Second Regular Session Sixty-eighth General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House HOUSE BILL 12-1285

LLS NO. 12-0740.01 Bob Lackner x4350

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

House Committees Local Government Senate Committees Local Government

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.

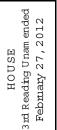
Bill Summary

(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

SENATE 3 rd Reading Unam ended M arch 20, 2012

SENATE 2nd Reading Unam ended M arch 19, 2012



HOUSE Am ended 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

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

(II) ON OR BEFORE JULY 1, 2012, EACH LOCAL GOVERNMENT 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 FIFTY PERCENT FOREST LAND OR LAND THAT CONSTITUTES A
WILDLAND AREA SHALL EITHER:

(A) 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 LOCAL
GOVERNMENT AND COUNTY; OR

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

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

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

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