

University of Denver

Digital Commons @ DU

All Publications (Colorado Legislative Council)

Colorado Legislative Council Research
Publications

12-2008

0581 Wildfire Issues in Wildland-Urban Interface Areas

Colorado Legislative Council

Follow this and additional works at: https://digitalcommons.du.edu/colc_all

Recommended Citation

Colorado Legislative Council, "0581 Wildfire Issues in Wildland-Urban Interface Areas" (2008). *All Publications (Colorado Legislative Council)*. 613.
https://digitalcommons.du.edu/colc_all/613

This Article is brought to you for free and open access by the Colorado Legislative Council Research Publications at Digital Commons @ DU. It has been accepted for inclusion in All Publications (Colorado Legislative Council) by an authorized administrator of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

0581 Wildfire Issues in Wildland-Urban Interface Areas



**Report to the
Colorado General Assembly**

**Wildfire Issues in
Wildland-Urban
Interface Areas**

Prepared by

*The Colorado Legislative Council
Research Publication No. 581
December 2008*

Wildfire Issues in Wild Land-Urban Interface Areas

Members of the Committee

Senator Dan Gibbs, Chair
Representative Christine Scanlan, Vice-Chair

Senator Mike Kopp
Senator Josh Penry
Senator Gail Schwartz

Representative Steve King
Representative Claire Levy
Representative Kevin Lundberg

Legislative Council Staff

Jessika Shipley, Research Associate
Kori Donaldson, Senior Research Assistant
Raegan Robb, Senior Research Assistant
David Porter, Fiscal Note Analyst

Office of Legislative Legal Services

Duane Gall, Senior Staff Attorney
Jason Gelender, Senior Staff Attorney
John Hershey, Staff Attorney
Bob Lackner, Senior Staff Attorney

COLORADO GENERAL ASSEMBLY



EXECUTIVE COMMITTEE
Rep. Andrew Romanoff, Chairman
Sen. Peter Groff, Vice Chairman
Sen. Ken Gordon
Sen. Andy McElhany
Rep. Alice Madden
Rep. Mike May

STAFF
Mike Mauer, Director
Daniel Chapman, Assistant Director,
Administration
Deborah Godshall, Assistant Director,
Research

COMMITTEE
Sen. Greg Brophy
Sen. Mike Kopp
Sen. Brandon Shaffer
Sen. Nancy Spence
Sen. Lois Tochtrop
Sen. Sue Windels
Rep. David Balmer
Rep. Morgan Carroll
Rep. Terrance Carroll
Rep. Cory Gardner
Rep. Andy Kerr
Rep. Amy Stephens

LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
E-mail: lcs.ga@state.co.us

303-866-3521 FAX: 303-866-3855 TDD: 303-866-3472

December 2008

To Members of the Sixty-sixth General Assembly:

Submitted herewith is the final report of the Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. This committee was created pursuant to Senate Joint Resolution 08-025. The purpose of the committee is to study and make recommendations on issues related to wildfire in Colorado, with specific emphasis on the wild land-urban interface and the current bark beetle epidemic.

At its meeting on October 15, 2008, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2009 session was approved.

Respectfully Submitted,

/s/ Representative Andrew Romanoff
Chairman

Table of Contents

	Page
Executive Summary	1
Committee Charge	5
Committee Activities	5
Bark Beetle Epidemic	6
Fire Hazard Mitigation	7
Forest Health	8
Innovative Ideas	8
Challenges to Traditional Methods of Firefighting	9
Summary of Recommendations	13
Bill A — Responsibility for Responding to Wild Land Fires	13
Text of Bill A	19
Bill B — Extension of Civil Immunity to Persons Engaged in Emergency Response Activities	13
Text of Bill B	29
Bill C — Establishment of Community Wildfire Protection Plans by County Governments	13
Text of Bill C	33
Bill D — Incentives for Volunteer Firefighters	14
Text of Bill D	45
Bill E — Creation of a High-risk Communities Wildfire Mitigation Grant Program	14
Text of Bill E	51
Bill F — Requirement that the State Match Local Government Contributions to the Emergency Fire Fund	14
Text of Bill F	57
Bill G — Measures to Encourage the Restoration of Forest Areas Affected by Bark Beetle Infestation	14
Text of Bill G	61
Resource Materials	17

This report is also available on line at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2008/08interim.htm

Executive Summary

Committee Charge

Pursuant to Senate Joint Resolution 08-025, the Interim Committee on Wildfire Issues in the Wild Land-Urban Interface Areas is charged with studying and making recommendations on the following issues:

- challenges posed to traditional methods of firefighting and the allocation of firefighting resources as a result of the increasing number and changing distribution of homes and other structures in the wild land-urban interface (WUI), and methods of overcoming those challenges;
- available strategies to minimize and mitigate the danger of wildfire in the WUI, and methods of employing those strategies; and
- potential responses to the bark beetle epidemic, with particular emphasis on market-based incentives for the removal and beneficial use of trees killed or threatened by bark beetles.

Committee Activities

The committee met six times during the 2008 interim. Three of the meetings were devoted to discussions with representatives of various entities involved in wildfire issues and forest health in Colorado, including the:

- United States Forest Service (USFS);
- federal Bureau of Land Management (BLM);
- Federal Emergency Management Agency (FEMA);
- Colorado State Forest Service (CSFS);
- Colorado Division of Fire Safety;
- Colorado Division of Emergency Management;
- Colorado State Fire Chiefs Association;
- Governor's Forest Health Advisory Council;
- county sheriffs;
- local fire departments;
- community organizations; and
- timber industry.

During one meeting, the committee took a tour of Grand County, focusing on areas that have been heavily impacted by the bark beetle epidemic. The remaining two meetings were spent discussing potential legislation for the committee to recommend. Eleven bills were drafted at the request of the committee and seven were ultimately approved.

Bark beetle. Bark beetles are native to the forests of North America and infestations are normal and cyclical. In recent years, however, Colorado's forests have experienced several large-scale insect infestations, from beetles in the piñon forests of southwestern Colorado to mountain pine beetles in northern lodgepole pine forests. In both cases, it is estimated the infestations will result in tree mortality rates of 90 percent. The committee discussed how trees killed by bark beetles present a wildfire danger, putting life and property at risk. Also, watersheds



and recreational areas are threatened by the damage caused by catastrophic wildfire. Finally, roads, power lines, and other infrastructure are at risk from dead wood that easily topples in light winds. The committee recommends Bill G, which would provide various incentives to businesses that harvest, transport, process, or market timber killed by bark beetles.

Field trip. On August 18, 2008, the committee met in Winter Park and attended a meeting of Grand County commissioners, town managers, and mayors. The committee was able to gain a local perspective of the bark beetle problem and to discuss community needs with regard to wildfire mitigation. The tour moved on to the Stillwater Campground on Lake Granby, where representatives of the CSFS showed the committee completed forest thinning projects, on both public and private property. The final stop was the Confluence Energy wood pellet plant in Kremmling, where the committee toured a facility that uses beetle-killed wood to make pellets for low carbon emission stoves. CSFS and USFS representatives were available along the way to answer questions and discuss various issues with committee members.

Fire hazard mitigation. The wildfire hazard in Colorado poses several threats to human life, water quality, property values and tax revenues, recreation, and tourism, as well as electrical, communication, and transportation infrastructure. The committee heard presentations from various entities regarding the threat of wildfire and the need to mitigate wildfire hazards to protect these vulnerable resources and infrastructure. Bill E provides grants to various entities for wildfire mitigation efforts.

Forest health. According to the CSFS, which compiles a State Forest Health Report annually, there are 22.5 million acres of diverse forest land in Colorado. The primary factors influencing those forests are forest conditions, insects and disease, fire, people, weather, and climate change. A major factor of forest conditions in Colorado is the significant age of various types of forests present in most regions throughout the state. Most of Colorado's lodgepole pine, aspen, and spruce/fir forests are older and less resilient to the effects of insects and wildfires.

The committee heard substantial testimony about Colorado's forests and how they are dependent upon change for maintenance and renewal. Fires, insect and disease outbreaks, and forest management can add diversity and resilience to forest stands or bring about entirely new forests from old ones. However, many of Colorado's old forests have not recently experienced disturbance because of fire suppression and very little tree cutting. Colorado forests are on the cusp of significant change and have experienced a series of significant ecological events over the past decade, including severe drought, a dramatic fire season in 2002, and ongoing epidemics of invasive species such as the bark beetle.

Innovative ideas. The majority of presentations to the committee focused on the problems inherent in a state with so much forest land, but solutions were also discussed. A number of timber operations in Colorado are working to gather and use beetle-killed wood for stove pellets, flooring, furniture, and other building purposes. Additionally, communities around the state are adopting Firewise principles, which emphasize community responsibility for planning in the design of a safe community and effective emergency response. Firewise guidelines stress individual responsibility for safer home design and construction, landscaping, and maintenance.

The committee also heard from several volunteer community organizations, such as Youth Corps, the Wilderness Society, and the Nature Conservancy, which clear out dense forest land and conduct prescribed burns in order to reduce the threat of catastrophic wildfire in the WUI. Finally, the committee learned about various federal grant options for pre-disaster mitigation projects. The City of Colorado Springs received two such grants and used the money for education outreach, fuels mitigation, review of new development, fire behavior analysis, and prescribed burns.



Challenges to traditional methods of firefighting. The committee heard that extreme fire conditions, decades of fire suppression, a growing population, and concerns about insects and disease have made traditional firefighting techniques less effective. Special emphasis was given to challenges regarding the WUI, statutory authority for fire management, and volunteer firefighters.

