

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 14-0356.02 Kate Meyer x4348

HOUSE BILL 14-1210

HOUSE SPONSORSHIP

Gerou,

SENATE SPONSORSHIP

Roberts,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT A STATE AGENCY ENTER INTO AN
102 INTERGOVERNMENTAL AGREEMENT WITH A COUNTY TO
103 ADDRESS WILDLAND FIRES AFFECTING CERTAIN STATE LANDS
104 LOCATED WITHIN THE COUNTY.

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 requires a county and any state agency that owns forest land, rangeland, or wildland areas within the county to enter into an

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.

SENATE
Amended 2nd Reading
March 24, 2014

HOUSE
3rd Reading Unamended
February 26, 2014

HOUSE
Amended 2nd Reading
February 25, 2014

intergovernmental agreement, by January 1, 2017, to address the harm caused by wildland fires affecting such land.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 24-33.5-1221
3 as follows:

4 **24-33.5-1221. State responsibility - determination by the**
5 **director - intergovernmental agreements required - terms included**
6 **- definitions - legislative declaration.** (1) The director shall determine,
7 in consultation with local authorities and with the approval of the
8 governor, geographic areas of the state, including wildland-urban
9 interface areas, in which the state has a financial responsibility for
10 managing forest and wildland fires. The management of fires in all other
11 areas is primarily the responsibility of local or federal agencies, as the
12 case may be. The director may exclude all lands owned or controlled by
13 the federal government or any agency thereof, and the director shall
14 exclude all lands within the exterior boundaries of incorporated cities or
15 towns.

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

18 (I) BECAUSE WILDLAND FIRES SO OFTEN TRAVERSE THE
19 TERRITORIAL BOUNDARIES OF POLITICAL SUBDIVISIONS, THE FULL
20 COOPERATION OF GOVERNMENTAL ENTITIES WITHIN WHOSE TERRITORIAL
21 BOUNDARIES FOREST LANDS, RANGELANDS, OR WILDLAND AREAS ARE
22 LOCATED IS NECESSARY TO ENSURE ADEQUATE PROTECTION AGAINST
23 THOSE FIRES;

24 (II) BECAUSE WILDLAND FIRES CROSS TERRITORIAL BOUNDARIES,
25 PARTICULARLY IF COOPERATIVE FIRE MITIGATION POLICIES ARE NOT

1 ESTABLISHED AND MAINTAINED, PROTECTING THE PUBLIC FROM THE
2 DANGERS OF SUCH FIRES, ESPECIALLY FIRES OCCURRING IN
3 WILDLAND-URBAN INTERFACE AREAS, IS A NECESSARY ENDEAVOR AND A
4 MATTER OF STATEWIDE CONCERN; AND

5 (III) THIS SUBSECTION (2) IS ENACTED FOR THE PURPOSE OF
6 REQUIRING INTERGOVERNMENTAL COOPERATION BETWEEN A COUNTY AND
7 ANY STATE AGENCY THAT OWNS WILDLAND AREAS LOCATED WITHIN THE
8 COUNTY TO MITIGATE THE HARM CAUSED BY WILDLAND FIRES AFFECTING
9 LAND AREAS IN THE INTEREST OF PROTECTING THE PUBLIC HEALTH AND
10 SAFETY.

11 (b) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (I) "FORESTLAND" MEANS LAND OF WHICH AT LEAST TEN PERCENT
14 IS STOCKED BY FOREST TREES OF ANY SIZE AND INCLUDES LAND THAT
15 FORMERLY HAD SUCH TREE COVER AND THAT WILL BE NATURALLY OR
16 ARTIFICIALLY REGENERATED. "FOREST LAND" INCLUDES ROADSIDE,
17 STREAMSIDE, AND SHELTERBELT STRIPS OF TIMBER THAT HAVE A CROWN
18 WIDTH OF AT LEAST ONE HUNDRED TWENTY FEET. "FOREST LAND"
19 INCLUDES UNIMPROVED ROADS AND TRAILS, STREAMS, AND CLEARINGS
20 THAT ARE LESS THAN ONE HUNDRED TWENTY FEET WIDE.

21 (II) "RANGELAND" MEANS AN EXPANSE OF LAND THAT IS
22 UNFORESTED AND ON WHICH IT IS SUITABLE FOR LIVESTOCK TO WANDER
23 AND GRAZE.

24 (III) "STATE AGENCY" HAS THE MEANING SET FORTH IN SECTION
25 24-18-102.

26 (IV) "WILDLAND AREA" MEANS AN AREA IN WHICH DEVELOPMENT
27 IS ESSENTIALLY NONEXISTENT, EXCEPT FOR ROADS, RAILROADS, POWER

1 LINES, AND SIMILAR INFRASTRUCTURE, AND IN WHICH STRUCTURES, IF
2 PRESENT, ARE WIDELY SCATTERED.

3 (V) "WILDLAND FIRE" MEANS AN UNPLANNED OR UNWANTED FIRE
4 IN A FOREST LAND, RANGELAND, OR WILDLAND AREA, INCLUDING AN
5 UNAUTHORIZED HUMAN-CAUSED FIRE, AN OUT-OF-CONTROL PRESCRIBED
6 FIRE, AND ANY OTHER FIRE IN A FOREST LAND, RANGELAND, OR WILDLAND
7 AREA WHERE THE OBJECTIVE IS TO EXTINGUISH THE FIRE.

