

13 (d) EXPEND STATE MONEYS, INCLUDING BUT NOT LIMITED TO
14 GRANT MONEYS OR MONEYS OTHERWISE BUDGETED TO THE OFFICE, TO
15 ENHANCE THE COMMUNICATION INFRASTRUCTURE AS NECESSARY TO
16 SUPPLEMENT OR REINFORCE THE EXISTING AMATEUR RADIO SYSTEMS AND
17 NETWORKS WITHIN THE STATE FOR THE PURPOSES OF MAXIMIZING
18 DISASTER PREPAREDNESS AND RESPONSE.

19 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-802, **amend**
20 (5) as follows:

21 **24-33.5-802. Definitions.** As used in this part 8, unless the
22 context otherwise requires:

23 (5) "Emergency volunteer service" means all activities authorized
24 and carried out by a volunteer who is a member of a qualified volunteer
25 organization as directed by a county sheriff, local government, local
26 emergency planning committee, or state agency in the event of disaster OR
27 DURING A TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED IN

1 PREPARATION FOR A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS
2 ORGANIZED OR UNDER THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL
3 GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE
4 AGENCY.

5 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-806.5
6 as follows:

7 **24-33.5-806.5. Auxiliary emergency communications unit of**
8 **the office of emergency management - qualified volunteers -**
9 **protections and benefits.** NOTWITHSTANDING ANY OTHER PROVISION OF
10 THIS PART 8, ANY CREDENTIALLED MEMBER OF THE AUXILIARY EMERGENCY
11 COMMUNICATIONS UNIT OF THE OFFICE OF EMERGENCY MANAGEMENT
12 CREATED BY SECTION 24-33.5-705 (1) IS A QUALIFIED VOLUNTEER FOR
13 PURPOSES OF THIS PART 8 AND ARTICLE 10 OF THIS TITLE AND IS ELIGIBLE
14 TO RECEIVE THE PROTECTIONS AND BENEFITS SPECIFIED IN THIS PART 8
15 AND IN ARTICLE 10 OF THIS TITLE.

16 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-822, **amend**
17 (1) and (5) as follows:

18 **24-33.5-822. County sheriff - local government - local**
19 **emergency planning committee - memorandum of understanding**
20 **with volunteer organizations.** (1) Any county sheriff, the director of
21 any local government, any local emergency planning committee, or any
22 state agency may develop and enter into a memorandum of understanding
23 with one or more volunteer organizations, including but not limited to the
24 Colorado mounted rangers AND THE AMATEUR RADIO EMERGENCY
25 SERVICE, to assist the county sheriff, local government, local emergency
26 planning committee, or state agency in providing services as required.

27 (5) A member of the Colorado mounted rangers, THE AMATEUR

1 RADIO EMERGENCY SERVICE, and any other volunteer organization lending
2 assistance to a county sheriff, local government, local emergency
3 planning committee, or state agency pursuant to this section is an
4 authorized volunteer for the purposes of article 10 of this title.

5 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-824, **amend**
6 (1) (c) and (2) (a) as follows:

7 **24-33.5-824. Volunteers - provision of emergency services -**
8 **protections - benefits.** (1) A volunteer shall be allowed to receive the
9 benefits and protections specified in this part 8 and pursuant to article 10
10 of this title if the volunteer is determined to be a qualified volunteer
11 pursuant to this section. A volunteer shall be deemed a qualified volunteer
12 if:

13 (c) The volunteer is called to service through the volunteer
14 organization under the authority of the county sheriff, local government,
15 local emergency planning committee, or state agency to volunteer in a
16 disaster OR DURING A TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED
17 IN PREPARATION FOR A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS
18 ORGANIZED OR UNDER THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL
19 GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE
20 AGENCY; EXCEPT THAT THE PROVISIONS OF SECTIONS 24-33.5-825 AND
21 24-33.5-826 DO NOT APPLY TO A TRAINING EXERCISE, DRILL, OR CLASS
22 WITHOUT THE EXPRESS PRIOR CONSENT AND APPROVAL OF THE
23 VOLUNTEER'S EMPLOYER; and

24 (2) The executive director of the department or the executive
25 director's designee shall create a system whereby a volunteer may obtain
26 proof to provide to his or her employer that specifies:

27 (a) The volunteer was called to service by a volunteer organization

1 for the purpose of assisting in a disaster OR DURING A TRAINING EXERCISE,
2 DRILL, OR CLASS CONDUCTED IN PREPARATION FOR A DISASTER, WHICH
3 EXERCISE, DRILL, OR CLASS IS ORGANIZED OR UNDER THE DIRECTION OF
4 SUCH COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY
5 PLANNING COMMITTEE, OR STATE AGENCY; EXCEPT THAT THE PROVISIONS
6 OF SECTIONS 24-33.5-825 AND 24-33.5-826 DO NOT APPLY TO A TRAINING
7 EXERCISE, DRILL, OR CLASS WITHOUT THE EXPRESS PRIOR CONSENT AND
8 APPROVAL OF THE VOLUNTEER'S EMPLOYER;