Miscellaneous. The committee recommends five other bills. Bill A clarifies the responsibility for responding to wild land fires. Bill B concerns the extension of civil immunity to volunteer firefighters. Bill C requires the CSFS to implement guidelines for community wildfire protection plans. Bill D creates various incentives for volunteer firefighters. Bill F requires that the state match local government contributions to the emergency fire fund. All of the committee's recommendations are explained in more detail in the following section.

Committee Recommendations

As a result of the interim committee's discussion and deliberation, the committee recommends seven bills for consideration in the 2009 legislative session.

Bill A — Wild Land-Urban Fire Chain of Command. Bill A requires local governments to designate an emergency response authority that will create a plan for responding to wild land fires in its jurisdiction. The Colorado State Forest Service is identified as the emergency response authority on state-owned lands. Bill A requires the board of county commissioners of each county, in collaboration with emergency response authorities, to develop an annual wildfire preparedness plan for unincorporated areas of the county. In addition, the bill allows the board of county commissioners in any county to levy a special tax on taxable property, subject to voter approval, to create a fund to prevent, control, or extinguish wild land fires in the county. The annual total raised from the tax cannot exceed the amount raised by 1 mill or \$500,000, whichever is less.

Bill B — Good Samaritan Law Volunteer Firefighters. Bill B exempts fire departments or other entities that donate surplus firefighting equipment from civil and criminal liability resulting from the use of such equipment. Bill B also exempts volunteer firefighters and their employers from civil liability resulting from any action taken during firefighting efforts or other emergency services. Bill B provides that no state, county, or municipal agency that is engaged in emergency or disaster planning, training, or response activities is liable for the death of or injury to any person or loss of or damage to property, except in cases of willful or wanton acts or omissions.

Bill C — Community Wildfire Protection Plans. Bill C requires the state forester to establish guidelines for Community Wildfire Protection Plans (CWPPs). CWPPs are plans to identify and mitigate fire hazards that are developed with input from state, local, federal government bodies and other interested parties. The state forester, collaborating with local governments, fire districts, and law enforcement bodies, must establish guidelines and criteria counties must consider when developing their own CWPPs.

Counties, with the assistance of the state forester, are required to identify fire hazard areas in unincorporated areas. Fire hazard areas are defined as areas that face a substantial and recurring risk of exposure to severe fire hazards. Once identified, counties must develop a CWPP that considers the guidelines for each fire hazard area.



Bill D — Incentives for Volunteer Firefighters. Bill D establishes a program to provide volunteer firefighters with college tuition vouchers. To be considered for a voucher, a volunteer firefighter must be a full- or part-time student, complete at least 36 hours of training each year, and agree to serve as a volunteer firefighter for at least four years after completing their education. The Division of Fire Safety, Department of Public Safety, will work with the State Board for Community Colleges and Occupational Education to establish the tuition voucher program for up to three credits per academic year.

The bill also establishes a three-year program to reimburse volunteer firefighters for up to \$250 of equipment costs. The Department of Revenue oversees this rebate program.

Bill E — High Risk Wildfire Mitigation Grants. Bill E requires the Colorado State Forest Service to develop and implement a program that provides grants to local governments, the state, the federal government, fire protection districts, and homeowner's associations for wildfire mitigation efforts. From FY 2008-09 through FY 2012-13, Bill E appropriates \$10 million annually from the General Fund to the newly created High-Risk Communities Wildlife Mitigation Grant Program Fund. Money in the fund is continuously appropriated to the forest service, which may only use the funds for wildfire mitigation grants. The forest service is required to prepare an annual report on the grant program.

Bill F — State Match for Emergency Fire Fund. Bill F requires the General Assembly to annually appropriate money from the General Fund to the Colorado State Forest Service. The forest service, in turn, is to grant the money to the Emergency Fire Fund. The amount appropriated must equal the voluntary contributions made by counties and the Denver Water Board to the Emergency Fire Fund in the prior fiscal year. The Emergency Fire Fund was set up in 1967 and is managed by a 10-person committee. Upon approval by the state forester, it funds emergency responses to wildfires.

Bill G — Incentives to Harvest Bark Beetle Timber. Bill G provides a five-year property tax exemption for business personal property used to harvest, transport, process, or market timber killed by bark beetles. The applicant must meet the following criteria to qualify for the tax exemption:

- the applicant must be either a sole proprietor living in Colorado or a corporation whose principle place of business is in Colorado;
- the business must earn a profit in at least two of the five years between 2009 and 2014; and
- the business must participate in forest reseedling or other restoration efforts.

Bill G also establishes a revolving loan program to provide start-up capital to businesses that purchase facilities or equipment used for the harvest, removal, or use of beetle-killed timber. Loans will be granted by the Colorado State Forest Service based on the extent to which the applicant helps the job opportunities and prosperity of the area, the expertise of the applicant, and the applicant's ability to promote bark-beetle mitigation efforts and the business community.

Finally, the bill requires the state forester to identify areas in the Colorado where the bark beetle infestation has resulted in an imminent fire danger. The forest service is to provide a designated staff member to aid property owners and businesses in navigating obstacles faced when harvesting beetle-killed timber in different jurisdictions.



Committee Charge

The Interim Committee on Wildfire Issues in the Wild Land-Urban Interface Areas was created pursuant to Senate Joint Resolution 08-025. The committee was comprised of four members from the Senate and four members from the House of Representatives and was authorized to meet six times during the 2008 interim.

Senate Joint Resolution 08-025 required the committee to hold public hearings to receive information and input regarding the following issues:

- challenges posed to traditional methods of firefighting and the allocation of firefighting resources as a result of the increasing number and changing distribution of homes and other structures in the WUI, and methods of overcoming those challenges;
- available strategies to minimize and mitigate the danger of wildfire in the WUI, and methods of employing those strategies; and
- potential responses to the bark beetle epidemic, with particular emphasis on market-based incentives for the removal and beneficial use of trees killed or threatened by bark beetles.

The committee was directed by Senate Joint Resolution 08-025 to leverage existing studies and analyses relating to wildfire in WUI areas in order to develop a series of legislative recommendations or other policy changes concerning the state's approach to these issues, as it deemed appropriate.

Committee Activities

The committee met six times during the 2008 interim. Three of the meetings were devoted to discussions with representatives of various entities involved in wildfire issues and forest health in Colorado, including the:

- United States Forest Service (USFS);
- federal Bureau of Land Management (BLM);
- Federal Emergency Management Agency (FEMA);
- Colorado State Forest Service (CSFS);
- Colorado Division of Fire Safety;
- Colorado Division of Emergency Management;
- Colorado State Fire Chiefs Association;
- Governor's Forest Health Advisory Council;
- county sheriffs;
- local fire departments;
- community organizations; and
- timber industry.

During one meeting, the committee took a tour of Grand County, focusing on areas that have been heavily impacted by the bark beetle epidemic. The remaining two meetings were spent discussing potential legislation for the committee to recommend. Seven bills were ultimately approved by the committee and the Legislative Council.



Bark Beetle Epidemic

Bark beetles are naturally occurring insects that are indigenous to North America. Adult beetles infest a tree by laying eggs under the bark, which hatch and feed on the inner bark. Attacking beetles carry with them blue-staining fungi on their bodies. As the fungi develop and spread through the tree, they interrupt the flow of water to the crown. The fungi also reduce the tree's flow of pitch, which aids the beetles in overcoming the tree. The combined action of both beetles and fungi causes the tree to die and the needles to discolor. Infestations of bark beetles are normal and generally not a cause for concern. Several things usually contribute to keeping beetles under control, including climate conditions, age diversity, and low tree density. Those same factors can also combine to create the perfect situation for a major beetle epidemic.

Extent of the current infestation. Between 2001 and 2008, Colorado's forests experienced several large-scale insect infestations, from beetles in the piñon forests of southwestern Colorado to mountain pine beetles in northern lodgepole pine forests. In both cases, it is estimated the infestations will result in tree mortality rates of 90 percent. The lodgepole pine forests in northern Colorado have been shaped by 150 years of forest management policies that led to a high percentage of old trees growing closely together across the landscape. Mature lodgepole pines are highly susceptible to mountain pine beetle infestation because they are not as vigorous as younger trees. Additionally, climate conditions such as drought and warmer winters have reduced beetle mortality and rendered the trees less able to repel beetle attacks. In 2006, 665,000 acres or about 4.8 million trees were killed by beetles. In 2007, it was 980,000 acres or 5.2 million trees. That just represents the problem in northern Colorado, where lodgepole pines are prevalent.

Impact of bark beetle infestation. The committee discussed how trees killed by bark beetles present a wildfire danger, putting life and property at risk. Standing dead trees, which still bear needles, increase forest flammability by a significant amount. Fallen trees also increase the potential of a large-scale wild land fire. Major wildfires do have ecological benefits, but development has led to densely packed dwellings and other structures, which would be at risk from such fires. Watersheds and recreational areas are threatened by the damage caused by catastrophic wildfire. The quality and quantity of water along the Front Range and the Western Slope is dependent on water supplies in Summit and Grand Counties, which are at the center of the mountain pine beetle infestation. The potential decline in the tourism industry could be substantial. Visitors from across the United State spent \$7.6 billion in Colorado in 2007.

The CSFS pointed out to the committee that vegetation loss after a wildfire dramatically increases runoff from snowmelt and rainfall, causing soil erosion that ends up in stream, lakes, reservoirs, and other water intakes, reducing storage capacity while increasing water treatment and infrastructure maintenance costs. Property values in areas full of dead forest land, especially in a tight economic climate, are likely to drop. Finally, roads, power lines, and other infrastructure are at risk from dead wood that easily topples in light winds.

