

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 12-0740.01 Bob Lackner x4350

HOUSE BILL 12-1285

HOUSE SPONSORSHIP

Gerou,

SENATE SPONSORSHIP

Jahn,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING**
102 **INTERGOVERNMENTAL COOPERATION TO ADDRESS WILDLAND**
103 **FIRE MITIGATION WHERE A MUNICIPALITY OWNS LAND INSIDE A**
104 **COUNTY FOR UTILITY PURPOSES.**

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>.)

Existing law requires each municipality that owns any land area either entirely or partially outside its own territorial boundaries and inside

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
Amended 2nd Reading
February 24, 2012

the territorial boundaries of a county and that contains at least 50% forest land or land that constitutes a wildland area to enter into an intergovernmental agreement by July 1, 2012, with the county for the purpose of mitigating forest land or wildland fires affecting the contiguous land areas of the municipality and county.

The bill sets up parallel requirements for municipalities that own any land area inside the county for utility purposes. If not, the existing statutory requirements apply. However, if the municipality owns land for utility purposes, then, on or before July 1, 2012, each municipality that owns any land area for utility purposes that is located either entirely or partially outside its own territorial boundaries and inside the territorial boundaries of a county and that contains at least 50% forest land or land that constitutes a wildland area shall either:

- ! Enter into an intergovernmental agreement with the county for the purpose of mitigating forest land or wildland fires affecting the contiguous land areas of the municipality and county; or
- ! Enter into an agreement with the Colorado state forest service for the purpose of mitigating forest land or wildland fires affecting the contiguous land areas of the municipality and county, and provide notification of the agreement to any county in which the municipality owns any land area.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-20-105.5, **amend**
3 (3) (a) and (3) (b) introductory portion; and **add** (2) (b.5) and (2) (e) as
4 follows:

5 **29-20-105.5. Intergovernmental cooperation -**
6 **intergovernmental agreements to address wildland fire mitigation -**
7 **legislative declaration.** (2) As used in this section, unless the context
8 otherwise requires:

9 (b.5) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
10 CITY, TOWN, TERRITORIAL CHARTER CITY, OR A CITY AND COUNTY.
11 "LOCAL GOVERNMENT" DOES NOT INCLUDE A COUNTY OR A HOME RULE
12 COUNTY.

13 (e) "UTILITY PURPOSES" MEANS THE USE OR MANAGEMENT OF

1 PROPERTY BY A LOCAL GOVERNMENT THAT IS REASONABLY RELATED TO
2 THE PROVISION OF ELECTRIC, NATURAL GAS, WATER, WASTEWATER, AND
3 TELECOMUNICATION SERVICES.

4 (3) (a) (I) On or before July 1, 2012, each local government that
5 owns any land area FOR ANY REASON OTHER THAN FOR UTILITY PURPOSES
6 that is located either entirely or partially outside its own territorial
7 boundaries and inside the territorial boundaries of a county and that
8 contains at least fifty percent forest land or land that constitutes a
9 wildland area shall enter into an intergovernmental agreement with the
10 county for the purpose of mitigating forest land or wildland fires affecting
11 the contiguous land areas of the local government and county. ~~In~~
12 ~~association with the governmental parties entering into any~~
13 ~~intergovernmental agreement, the parties to such agreement shall consult~~
14 ~~with any utility providers that have facilities in the areas subject to the~~
15 ~~agreements to the extent the provisions of the agreements will affect the~~
16 ~~providers.~~

17 (II) ON OR BEFORE JULY 1, 2012, EACH LOCAL GOVERNMENT THAT
18 OWNS ANY LAND AREA FOR UTILITY PURPOSES THAT IS LOCATED EITHER
19 ENTIRELY OR PARTIALLY OUTSIDE ITS OWN TERRITORIAL BOUNDARIES AND
20 INSIDE THE TERRITORIAL BOUNDARIES OF A COUNTY AND THAT CONTAINS
21 AT LEAST FIFTY PERCENT FOREST LAND OR LAND THAT CONSTITUTES A
22 WILDLAND AREA SHALL EITHER:

23 (A) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE
24 COUNTY FOR THE PURPOSE OF MITIGATING FOREST LAND OR WILDLAND
25 FIRES AFFECTING THE CONTIGUOUS LAND AREAS OF THE LOCAL
26 GOVERNMENT AND COUNTY; OR

27 (B) ENTER INTO AN AGREEMENT WITH THE COLORADO STATE

1 FOREST SERVICE CREATED IN SECTION 36-7-201 (1), C.R.S., FOR THE
2 PURPOSE OF MITIGATING FOREST LAND OR WILDLAND FIRES AFFECTING THE
3 CONTIGUOUS LAND AREAS OF THE LOCAL GOVERNMENT AND COUNTY, AND
4 PROVIDE NOTIFICATION OF THE AGREEMENT TO ANY COUNTY IN WHICH THE
5 LOCAL GOVERNMENT OWNS ANY LAND AREA.

6 (III) IN ASSOCIATION WITH THE GOVERNMENTAL PARTIES
7 ENTERING INTO ANY INTERGOVERNMENTAL AGREEMENT OR AGREEMENT
8 WITH THE COLORADO STATE FOREST SERVICE, THE PARTIES TO THE
9 AGREEMENT SHALL CONSULT WITH ANY UTILITY PROVIDERS THAT HAVE
10 FACILITIES IN THE AREAS SUBJECT TO THE AGREEMENT TO THE EXTENT THE
11 PROVISIONS OF THE AGREEMENT WILL AFFECT THE PROVIDERS.

12 (b) ~~The~~ ANY agreement required by SUBPARAGRAPH (I) OR (II) OF
13 paragraph (a) of this subsection (3) shall address, without limitation, the
14 following matters:

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