9 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-827, **amend**
10 (1) (b) as follows:

11 **24-33.5-827. Procedures.** (1) The office of emergency
12 management shall create procedures for the administration of this part 8.
13 The procedures shall include:

14 (b) A process to verify that a qualified volunteer provided
15 volunteer services during a disaster OR AN ORGANIZED TRAINING
16 EXERCISE, DRILL, OR CLASS, and a method to allow the volunteer to
17 provide proof of such service to his or her employer pursuant to section
18 24-33.5-824 (2).

19 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-1614,
20 **amend** (3.3) (e) introductory portion; and **add** (3.3) (e) (IV) as follows:

21 **24-33.5-1614. Homeland security and all-hazards senior**
22 **advisory committee - composition - duties - emergency planning**
23 **subcommittee - public safety communications subcommittee -**
24 **creation - definitions - repeal.** (3.3) (e) The subcommittee consists of
25 at least the following ~~twenty-three~~ TWENTY-FOUR members:

26 (IV) THE SECTION EMERGENCY COORDINATOR FOR THE AMATEUR
27 RADIO EMERGENCY SERVICE OF THE COLORADO SECTION OF THE AMATEUR

1 RADIO RELAY LEAGUE OR HIS OR HER DESIGNEE.

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

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

RESOLUTION A

LLS NO. R16-0272.01 Ashley Zimmerman x2291

SENATE JOINT RESOLUTION

SENATE SPONSORSHIP

Baumgardner and Merrifield, Cooke, Jones, Roberts

HOUSE SPONSORSHIP

Hamner and Thurlow, Becker, Buck, Singer

Senate Committees

House Committees

SENATE JOINT RESOLUTION

101 **CONCERNING THE RECOGNITION OF COLORADO FIREFIGHTERS KILLED**
102 **IN THE LINE OF DUTY.**

1 WHEREAS, More than 12,000 career and volunteer firefighters
2 comprise the Colorado fire service; and

3 WHEREAS, Personnel of the Colorado fire service respond to
4 more than 500,000 calls for help each year, often placing themselves
5 directly in harm's way for the safety of others; and

6 WHEREAS, Fire services personnel are often the first to respond
7 to an emergency, whether it involves a fire, medical emergency, spill of
8 hazardous materials, natural disaster, act of terrorism, or transportation
9 accident; and

10 WHEREAS, Approximately 100 fire and emergency services
11 personnel die annually in the line of duty in the United States; and

12 WHEREAS, Most recently, the following firefighters have given

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 their lives in service to the people of Colorado:

- 2 ● Richard Lee Marchman, a volunteer firefighter for the
3 Indian Peaks Fire Protection District, collapsed and died
4 on July 9, 2014, after assisting in the rescue of a hiker with
5 a broken ankle;
- 6 ● Willard Clapper, a volunteer firefighter for the Aspen Fire
7 Protection District, died on October 16, 2014, after battling
8 lymphoma, which was determined to be line-of-duty under
9 Colorado's presumptive cancer law;
- 10 ● John Whelan, a firefighter for the Denver Fire Department,
11 died on July 16, 2015, from injuries sustained during
12 firefighting activities;
- 13 ● Craig Moilanen, a firefighter with the North Metro Fire
14 Rescue District and formerly of the Foothills Fire
15 Protection District, died on October 8, 2015, after a
16 two-year battle with cancer; and

17 WHEREAS, The Colorado Fallen Firefighters Memorial in
18 Lakewood contains the names of 145 firefighters who have fallen while
19 working to protect lives and property in Colorado; now, therefore,

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

22 (1) That we, the members of the Colorado General Assembly,
23 honor and pay tribute to the ultimate sacrifice paid by these fallen
24 firefighters; and

25 (2) Express our sympathy to the families and friends of those
26 service members who have died.

27 *Be It Further Resolved*, That copies of this Joint Resolution be sent
28 to Ken Watkins, President, Colorado State Fire Chiefs; Mike Rogers,
29 President, Colorado Professional Fire Fighters; Paul Cooke, Director,
30 Colorado Division of Fire Prevention and Control; Eric Tade, Fire Chief,
31 Denver Fire Department; David Ramos, Fire Chief, North Metro Fire
32 Rescue District; Norman Bowers, Fire Chief, Indian Peaks Fire Protection
33 District; Rick Balentine, Fire Chief, Aspen Fire Protection District; and
34 Brian Zoril, Fire Chief, Foothills Fire Protection District.

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

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

C.R.S. **2-3-1602** (2015)

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.