What can be done? There is no way to stop a bark beetle infestation. The beetles move on when their food supplies run out. As the lodgepole pines die, Colorado's high altitude forests will be renovated, with a greater variety of tree species and other native vegetation. Actions may be taken to mitigate the extent of the current epidemic, including insecticides to protect a limited number of trees and tree removal to provide defensible spaces around homes and communities. According to timber industry experts and the forest service representatives, the expense of cutting, removing, transporting, milling, and marketing wood killed by beetles is far greater than the value of the wood products that may be produced. This presents a disincentive to most companies.

Committee recommendation. The committee recommends Bill G, which would provide various incentives to businesses that harvest, transport, process, or market timber killed by bark beetles.

Fire Hazard Mitigation

Wildfire hazards in Colorado pose several threats to human life, water quality, property values and tax revenues, recreation, and tourism, as well as electrical, communication, and transportation infrastructure.

Forest management. Approximately 150 years ago, Colorado's mountain communities experienced a mining boom that required the construction of homes, businesses, mining shafts, flumes, roads, and other related structures that required large quantities of wood. Generally, larger trees produce the best building materials. Many areas were burned to clear building sites. As a result, large portions of the current forests were logged and burned between the 1860's and the early 1900's. As the forests regrew, lodgepole pines dominated the landscape in tightly packed formations.

The forest management policies during the last 100 years have focused on fire suppression and very limited logging. As a result, the natural cycle of wildfire and regrowth of multiple species of trees in varying sizes and densities has not occurred. Most forest management agencies admit the need for controlled burns, less suppression of natural wildfires, and fuels thinning in the form of logging and even clear cutting timber. However, convincing the public of the benefits of these methods is much more difficult.

Fuels reduction. Land development in mountain communities has led to higher population density in these areas. Dwellings and other structures present a problem for controlled burns and logging. Homes are at risk from fires and timber companies must be granted permission to cross private land in order to access wood. Thinning timber around homes and communities to create defensible space is vital to protecting lives and property from destruction by fire. Various groups take responsibility for thinning projects, including, among others:

- the CSFS;
- local municipalities;
- county governments;
- inmate crews from the Colorado Department of Corrections;
- the BLM;
- the USFS;
- private homeowners and homeowner's associations;
- volunteer groups;
- ecology associations; and
- fire protection districts.

The sheer number of acres to be cleared or thinned, the cost of such projects, and other factors, however, present a sizable problem in terms of completing the work.

Committee recommendation. The committee recommends Bill E, which provides grants to local governments, the state, the federal government, fire protection districts, and homeowner's associations to fund nonemergency preventive wildfire mitigation measures.

Forest Health

The committee heard testimony from the CSFS about the declining health of the state's forests. According to the CSFS, which compiles a State Forest Health Report annually, there are 22.5 million acres of diverse forest land in Colorado. After decades of fire suppression, many of the state's forests are unnaturally dense, homogenous, and prone to insect and disease epidemics. The committee also heard substantial testimony about how few wildland ecosystems can sustain themselves over time without fire and how Colorado's forests are dependent upon change for maintenance and renewal. Specific issues discussed included factors influencing forest health, the effect of fire suppression, and the environmental and economic benefits of a healthy forest.

Factors influencing forest health. The primary factors influencing forest health are forest conditions, insects and disease, fire, people, weather, and climate change. A major factor of forest conditions in Colorado is the significant age of various types of forests present in most regions throughout the state. Most of Colorado's lodgepole pine, aspen, and spruce/fir forests are older and less resilient to the effects of insects and wildfires. Also, the use of forest lands for new development has resulted in forest fragmentation and increased firefighting costs. The committee considered the need to balance the environmental and economic factors of forest management.

Effect of fire suppression on forest health. Many of Colorado's old forests have not recently experienced disturbance because of fire suppression and limitations on timber-cutting operations. Fires, insect and disease outbreaks, and forest management can add diversity and resilience to forest stands or bring about entirely new forests from old ones. Colorado forests are on the cusp of significant change and have experienced a series of significant ecological events over the past decade, including severe drought, a dramatic fire season in 2002, and ongoing epidemics of invasive species such as the bark beetle.

Benefits of a healthy forest. The benefits of a healthy forest include clean water, clean air, economic benefits, and improved quality of life. The committee considered reports illustrating that most of the state's water flows from forest watersheds. In a healthy forest, tree roots slow runoff from rain and snow, allowing water to seep into the ground. Forest cover also protects snow and prevents it from melting prematurely. Another benefit of a healthy forest is clean air. Trees absorb chemicals such as carbon monoxide and reduce greenhouse gases through the process of photosynthesis. Finally, healthy forests strengthen the state's recreation-based economy by attracting skiers, hunters, and tourists seeking to view wildlife and Colorado's fall colors.

Committee recommendations. While the committee learned a great deal about the overall health of forests in the state, none of the committee's legislative recommendations fit under this category.

Innovative Ideas

The majority of presentations to the committee focused on the problems inherent in a state with so much forest land, but solutions were also discussed. The committee considered testimony about solutions from volunteer community organizations, including the effectiveness of the Firewise program and community wildfire protection plans, and from representatives of the state's timber industry.



Volunteer community organizations. The committee heard from several volunteer community organizations, such as Youth Corps, the Wilderness Society, and the Nature Conservancy, which clear out dense forest land and conduct prescribed burns in order to reduce the threat of catastrophic wildfire in the WUI. The committee also learned about various federal grant options for pre-disaster mitigation projects. The City of Colorado Springs received two such grants and used the money for education outreach, fuels mitigation, review of new development, fire behavior analysis, and prescribed burns.

Firewise. The committee considered testimony from local fire chiefs about communities around the state that are adopting Firewise principles, which emphasize community responsibility for planning in the design of a safe community and effective emergency response. Firewise guidelines stress individual responsibility for safer home design and construction, landscaping, and maintenance.

Timber operations. The committee heard testimony from representatives of the state's timber industry and considered the need to better manage forests with the assistance of the timber industry in order to remove beetle-kill wood and thin unnaturally dense and homogenous stands of trees. Three major sawmills in the state have closed since 2000 and there is only one major sawmill remaining. Timber industry representatives testified that a sustainable, predictable supply of timber is needed in order to continue timber operations in the state and to help manage Colorado's forests. Timber industries in the state help manage forests and use beetle-kill wood for biomass such as stove pellets, flooring, and furniture in order to provide value to an otherwise unused wood product.

Community wildfire protection plans. The committee considered testimony concerning community wildfire protection plans (CWPPs). CWPPs are plans to identify and mitigate fire hazards that are developed with input from state, local, and federal government bodies and other interested parties. The committee discussed the need for specificity in the development of CWPPs and whether there should be a standard expectation that all counties have a fire protection plan.

Committee recommendations. Based on discussions of issues related to community wildfire protection plans, the committee recommends Bill C. Bill C requires the state forester, in collaboration with local governments, fire districts, and law enforcement bodies to establish guidelines and criteria that counties must consider when developing CWPPs. Bill C also requires the board of county commissioners of each county, with the assistance of the state forester, to determine whether there are fire hazard areas within the unincorporated portion of the county. If a county determines that such fire hazard areas exist, Bill C directs the county to prepare a CWPP to address wildfire mitigation in fire hazard areas.

Challenges to Traditional Methods of Firefighting

Much of the testimony considered by the committee focused on challenges to traditional methods of firefighting faced by local, state, and federal fire authorities. The CSFS reported to the committee that extreme fire conditions in the west have made traditional firefighting techniques less effective. Additionally, decades of fire suppression, a growing population, and a concern with insects and disease, have all led to new challenges in managing fire. The committee also considered the implications of testimony attesting that fuels management should play at least as important a role in fire management as firefighting. Specific issues discussed included the WUI, statutory authority for fire management, volunteer firefighters, and funding.

Wild land-urban interface. The committee considered testimony regarding the varying definitions of WUI used by different fire authorities. According to statistics provided by the CSFS, there are about 6 million acres of WUI lands in the state and the number of homes built in these areas will more than double in the next 20 years to about three-quarters of a million. Some local fire chiefs testified that both Colorado forests and grasslands can be classified as part of the WUI. The committee considered the need to adopt a common definition of the WUI, and to address the impact of increased development at the boundaries of the state's wild land areas.

Statutory authority for fire management. The committee discussed testimony from the CSFS, local fire chiefs, local sheriffs, and Colorado counties about statutory authority for fire management. The committee considered a need to provide clarification regarding the fire protection responsibilities delegated to county sheriffs versus those held by local fire protection districts. The committee also discussed the need for organized fire protection statewide, particularly in unincorporated areas.

Committee recommendations. Based on discussions of issues related to the challenges posed to traditional methods of firefighting by a lack of clarity about the statutory authority for fire management, the committee recommends Bill A. Bill A requires local governments to designate an emergency response authority that will create a plan for responding to wild land fires in its jurisdiction. The CSFS is identified as the emergency response authority on state-owned lands. Bill A requires the board of county commissioners of each county, in collaboration with emergency response authorities, to develop an annual wildfire preparedness plan for unincorporated areas of the county.

The committee also recommends Bill C. Bill C, concerning community wildfire protection plans and discussed in detail earlier, includes a provision which requires counties, with the assistance of the state forester, to identify fire hazard areas in unincorporated areas. Fire hazard areas are defined as areas that face a substantial and recurring risk of exposure to severe fire hazards.

