

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0460.01 Thomas Morris

SENATE BILL 10-102

SENATE SPONSORSHIP

Gibbs,

HOUSE SPONSORSHIP

Fischer,

Senate Committees

Agriculture and Natural Resources

House Committees

Agriculture, Livestock, & Natural Resources

A BILL FOR AN ACT

101 **CONCERNING THE CERTIFICATION OF USERS OF PRESCRIBED FIRE**
102 **ACCORDING TO STANDARDS ESTABLISHED BY THE COLORADO**
103 **STATE FOREST SERVICE.**

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>.)

The bill directs the Colorado state forest service to establish training and certification standards for users of prescribed fire, including certified burner and noncertified burner designations, recommended processes for certified burners to conduct a prescribed fire, recommended

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.

HOUSE
Am ended 2nd Reading
March 15, 2010

SENATE
3rd Reading Unam ended
February 22, 2010

SENATE
2nd Reading Unam ended
February 19, 2010

organizational structures for prescribed burn operations, training standards for certified burners, and identification of preexisting fees, permit requirements, liabilities, liability exemptions, and penalties for prescribed burn personnel and landowners.

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

2 **SECTION 1.** 23-31-313 (6) (a), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

4 **23-31-313. Healthy forests - vibrant communities - funds**
5 **created.** (6) **Community watershed restoration.** (a) In order to
6 support communities and land managers in moving from risk reduction
7 to long-term ecological restoration so that the underlying condition of
8 Colorado's forests supports a variety of values, particularly public water
9 supply and high-quality wildlife habitat, the forest service shall:

10 (III) ESTABLISH TRAINING AND CERTIFICATION STANDARDS FOR
11 USERS OF PRESCRIBED FIRE IN CONSULTATION WITH THE COLORADO
12 PRESCRIBED FIRE COUNCIL OR AN ANALOGOUS SUCCESSOR ORGANIZATION.
13 THE FOREST SERVICE MAY ALSO CONSULT WITH LOCAL FIRE
14 JURISDICTIONS. **NOTHING IN THIS SUBPARAGRAPH (III) REQUIRES A USER**
15 **OF PRESCRIBED FIRE TO BE CERTIFIED.** THE STANDARDS SHALL:

16 (A) CREATE CERTIFIED BURNER AND NONCERTIFIED BURNER
17 DESIGNATIONS FOR USERS OF PRESCRIBED FIRE ON PRIVATE AND
18 NONFEDERAL LAND;

19 (B) ESTABLISH REQUIREMENTS FOR CERTIFIED BURNERS TO
20 CONDUCT LAWFUL ACTIVITIES PURSUANT TO AUTHORIZATION UNDER
21 SECTION 18-13-109 (2) (b) (IV), C.R.S., REGARDING FIRING OF WOODS OR
22 PRAIRIE;

23 (C) IDENTIFY PROCESSES AND PROCEDURES FOR CERTIFIED

1 BURNERS TO CONDUCT A PRESCRIBED FIRE;
2 (D) RECOMMEND ORGANIZATIONAL STRUCTURES FOR PRESCRIBED
3 BURN OPERATIONS;
4 (E) ESTABLISH TRAINING STANDARDS FOR CERTIFIED BURNERS;
5 AND
6 (F) CLEARLY IDENTIFY PREEXISTING FEES, PERMIT REQUIREMENTS,
7 LIABILITIES, LIABILITY EXEMPTIONS, AND PENALTIES FOR PRESCRIBED
8 BURN PERSONNEL AND LANDOWNERS, INCLUDING THOSE SPECIFIED IN
9 SECTIONS 25-7-106 (7) AND (8) AND 25-7-123, C.R.S.

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