8 (c) (I) (A) ON OR BEFORE JANUARY 1, 2017, EACH STATE AGENCY
9 THAT OWNS ANY LAND CONSTITUTING FOREST LAND, RANGELAND, OR
10 WILDLAND AREA SHALL ENTER INTO AN INTERGOVERNMENTAL
11 AGREEMENT WITH EACH COUNTY IN WHICH THE LAND IS LOCATED TO
12 MITIGATE WILDLAND FIRES AFFECTING THE [REDACTED] LAND AREAS OF THE STATE
13 AGENCY AND COUNTY. IN MAKING SUCH INTERGOVERNMENTAL
14 AGREEMENT, THE PARTIES TO THE AGREEMENT SHALL CONSULT WITH ANY
15 UTILITY PROVIDERS THAT HAVE FACILITIES IN THE AREAS SUBJECT TO THE
16 AGREEMENTS TO THE EXTENT THAT THE AGREEMENTS WILL AFFECT THE
17 PROVIDERS.

18 (B) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) DOES NOT
19 APPLY TO RIGHTS-OF-WAY, CONSERVATION EASEMENTS, OR STATE TRUST
20 LANDS. HOWEVER, THE DEPARTMENT OF NATURAL RESOURCES AND THE
21 STATE LAND BOARD SHALL EVALUATE THE FEASIBILITY OF ENTERING INTO
22 INTERGOVERNMENTAL AGREEMENTS SIMILAR TO THOSE REQUIRED UNDER
23 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) FOR STATE TRUST
24 LANDS. PRIOR TO SEPTEMBER 1, 2014, THE DEPARTMENT OF NATURAL
25 RESOURCES SHALL REPORT TO THE WILDFIRE MATTERS REVIEW
26 COMMITTEE CREATED IN SECTION 2-3-1602, C.R.S., REGARDING ANY
27 CONCLUSIONS REACHED SUBSEQUENT TO THIS EVALUATION, INCLUDING

1 REASONABLE ALTERNATIVES TO ADDRESS WILDLAND FIRE MITIGATION
2 AND SUPPRESSION COSTS WITH COUNTIES IN WHICH STATE TRUST LANDS
3 ARE LOCATED.

4 (II) ANY AGREEMENT REQUIRED BY SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH (c) MUST ADDRESS THE FOLLOWING MATTERS:

6 (A) THE IDENTIFICATION OF ALL PARTIES TO THE AGREEMENT AND
7 THEIR RESPECTIVE ROLES AND RESPONSIBILITIES REGARDING THE
8 MITIGATION AND MANAGEMENT OF WILDLAND FIRES;

9 (B) THE PROCEDURES FOR COOPERATION AND COORDINATION
10 AMONG THE PARTIES TO THE AGREEMENT;

11 (C) MANAGEMENT OBJECTIVES FOR FOREST LAND AND WILDLAND
12 FIRE PREVENTION, PREPAREDNESS, MITIGATION, SUPPRESSION,
13 RECLAMATION, OR REHABILITATION, AND THE DESIGNATION OF THE STATE
14 AGENCY WITH FISCAL AND OPERATIONAL AUTHORITY FOR EACH
15 OBJECTIVE;

16 (D) A DESCRIPTION OF AVAILABLE EMERGENCY OR MUTUAL AID
17 RESOURCES IN THE EVENT OF WILDLAND FIRES;

18 (E) IDENTIFICATION OF THE PARTY OR PARTIES RESPONSIBLE FOR
19 PAYING THE COSTS OF SUPPRESSION OF WILDFIRES OCCURRING ON
20 STATE-OWNED LANDS;

21 (F) THE SPECIFICATION THAT REIMBURSEMENT AND BILLING
22 PROCEDURES WILL BE HANDLED THROUGH THE DIVISION'S EXISTING
23 BILLING PROCESS; AND

24 (G) ACTION THAT MAY BE UNDERTAKEN BY ONE PARTY TO THE
25 AGREEMENT IF ANOTHER PARTY TO THE AGREEMENT FAILS TO SATISFY ITS
26 DUTIES OR RESPONSIBILITIES UNDER THE AGREEMENT.

27 (d) THE AGREEMENT REQUIRED UNDER PARAGRAPH (c) OF THIS

1 SUBSECTION (2) MUST BE EXECUTED BY ALL PARTIES TO THE AGREEMENT.

2 (e) NOTHING IN THIS SUBSECTION (2) ALTERS OR AFFECTS THE
3 MANNER IN WHICH SUPPRESSION COSTS ARE HANDLED:

4 (I) DURING AN AGREED-UPON MUTUAL AID PERIOD; OR

5 (II) PURSUANT TO AN EXISTING AGREEMENT.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2014 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.