Volunteer firefighters. According to the Colorado State Fire Chiefs Association, there are an estimated 14,990 firefighters in Colorado, of whom 9,218, or 62 percent, are volunteers. The committee heard testimony about the declining number of volunteer firefighters in the state. Witness testimony from local fire chiefs suggested that some factors in the decline of volunteer firefighters include increased time and training demands and aging communities. The committee considered possible solutions including recruitment and retention incentives, and civil protections for volunteer firefighters. The committee also considered testimony about the lack of local resources and formal training for wild land firefighters. An increase in the complexity of service, including fighting structural and wild land fires in the WUI, have led to a need for additional training.

Committee recommendations. Based on discussions of issues related to challenges posed to traditional methods of firefighting by the decline in volunteer firefighters, the committee recommends Bill B and Bill D. Bill B exempts volunteer firefighters and their employers from civil liability resulting from any action taken during firefighting efforts or other emergency services. Bill B also exempts fire departments or other entities that donate surplus firefighting equipment from civil and criminal liability resulting from the use of such equipment.



Bill D establishes a program to provide volunteer firefighters with college tuition vouchers for up to three credits per academic year. To be considered for a voucher, a volunteer firefighter must be a full- or part-time student, complete at least 36 hours of training each year, and agree to serve as a volunteer firefighter for at least four years after completing their education. The bill also establishes a three-year program to reimburse volunteer firefighters for up to \$250 of equipment costs.

Funding. The committee discussed the expense associated with large-scale wildfires and the shortage of funding available for a catastrophic fire event. The committee considered the Emergency Fire Fund (EFF) which was set up in 1967 and is managed by a 10-person committee. Contributions to the EFF are made voluntarily by counties. According to witness testimony, the EFF is not sufficient to meet the fiscal needs of firefighting in the state and in order to fight large-scale wildfires the Governor's assistance is often required through an emergency executive order.

Committee recommendation. Based on discussions of issues related to challenges related to a lack of funding for wildfire mitigation and fighting wild land fires in the state, the committee recommends Bill F. Bill F requires the General Assembly to annually appropriate money from the General Fund to the CSFS who, in turn, is to grant the money to the Emergency Fire Fund. The amount appropriated must equal the voluntary contributions made by counties and the Denver Water Board to the EFF in the prior fiscal year. Upon approval by the state forester, it funds emergency responses to wildfires.



Summary of Recommendations

As a result of the committee's activities, the following bills are recommended to the Colorado General Assembly.

Bill A — Responsibility for Responding to Wild Land Fires

Bill A requires local governments to designate an emergency response authority that will create a plan for responding to wild land fires in its jurisdiction. The Colorado State Forest Service is identified as the emergency response authority on state-owned lands. Bill A requires the board of county commissioners of each county, in collaboration with emergency response authorities, to develop an annual wildfire preparedness plan for unincorporated areas of the county. In addition, the bill allows the board of county commissioners in any county to levy a special tax on taxable property, subject to voter approval, to create a fund to prevent, control, or extinguish wild land fires in the county. The annual total raised from the tax cannot exceed the amount raised by 1 mill or \$500,000, whichever is less.

Bill B — Extension of Civil Immunity to Persons Engaged in Emergency Response Activities

The bill exempts fire departments or other entities that donate surplus firefighting equipment from civil and criminal liability resulting from the use of such equipment. Bill B also exempts volunteer firefighters and their employers from civil liability resulting from any action taken during firefighting efforts or other emergency services. Bill B provides that no state, county, or municipal agency that is engaged in emergency or disaster planning, training, or response activities is liable for the death of or injury to any person or loss of or damage to property, except in cases of willful or wanton acts or omissions.

Bill C — Establishment of Community Wildfire Protection Plans by County Governments

This bill requires the state forester to establish guidelines for Community Wildfire Protection Plans (CWPPs). CWPPs are plans to identify and mitigate fire hazards that are developed with input from state, local, federal government bodies and other interested parties. The state forester, collaborating with local governments, fire districts, and law enforcement bodies, must establish guidelines and criteria that counties must consider when developing their own CWPPs.

Counties, with the assistance of the state forester, are required to identify fire hazard areas in unincorporated areas. Fire hazard areas are defined as areas that face a substantial and recurring risk of exposure to severe fire hazards. Once identified, counties must develop a CWPP that considers the guidelines for each fire hazard area.



Bill D — Incentives for Volunteer Firefighters

Bill D establishes a program to provide volunteer firefighters with college tuition vouchers. To be considered for a voucher, a volunteer firefighter must be a full- or part-time student, complete at least 36 hours of training each year, and agree to serve as a volunteer firefighter for at least four years after completing their education. The Division of Fire Safety, Department of Public Safety, will work with the State Board for Community Colleges and Occupational Education to establish the tuition voucher program for up to three credits per academic year.

The bill also establishes a three-year program to reimburse volunteer firefighters for up to \$250 of equipment costs. The Department of Revenue oversees this rebate program.

Bill E — Creation of a High-risk Communities Wildfire Mitigation Grant Program

This bill requires the Colorado State Forest Service to develop and implement a program that provides grants to local governments, the state, the federal government, fire protection districts, and homeowner's associations for wildfire mitigation efforts. From FY 2008-09 through FY 2012-13, Bill E appropriates \$10 million annually from the General Fund to the newly created High-Risk Communities Wildlife Mitigation Grant Program Fund. Money in the fund is continuously appropriated to the forest service, which may only use the funds for wildfire mitigation grants. The forest service is required to prepare an annual report on the grant program.

Bill F — Requirement that the State Match Local Government Contributions to the Emergency Fire Fund

The bill requires the General Assembly to annually appropriate money from the General Fund to the Colorado State Forest Service. The forest service, in turn, is to grant the money to the Emergency Fire Fund. The amount appropriated must equal the voluntary contributions made by counties and the Denver Water Board to the Emergency Fire Fund in the prior fiscal year. The Emergency Fire Fund was set up in 1967 and is managed by a 10-person committee. Upon approval by the state forester, it funds emergency responses to wildfires.

Bill G — Measures to Encourage the Restoration of Forest Areas Affected by Bark Beetle Infestation

Bill G provides a five-year property tax exemption for business personal property used to harvest, transport, process, or market timber killed by bark beetles. The applicant must meet the following criteria to qualify for the tax exemption:

- the applicant must be either a sole proprietor living in Colorado or a corporation whose principle place of business is in Colorado;
- the business must earn a profit in at least two of the five years between 2009 and 2014; and
- the business must participate in forest reseedling or other restoration efforts.



Bill G also establishes a revolving loan program to provide start-up capital to businesses that purchase facilities or equipment used for the harvest, removal, or use of beetle-killed timber. Loans will be granted by the Colorado State Forest Service based on the extent to which the applicant helps the job opportunities and prosperity of the area, the expertise of the applicant, and the applicant's ability to promote bark-beetle mitigation efforts and the business community.

Finally, the bill requires the state forester to identify areas in the Colorado where the bark beetle infestation has resulted in an imminent fire danger. The forest service is to provide a designated staff member to aid property owners and businesses in navigating obstacles faced when harvesting beetle-killed timber in different jurisdictions.



Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-4900). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2008/08interim.htm

Meeting Date and Topics Discussed

August 5, 2008

- ◆ Report on Colorado forest health status and state wild land fire preparedness
- ◆ State emergency preparedness briefing
- ◆ United State Forest Services briefing
- ◆ Bureau of Land Management briefing

August 6, 2008

- ◆ Presentation on local fire response and resource management
- ◆ Briefing on state fire chiefs' perspective
- ◆ Briefing on county sheriffs' perspective
- ◆ Overview of federal disaster response grant funding opportunities
- ◆ Presentation by various community organizations
- ◆ Congressional delegation update on federal efforts
- ◆ Committee discussion of potential legislation

August 18, 2007

- ◆ Meeting of Grand County commissioners, town managers, and mayors
- ◆ Tour of Stillwater Campground on Lake Granby
- ◆ Tour of the Confluence Energy wood pellet plant in Kremmling

August 19, 2008

- ◆ State bark beetle overview
- ◆ Presentation on the effects of bark beetles and wildfire on local communities
- ◆ Committee discussion and request of bill drafts
- ◆ Overview of community-based wildfire mitigation efforts
- ◆ Firewise presentation
- ◆ Recommendations from the Colorado State Fire Chiefs' Association

- ◆ Presentation from Youth Corps groups
- ◆ Briefing on the Wood Utilization and Marketing Program at Colorado State University
- ◆ Timber industry presentation

August 29, 2008

- ◆ Discussion of draft legislation

September 15, 2008

- ◆ Final action on draft legislation



First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL A

LLS NO. 09-0121.01 John Hershey

SENATE BILL

SENATE SPONSORSHIP

Gibbs,

HOUSE SPONSORSHIP

Scanlan,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE RESPONSIBILITY FOR RESPONDING TO WILD LAND
102 FIRES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. Directs the governing body of each municipality and county to designate one or more emergency response authorities for wild land fires in the municipality's or county's jurisdiction. States that the fire authority of a municipality or the sheriff of a county shall be the emergency response authority of the respective municipality or county unless otherwise designated by the municipality or county.

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.

Designates the Colorado state forest service (forest service) as the emergency response authority for wild land fires on state-owned land, and allows the forest service to delegate the authority to another emergency response authority or another public entity with the approval of the entity's governing body. States that the forest service:

- Shall locate its emergency response resources according to its assessment of the wild land fire response needs of various areas of the state to the extent practicable;
- Shall coordinate its emergency response capabilities with local emergency response authorities; and
- May assist an emergency response authority in its planning activities.

Requires an emergency response authority to create a plan for the response to wild land fires in its jurisdiction that includes a description of response capabilities and tactics and the incident command structure. Specifies that the emergency response authority is not required to provide and maintain the capability for the response described in the plan but may do so directly or through agreements with other federal, state, and local agencies.

States that, regardless of jurisdiction, the first emergency response authority or designated public agency to arrive at the scene of a wild land fire shall act as incident commander and be responsible for the initial emergency response until the emergency response authority that has jurisdiction over the site arrives.

Directs the board of county commissioners of each county to develop and annually update a wildfire preparedness plan for the unincorporated area of the county in coordination with each emergency response authority and fire district with jurisdiction over the unincorporated area of the county. Requires the plan to:

- Identify the emergency response authority for wild land fires in the unincorporated area of the county;
- Identify all participants in the plan and their roles and responsibilities;
- Describe the procedures for cooperation among various emergency response authorities;
- List management objectives for wild land fire prevention, preparedness, mitigation, suppression, reclamation, or rehabilitation and specify the authority with fiscal and operational responsibility for each objective;
- Describe available emergency response resources and mutual aid and other agreements related to the plan; and
- Specify reimbursement and billing procedures.

Clarifies that the county sheriff exercises authority over forest, prairie, or wild land fires in the unincorporated areas of a county in accordance with the plan prepared by the emergency response authority.

Clarifies that the fire chief of a fire protection district exercises authority over wild land fires in the jurisdiction in accordance with the plan prepared by the emergency response authority.

Makes legislative findings and declarations. Makes conforming amendments. Defines terms.

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

2 **SECTION 1.** Title 29, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 22.5**

5 **Wild Land Fire Planning**

6 **29-22.5-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS AND DECLARES THAT:

8 (a) PROTECTING THE PUBLIC FROM THE DANGERS OF WILD LAND
9 FIRES, ESPECIALLY FIRES OCCURRING IN WILD LAND-URBAN INTERFACE
10 AREAS, IS A MATTER OF STATEWIDE CONCERN;

11 (b) THE PROVISIONS OF THIS ARTICLE ARE NECESSARY TO PROTECT
12 THE PUBLIC FROM THE DANGERS OF WILD LAND FIRES; AND

13 (c) THE PROVISIONS OF THIS ARTICLE ARE ENACTED IN THE
14 EXERCISE OF THE POLICE POWERS OF THIS STATE FOR THE PURPOSE OF
15 PROTECTING THE PEACE, HEALTH, SAFETY, AND WELFARE OF THE PEOPLE
16 OF THIS STATE.

17 **29-22.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
20 SERVICE IDENTIFIED IN SECTION 23-31-302, C.R.S.

21 (2) "MUTUAL AID AGREEMENT" MEANS A WRITTEN AGREEMENT
22 BETWEEN FEDERAL, STATE, AND LOCAL AGENCIES IN WHICH THE AGENCIES
23 AGREE TO ASSIST ONE ANOTHER UPON REQUEST BY FURNISHING

1 RESOURCES SUCH AS PERSONNEL AND EQUIPMENT.

2 (3) "PRESCRIBED FIRE" MEANS ANY FIRE IGNITED BY FEDERAL,
3 STATE, OR LOCAL FOREST OR LAND MANAGERS OR PRIVATE PROPERTY
4 OWNERS TO MEET SPECIFIC FIRE PROTECTION OR MITIGATION OBJECTIVES.

5 (4) "WILD LAND AREA" MEANS AN AREA IN WHICH DEVELOPMENT
6 IS ESSENTIALLY NONEXISTENT, EXCEPT FOR ROADS, RAILROADS, POWER
7 LINES, AND SIMILAR INFRASTRUCTURE, AND IN WHICH STRUCTURES, IF
8 PRESENT, ARE WIDELY SCATTERED.

9 (5) "WILD LAND FIRE" MEANS AN UNPLANNED OR UNWANTED FIRE
10 IN A WILD LAND AREA, INCLUDING UNAUTHORIZED HUMAN-CAUSED FIRES,
11 OUT-OF-CONTROL PRESCRIBED FIRES, AND ALL OTHER FIRES IN WILD LAND
12 AREAS WHERE THE OBJECTIVE IS TO EXTINGUISH THE FIRE.

13 **29-22.5-103. Wild land fires - emergency response authorities**

14 - **designation.** (1) AN EMERGENCY RESPONSE AUTHORITY DESIGNATED
15 IN OR PURSUANT TO THIS SECTION SHALL BE RESPONSIBLE FOR CREATING
16 A PLAN FOR THE RESPONSE TO WILD LAND FIRES OCCURRING WITHIN ITS
17 JURISDICTION, INCLUDING A DESCRIPTION OF RESPONSE CAPABILITIES,
18 RESPONSE TACTICS, AND THE INCIDENT COMMAND STRUCTURE. THE
19 OBLIGATION TO PLAN THE RESPONSE DOES NOT REQUIRE AN EMERGENCY
20 RESPONSE AUTHORITY TO PROVIDE AND MAINTAIN THE CAPABILITY FOR
21 THE RESPONSE. AN EMERGENCY RESPONSE AUTHORITY MAY PROVIDE AND
22 MAINTAIN RESPONSE CAPABILITY AS DESCRIBED IN THE PLAN DIRECTLY OR
23 THROUGH MUTUAL AID OR OTHER AGREEMENTS.

24 (2) (a) THE GOVERNING BODY OF EACH TOWN, CITY, AND CITY AND
25 COUNTY SHALL DESIGNATE BY ORDINANCE OR RESOLUTION ONE OR MORE
26 EMERGENCY RESPONSE AUTHORITIES FOR WILD LAND FIRES OCCURRING
27 WITHIN THE CORPORATE LIMITS OF THE TOWN, CITY, OR CITY AND COUNTY.

1 UNLESS OTHERWISE DESIGNATED BY ORDINANCE OR RESOLUTION, THE
2 FIRE AUTHORITY HAVING RESPONSIBILITY FOR FIRES WITHIN THE
3 CORPORATE LIMITS OF THE TOWN, CITY, OR CITY AND COUNTY SHALL BE
4 THE DESIGNATED EMERGENCY RESPONSE AUTHORITY.

5 (b) THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY
6 SHALL DESIGNATE BY ORDINANCE OR RESOLUTION ONE OR MORE
7 EMERGENCY RESPONSE AUTHORITIES FOR WILD LAND FIRES OCCURRING
8 WITHIN THE UNINCORPORATED AREA OF THE COUNTY. UNLESS OTHERWISE
9 DESIGNATED BY ORDINANCE OR RESOLUTION, THE COUNTY SHERIFF SHALL
10 BE THE DESIGNATED EMERGENCY RESPONSE AUTHORITY FOR WILD LAND
11 FIRES OCCURRING IN THE UNINCORPORATED AREA OF THE COUNTY.

12 (3) (a) THE FOREST SERVICE SHALL BE THE EMERGENCY RESPONSE
13 AUTHORITY FOR WILD LAND FIRES OCCURRING ON STATE-OWNED LAND.

14 (b) THE FOREST SERVICE MAY DELEGATE ITS AUTHORITY UNDER
15 THIS SUBSECTION (3) TO AN EMERGENCY RESPONSE AUTHORITY
16 DESIGNATED PURSUANT TO SUBSECTION (2) OF THIS SECTION OR TO ANY
17 PUBLIC ENTITY CAPABLE OF PERFORMING THE ROLE OF EMERGENCY
18 RESPONSE AUTHORITY WITH THE APPROVAL OF THE GOVERNING BODY OF
19 THE ENTITY TO WHICH THE AUTHORITY IS DELEGATED.

20 (c) IN PERFORMING ITS DUTIES UNDER THIS SUBSECTION (3), THE
21 FOREST SERVICE SHALL, WHEN PRACTICABLE, LOCATE ITS EMERGENCY
22 RESPONSE RESOURCES ACCORDING TO ITS ASSESSMENT OF THE WILD LAND
23 FIRE RESPONSE NEEDS OF VARIOUS AREAS OF THE STATE.

24 (d) THE FOREST SERVICE SHALL COORDINATE ITS EMERGENCY
25 RESPONSE CAPABILITIES AND PLANS WITH LOCAL EMERGENCY RESPONSE
26 AUTHORITIES.

27 (e) THE FOREST SERVICE MAY ASSIST AN EMERGENCY RESPONSE

1 AUTHORITY IN ITS PLANNING ACTIVITIES.

2 (4) SUBJECT TO THE PROVISIONS OF LOCAL OR REGIONAL MUTUAL
3 AID AGREEMENTS OR PLANS FOR WILD LAND FIRE RESPONSE, THE FIRST
4 EMERGENCY RESPONSE AUTHORITY, OR ITS PUBLIC AGENCY DESIGNEE
5 THROUGH A MUTUAL AID AGREEMENT OR OTHERWISE, TO ARRIVE AT THE
6 SCENE OF A WILD LAND FIRE, REGARDLESS OF WHETHER THE INCIDENT
7 OCCURS WITHIN ITS JURISDICTION, SHALL ACT AS INCIDENT COMMANDER
8 AND BE RESPONSIBLE FOR THE INITIAL EMERGENCY ACTION NECESSARY TO
9 CONTROL THE WILD LAND FIRE OR TO PROTECT LIFE OR PROPERTY UNTIL
10 THE EMERGENCY RESPONSE AUTHORITY THAT HAS JURISDICTION OVER THE
11 INCIDENT SITE ARRIVES.

12 **29-22.5-104. County wildfire preparedness plan - expenses -**
13 **property tax levy.** (1) THE BOARD OF COUNTY COMMISSIONERS OF EACH
14 COUNTY SHALL DEVELOP AND ANNUALLY UPDATE A WILDFIRE
15 PREPAREDNESS PLAN FOR THE UNINCORPORATED AREA OF THE COUNTY IN
16 COOPERATION WITH EACH EMERGENCY RESPONSE AUTHORITY DESIGNATED
17 PURSUANT TO SECTION 29-22.5-103 (2) AND ANY FIRE DISTRICT WITH
18 JURISDICTION OVER ANY UNINCORPORATED AREA OF THE COUNTY, WHICH
19 PLAN SHALL:

20 (a) IDENTIFY THE EMERGENCY RESPONSE AUTHORITY FOR WILD
21 LAND FIRES OCCURRING WITHIN THE UNINCORPORATED AREA OF THE
22 COUNTY;

23 (b) IDENTIFY ALL PARTICIPANTS IN THE PLAN AND THEIR WILD
24 LAND FIRE ROLES AND RESPONSIBILITIES;

25 (c) DESCRIBE THE PROCEDURES FOR COOPERATION AND
26 COORDINATION AMONG FEDERAL, STATE, COUNTY, AND LOCAL
27 EMERGENCY RESPONSE AUTHORITIES;

1 (d) LIST MANAGEMENT OBJECTIVES FOR WILD LAND FIRE
2 PREVENTION, PREPAREDNESS, MITIGATION, SUPPRESSION, RECLAMATION,
3 OR REHABILITATION AND SPECIFY THE AUTHORITY WITH FISCAL AND
4 OPERATIONAL RESPONSIBILITY FOR EACH OBJECTIVE;

5 (e) DESCRIBE AVAILABLE EMERGENCY RESPONSE RESOURCES AND
6 MUTUAL AID AND OTHER AGREEMENTS RELATED TO THE PLAN; AND

7 (f) SPECIFY REIMBURSEMENT AND BILLING PROCEDURES.

8 (2) THE PLAN DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS
9 SECTION SHALL BE SIGNED BY ALL PARTICIPANTS.

10 **SECTION 2.** 23-31-303 (1), Colorado Revised Statutes, is
11 amended to read:

12 **23-31-303. Funds available.** (1) The governor's emergency
13 fund, or other funds available to the Colorado state forest service, may be
14 used for the purpose of preventing and suppressing forest AND WILDLAND
15 fires, in accordance with the provisions of part 21 of article 32 of title 24,
16 C.R.S.

17 **SECTION 3.** 23-31-304, Colorado Revised Statutes, is amended
18 to read:

19 **23-31-304. State responsibility determined.** The state forester
20 shall determine, in consultation with local authorities and with the
21 approval of the governor, geographic areas of the state, including wild
22 land-urban interface areas, in which the state has a financial responsibility
23 for managing forest AND WILDLAND fires. The management of fires in all
24 other areas is primarily the responsibility of local or federal agencies, as
25 the case may be. The state forester may exclude all lands owned or
26 controlled by the federal government or any agency thereof, and the state
27 forester shall exclude all lands within the exterior boundaries of

1 incorporated cities or towns.

2 **SECTION 4.** 30-10-512, Colorado Revised Statutes, is amended
3 to read:

4 **30-10-512. Sheriff to act as fire warden.** The sheriff of every
5 county, in addition to other duties, shall act as fire warden of his OR HER
6 respective county in case of prairie, ~~or~~ forest, OR WILD LAND fires IN
7 ACCORDANCE WITH THE PLANS PREPARED BY THE EMERGENCY RESPONSE
8 AUTHORITY PURSUANT TO ARTICLE 22.5 OF TITLE 29, C.R.S.

9 **SECTION 5.** 30-10-513, Colorado Revised Statutes, is amended
10 to read:

11 **30-10-513. Sheriff in charge of forest, prairie, or wild land fire**
12 **- expenses.** IN ACCORDANCE WITH THE PLANS PREPARED BY THE
13 EMERGENCY RESPONSE AUTHORITY PURSUANT TO ARTICLE 22.5 OF TITLE
14 29, C.R.S., it is the duty of the sheriff, undersheriffs, and deputies, in case
15 of any forest, ~~or~~ prairie, OR WILD LAND fire OCCURRING IN THE
16 UNINCORPORATED AREA OF THE COUNTY, to assume charge thereof or to
17 assist other governmental authorities in such emergencies for controlling
18 or extinguishing such fires, and, for assisting in so doing, they may call
19 to their aid such person as they may deem necessary. The state forester
20 may assume the duty with concurrence of the sheriff. The board of
21 county commissioners of any county may allow the sheriff, undersheriffs,
22 deputies, municipal or county fire departments, fire protection districts,
23 fire authorities, and such other persons as may be called to assist in
24 controlling or extinguishing such fires such compensation and other
25 expenses necessarily incurred as it may deem just. The board of county
26 commissioners of any county in this state may make such appropriation
27 as it may deem proper for the purpose of controlling fires in its county.

1 The board of county commissioners is authorized to levy a special tax
2 subject to approval of the voters upon every dollar of valuation of
3 assessment of the taxable property within the county for the purpose of
4 creating a fund that shall be appropriated, after consultation with
5 representatives of fire departments, fire protection districts, and fire
6 authorities in the county, to prevent, control, or extinguish such fires
7 anywhere in the county and to fix the rate of levy; except that the amount
8 raised from the levy in any one year is limited to the amount raised by one
9 mill or five hundred thousand dollars, whichever is less.

10 **SECTION 6.** 32-1-1002 (3) (a), Colorado Revised Statutes, is
11 amended to read:

12 **32-1-1002. Fire protection districts - additional powers and**
13 **duties.** (3) (a) The chief of the fire department in each fire protection
14 district in the state of Colorado, by virtue of such office so held by him,
15 shall have authority over the supervision of all fires within the district;
16 ~~except as otherwise provided by law~~, EXCEPT THAT THE CHIEF SHALL
17 SUPERVISE THE RESPONSE TO WILD LAND FIRES, BOTH WITHIN AND
18 OUTSIDE THE DISTRICT, IN ACCORDANCE WITH THE PLANS PREPARED BY
19 THE EMERGENCY RESPONSE AUTHORITY PURSUANT TO ARTICLE 22.5 OF
20 TITLE 29, C.R.S., subject to the duties and obligations imposed by this
21 subsection (3). ~~and~~ THE CHIEF shall be vested with such other express
22 authority as is contained in this subsection (3), including commanding the
23 fire department of such district.

24 **SECTION 7. Effective date.** This act shall take effect at 12:01
25 a.m. on the day following the expiration of the ninety-day period after
26 final adjournment of the general assembly that is allowed for submitting
27 a referendum petition pursuant to article V, section 1 (3) of the state

1 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);
2 except that, if a referendum petition is filed against this act or an item,
3 section, or part of this act within such period, then the act, item, section,
4 or part, if approved by the people, shall take effect on the date of the
5 official declaration of the vote thereon by proclamation of the governor.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL B

LLS NO. 09-0122.01 Duane Gall

SENATE BILL

SENATE SPONSORSHIP

Gibbs and Schwartz, Penry

HOUSE SPONSORSHIP

Levy and King,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE EXTENSION OF CIVIL IMMUNITY TO PERSONS
102 ENGAGED IN EMERGENCY RESPONSE ACTIVITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. Enacts the "Marc Mullenix Volunteer Firefighter Protection Act", providing limited civil immunity for:

- Fire departments and other entities that donate surplus firefighting equipment for later use; and
- Volunteer firefighters, their commanders, and the organizations that employ them in connection with fires

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.

and other emergencies.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Marc Mullenix Volunteer Firefighter Protection Act".

4 **SECTION 2.** Part 1 of article 21 of title 13, Colorado Revised
5 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
6 SECTIONS to read:

7 **13-21-113.3. Donation of firefighting equipment - exemption**
8 **from civil and criminal liability - definition.** (1) A FIRE DEPARTMENT
9 OR OTHER PERSON OR ENTITY THAT DONATES SURPLUS FIREFIGHTING
10 EQUIPMENT TO A FIRE DEPARTMENT SHALL NOT BE LIABLE FOR DAMAGES
11 IN ANY CIVIL ACTION OR SUBJECT TO PROSECUTION IN ANY CRIMINAL
12 PROCEEDING RESULTING FROM THE NATURE, AGE, CONDITION, OR
13 PACKAGING OF SUCH EQUIPMENT; EXCEPT THAT THIS EXEMPTION SHALL
14 NOT APPLY TO THE WILLFUL, WANTON, OR RECKLESS ACTS OF DONORS
15 THAT RESULT IN INJURY TO RECIPIENTS OF SUCH EQUIPMENT.

16 (2) AS USED IN THIS SECTION:

17 (a) "FIRE DEPARTMENT" HAS THE MEANING SET FORTH IN SECTION
18 24-33.5-1202, C.R.S., AND INCLUDES A FIRE DEPARTMENT THAT USES PAID
19 FIREFIGHTERS, VOLUNTEER FIREFIGHTERS, OR BOTH.

20 (b) "FIREFIGHTING EQUIPMENT" MEANS ANY AND ALL EQUIPMENT
21 DESIGNED FOR OR TYPICALLY USED IN THE PREVENTION AND SUPPRESSION
22 OF FIRE, THE PROTECTION OF FIREFIGHTERS, OR THE RESCUE AND
23 EXTRICATION OF VICTIMS OF FIRE OR OTHER EMERGENCIES, INCLUDING
24 WITHOUT LIMITATION HOSES, FIRE TRUCKS, RESCUE VEHICLES,
25 EXTRICATION EQUIPMENT, PROTECTIVE CLOTHING, AND BREATHING

1 APPARATUS.

2 (3) A FIRE DEPARTMENT THAT RECEIVES DONATED FIREFIGHTING
3 EQUIPMENT PURSUANT TO THIS SECTION SHALL NOT SELL OR OFFER TO
4 SELL ANY SUCH DONATED EQUIPMENT. THIS PROHIBITION SHALL NOT
5 AFFECT THE TRANSFER OF SUCH DONATED EQUIPMENT, WITHOUT
6 CONTEMPLATION OF REMUNERATION, BETWEEN FIRE DEPARTMENTS FOR
7 FUTURE USE.

8 (4) NOTHING IN THIS SECTION LIMITS THE AUTHORITY OF ANY
9 APPROPRIATE AGENCY TO REGULATE, PROHIBIT, OR PLACE CONDITIONS ON
10 THE USE OF SPECIFIC FIREFIGHTING EQUIPMENT.

11 **13-21-113.7. Immunity of volunteer firefighters and their**
12 **employers or organizations - definition.** (1) A VOLUNTEER
13 FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102, C.R.S., WHO, IN GOOD
14 FAITH, TAKES PART IN FIREFIGHTING EFFORTS OR PROVIDES EMERGENCY
15 CARE, RESCUE, ASSISTANCE, OR RECOVERY SERVICES AT THE SCENE OF AN
16 EMERGENCY AND ANY PERSON WHO, IN GOOD FAITH, COMMANDS, DIRECTS,
17 EMPLOYS, SPONSORS, OR REPRESENTS ANY SUCH VOLUNTEER FIREFIGHTER
18 SHALL NOT BE LIABLE FOR CIVIL DAMAGES AS A RESULT OF AN ACT OR
19 OMISSION BY SUCH VOLUNTEER FIREFIGHTER OR OTHER PERSON IN
20 CONNECTION WITH THE EMERGENCY.

21 (2) AS USED IN THIS SECTION, "EMERGENCY" MEANS A FIRE, FIRE
22 ALARM RESPONSE, MOTOR VEHICLE ACCIDENT, RESCUE CALL, HAZARDOUS
23 MATERIALS INCIDENT, EARTHQUAKE, FLOOD, SEVERE WEATHER EVENT,
24 TERRORIST ATTACK, OUTBREAK OF A HARMFUL BIOLOGICAL AGENT OR
25 INFECTIOUS DISEASE, OR ANY OTHER INCIDENT TO WHICH A RESPONSE BY
26 A FIRE DEPARTMENT IS APPROPRIATE OR REQUESTED.

27 **SECTION 3. 24-32-2605, Colorado Revised Statutes, is amended**

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **24-32-2605. Immunity.** (1.7) NO STATE COMMISSION OR AGENCY
3 OR COUNTY OR MUNICIPAL AGENCY, INCLUDING LOCAL EMERGENCY
4 PLANNING COMMITTEES, INCIDENT MANAGEMENT TEAMS, CITIZEN CORPS
5 COUNCILS, CITIZEN EMERGENCY RESPONSE TEAMS, MEDICAL RESERVE
6 CORPS, FIRE PROTECTION DISTRICTS, AND VOLUNTEER FIRE, AMBULANCE,
7 OR EMERGENCY SERVICE AND RESCUE GROUPS, NOR THEIR OFFICERS,
8 OFFICIALS, DIRECTORS, EMPLOYEES, TRAINEES, OR VOLUNTEERS, WHEN
9 ENGAGED IN PLANNING, TRAINING, OR RESPONSE ACTIVITIES REGARDING
10 A NATURAL DISASTER, HAZARDOUS MATERIAL RELEASE, PUBLIC HEALTH
11 EMERGENCY, OR ACT OF TERRORISM OR THE THREAT OF ANY SUCH
12 DISASTER, RELEASE, EMERGENCY, OR ACT, SHALL BE LIABLE FOR THE
13 DEATH OF OR INJURY TO ANY PERSON OR FOR THE LOSS OF OR DAMAGE TO
14 PROPERTY OR THE ENVIRONMENT EXCEPT FOR WILLFUL AND WANTON ACTS
15 OR OMISSIONS.

16 **SECTION 4. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL C

LLS NO. 09-0123.02 Bob Lackner

SENATE BILL

SENATE SPONSORSHIP

Gibbs and Penry, Kopp

HOUSE SPONSORSHIP

Scanlan and King,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF COMMUNITY WILDFIRE
102 PROTECTION PLANS BY COUNTY GOVERNMENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. By a specified date, requires the state forester, in collaboration with representatives of the United States forest service, the Colorado department of natural resources, county governments, municipal governments, local fire departments or fire protection districts, and state and local law enforcement agencies, to establish guidelines and criteria for counties to consider in preparing their own community wildfire

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.

protection plans (CWPPs) to address wildfires in fire hazard areas within the unincorporated portion of a county.

Requires the state forester to send timely notice of the adoption of the guidelines and criteria to the department of local affairs and statewide organizations representing Colorado counties and municipalities and to post such information on the web site of the Colorado state forest service.

Requires the board of county commissioners of each county, with the assistance of the state forester, to determine whether there are fire hazard areas within the unincorporated portion of the county.

Requires the board of county commissioners, in collaboration with the representatives of the organizations or entities that participated in establishing the guidelines and criteria, to prepare a CWPP to address wildfires in fire hazard areas within the unincorporated portion of the county. In preparing the CWPP, requires the board to consider the guidelines and criteria. Specifies that a county that has already prepared a CWPP as of the effective date of the act and, in connection with such preparation, considered the guidelines and criteria, is not required to prepare a new CWPP to satisfy the requirements of the act.

Makes legislative findings and declarations. Defines terms.

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

2 **SECTION 1.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-312. Community wildfire preparedness plans - county**
6 **governments - guidelines and criteria - legislative declaration -**
7 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
8 DETERMINES, AND DECLARES THAT:

9 (I) COMMUNITY WILDFIRE PROTECTION PLANS, OR CWPPS, ARE
10 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
11 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148,
12 REFERRED TO IN THIS SECTION AS "HFRA". TITLE I OF HFRA AUTHORIZES
13 THE SECRETARIES OF AGRICULTURE AND THE INTERIOR TO EXPEDITE THE
14 DEVELOPMENT AND IMPLEMENTATION OF HAZARDOUS FUEL REDUCTION

1 PROJECTS ON FEDERAL LANDS MANAGED BY THE UNITED STATES FOREST
2 SERVICE AND THE BUREAU OF LAND MANAGEMENT WHEN THESE AGENCIES
3 MEET CERTAIN CONDITIONS. HFRA EMPHASIZES THE NEED FOR FEDERAL
4 AGENCIES TO WORK COLLABORATIVELY WITH LOCAL COMMUNITIES IN
5 DEVELOPING HAZARDOUS FUEL REDUCTION PROJECTS, PLACING PRIORITY
6 ON TREATMENT AREAS IDENTIFIED BY THE LOCAL COMMUNITIES
7 THEMSELVES IN A CWPP. THE WILDLAND-URBAN INTERFACE AREA IS ONE
8 OF THE IDENTIFIED PROPERTY AREAS THAT QUALIFY UNDER HFRA FOR
9 THE USE OF THIS EXPEDITED ENVIRONMENTAL REVIEW PROCESS.

10 (II) THE DEVELOPMENT OF A CWPP CAN ASSIST A LOCAL
11 COMMUNITY IN CLARIFYING AND REFINING ITS PRIORITIES FOR THE
12 PROTECTION OF LIFE, PROPERTY, AND CRITICAL INFRASTRUCTURE IN ITS
13 WILD LAND-URBAN INTERFACE AREA. THE CWPP BRINGS TOGETHER
14 DIVERSE FEDERAL, STATE, AND LOCAL INTERESTS TO DISCUSS THEIR
15 MUTUAL CONCERNS FOR PUBLIC SAFETY, COMMUNITY SUSTAINABILITY,
16 AND NATURAL RESOURCES. THE CWPP PROCESS OFFERS A POSITIVE,
17 SOLUTION-ORIENTED ENVIRONMENT IN WHICH TO ADDRESS CHALLENGES
18 SUCH AS LOCAL FIRE-FIGHTING CAPABILITY, THE NEED FOR DEFENSIBLE
19 SPACE AROUND HOMES AND HOUSING DEVELOPMENTS, AND WHERE AND
20 HOW TO PRIORITIZE LAND MANAGEMENT ON BOTH FEDERAL AND
21 NONFEDERAL LANDS. CWPPS CAN BE AS SIMPLE OR COMPLEX AS A LOCAL
22 COMMUNITY DESIRES.

23 (III) THE ADOPTION OF A CWPP BRINGS MANY BENEFITS TO THE
24 STATE AND ADOPTING LOCAL COMMUNITY, INCLUDING:

25 (A) THE OPPORTUNITY TO ESTABLISH A LOCALLY APPROPRIATE
26 DEFINITION AND BOUNDARY FOR THE WILD LAND-URBAN INTERFACE AREA;

27 (B) THE ESTABLISHMENT OF RELATIONS WITH OTHER STATE AND

1 LOCAL GOVERNMENT OFFICIALS, LOCAL FIRE CHIEFS, STATE AND NATIONAL
2 FIRE ORGANIZATIONS, FEDERAL LAND MANAGEMENT AGENCIES, PRIVATE
3 HOMEOWNERS, AND COMMUNITY GROUPS, THEREBY ENSURING
4 COLLABORATION AMONG THESE GROUPS IN INITIATING A PLANNING
5 DIALOGUE AND FACILITATING THE IMPLEMENTATION OF PRIORITY ACTIONS
6 ACROSS OWNERSHIP BOUNDARIES;

7 (C) SPECIALIZED NATURAL RESOURCE KNOWLEDGE AND
8 TECHNICAL EXPERTISE RELATIVE TO THE PLANNING PROCESS,
9 PARTICULARLY IN THE AREAS OF GLOBAL POSITIONING SYSTEMS AND
10 MAPPING, VEGETATION MANAGEMENT, ASSESSMENT OF VALUES AND
11 RISKS, AND FUNDING STRATEGIES; AND

12 (D) STATEWIDE LEADERSHIP IN DEVELOPING AND MAINTAINING A
13 LIST OR MAP OF COMMUNITIES AT RISK WITHIN THE STATE AND
14 FACILITATING WORK AMONG FEDERAL AND LOCAL PARTNERS TO
15 ESTABLISH PRIORITIES FOR ACTION.

16 (IV) CWPPS GIVE PRIORITY TO PROJECTS THAT PROVIDE FOR THE
17 PROTECTION OF AT-RISK COMMUNITIES OR WATERSHEDS OR THAT
18 IMPLEMENT RECOMMENDATIONS IN THE CWPP.

19 (V) CWPPS ASSIST LOCAL COMMUNITIES IN INFLUENCING WHERE
20 AND HOW FEDERAL AGENCIES IMPLEMENT FUEL REDUCTION PROJECTS ON
21 FEDERAL LANDS, HOW ADDITIONAL FEDERAL FUNDS MAY BE DISTRIBUTED
22 FOR PROJECTS ON NONFEDERAL LANDS, AND IN DETERMINING THE TYPES
23 AND METHODS OF TREATMENT THAT, IF COMPLETED, WOULD REDUCE THE
24 RISK TO THE COMMUNITY.

25 (VI) THE DEVELOPMENT OF CWPPS PROMOTES ECONOMIC
26 OPPORTUNITIES IN RURAL COMMUNITIES.

27 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS

1 TO FACILITATE AND ENCOURAGE THE DEVELOPMENT OF CWPPS IN
2 COUNTIES WITH FIRE HAZARD AREAS IN THEIR TERRITORIAL BOUNDARIES
3 AND TO PROVIDE MORE STATEWIDE UNIFORMITY AND CONSISTENCY WITH
4 RESPECT TO THE CONTENT OF CWPPS IN COUNTIES NEEDING PROTECTION
5 AGAINST WILDFIRES.

6 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "CWPP" MEANS A COMMUNITY WILDFIRE PROTECTION PLAN AS
9 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
10 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148.

11 (b) "FIRE HAZARD AREA" MEANS AN AREA MAPPED BY THE
12 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302, AS
13 FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE TO SEVERE
14 FIRE HAZARDS.

15 (3) NOT LATER THAN NOVEMBER 15, 2009, THE STATE FORESTER,
16 IN COLLABORATION WITH REPRESENTATIVES OF THE UNITED STATES
17 FOREST SERVICE, THE COLORADO DEPARTMENT OF NATURAL RESOURCES,
18 COUNTY GOVERNMENTS, MUNICIPAL GOVERNMENTS, LOCAL FIRE
19 DEPARTMENTS OR FIRE PROTECTION DISTRICTS, AND STATE AND LOCAL
20 LAW ENFORCEMENT AGENCIES, SHALL ESTABLISH GUIDELINES AND
21 CRITERIA FOR COUNTIES TO CONSIDER IN PREPARING THEIR OWN CWPPS
22 TO ADDRESS WILDFIRES IN FIRE HAZARD AREAS WITHIN THE
23 UNINCORPORATED PORTION OF THE COUNTY.

24 (4) THE ADOPTION OF A CWPP BY A COUNTY GOVERNMENT SHALL
25 BE GOVERNED BY THE REQUIREMENTS OF SECTION 30-15-401.7, C.R.S.

26 (5) THE STATE FORESTER SHALL SEND TIMELY NOTICE OF THE
27 GUIDELINES AND CRITERIA ESTABLISHED PURSUANT TO SUBSECTION (3) OF

1 THIS SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS AND TO STATEWIDE
2 ORGANIZATIONS REPRESENTING COLORADO COUNTIES AND
3 MUNICIPALITIES AND SHALL POST SUCH INFORMATION ON THE WEB SITE OF
4 THE COLORADO STATE FOREST SERVICE.

5 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
6 THE PROVISIONS OF SECTION 23-31-309 OR THE WILDFIRE PREPAREDNESS
7 PLAN DEVELOPED PURSUANT TO SUCH SECTION.

8 SECTION 2. Part 4 of article 15 of title 30, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
10 read:

11 **30-15-401.7. Determination of fire hazard area - community**
12 **wildfire preparedness plans - adoption - legislative declaration -**
13 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,

14 DETERMINES, AND DECLARES THAT:

15 (I) COMMUNITY WILDFIRE PROTECTION PLANS, OR CWPPS, ARE
16 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
17 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148,
18 REFERRED TO IN THIS SECTION AS "HFRA". TITLE I OF HFRA AUTHORIZES
19 THE SECRETARIES OF AGRICULTURE AND THE INTERIOR TO EXPEDITE THE
20 DEVELOPMENT AND IMPLEMENTATION OF HAZARDOUS FUEL REDUCTION
21 PROJECTS ON FEDERAL LANDS MANAGED BY THE UNITED STATES FOREST
22 SERVICE AND THE BUREAU OF LAND MANAGEMENT WHEN THESE AGENCIES
23 MEET CERTAIN CONDITIONS. HFRA EMPHASIZES THE NEED FOR FEDERAL
24 AGENCIES TO WORK COLLABORATIVELY WITH LOCAL COMMUNITIES IN
25 DEVELOPING HAZARDOUS FUEL REDUCTION PROJECTS, PLACING PRIORITY
26 ON TREATMENT AREAS IDENTIFIED BY THE LOCAL COMMUNITIES
27 THEMSELVES IN A CWPP. THE WILDLAND-URBAN INTERFACE AREA IS ONE

1 OF THE IDENTIFIED PROPERTY AREAS THAT QUALIFY UNDER HFRA FOR
2 THE USE OF THIS EXPEDITED ENVIRONMENTAL REVIEW PROCESS.

3 (II) THE DEVELOPMENT OF A CWPP CAN ASSIST A LOCAL
4 COMMUNITY IN CLARIFYING AND REFINING ITS PRIORITIES FOR THE
5 PROTECTION OF LIFE, PROPERTY, AND CRITICAL INFRASTRUCTURE IN ITS
6 WILD LAND-URBAN INTERFACE AREA. THE CWPP BRINGS TOGETHER
7 DIVERSE FEDERAL, STATE, AND LOCAL INTERESTS TO DISCUSS THEIR
8 MUTUAL CONCERNS FOR PUBLIC SAFETY, COMMUNITY SUSTAINABILITY,
9 AND NATURAL RESOURCES. THE CWPP PROCESS OFFERS A POSITIVE,
10 SOLUTION-ORIENTED ENVIRONMENT IN WHICH TO ADDRESS CHALLENGES
11 SUCH AS LOCAL FIRE-FIGHTING CAPABILITY, THE NEED FOR DEFENSIBLE
12 SPACE AROUND HOMES AND HOUSING DEVELOPMENTS, AND WHERE AND
13 HOW TO PRIORITIZE LAND MANAGEMENT ON BOTH FEDERAL AND
14 NONFEDERAL LANDS. CWPPS CAN BE AS SIMPLE OR COMPLEX AS A LOCAL
15 COMMUNITY DESIRES.

16 (III) THE ADOPTION OF A CWPP BRINGS MANY BENEFITS TO THE
17 STATE AND ADOPTING LOCAL COMMUNITY, INCLUDING:

18 (A) THE OPPORTUNITY TO ESTABLISH A LOCALLY APPROPRIATE
19 DEFINITION AND BOUNDARY FOR THE WILD LAND-URBAN INTERFACE AREA;

20 (B) THE ESTABLISHMENT OF RELATIONS WITH OTHER STATE AND
21 LOCAL GOVERNMENT OFFICIALS, LOCAL FIRE CHIEFS, STATE AND NATIONAL
22 FIRE ORGANIZATIONS, FEDERAL LAND MANAGEMENT AGENCIES, PRIVATE
23 HOMEOWNERS, AND COMMUNITY GROUPS, THEREBY ENSURING
24 COLLABORATION AMONG THESE GROUPS IN INITIATING A PLANNING
25 DIALOGUE AND FACILITATING THE IMPLEMENTATION OF PRIORITY ACTIONS
26 ACROSS OWNERSHIP BOUNDARIES;

27 (C) SPECIALIZED NATURAL RESOURCE KNOWLEDGE AND

1 TECHNICAL EXPERTISE RELATIVE TO THE PLANNING PROCESS,
2 PARTICULARLY IN THE AREAS OF GLOBAL POSITIONING SYSTEMS AND
3 MAPPING, VEGETATION MANAGEMENT, ASSESSMENT OF VALUES AND
4 RISKS, AND FUNDING STRATEGIES; AND

5 (D) STATEWIDE LEADERSHIP IN DEVELOPING AND MAINTAINING A
6 LIST OR MAP OF COMMUNITIES AT RISK WITHIN THE STATE AND
7 FACILITATING WORK AMONG FEDERAL AND LOCAL PARTNERS TO
8 ESTABLISH PRIORITIES FOR ACTION.

9 (IV) CWPPS GIVE PRIORITY TO PROJECTS THAT PROVIDE FOR THE
10 PROTECTION OF AT-RISK COMMUNITIES OR WATERSHEDS OR THAT
11 IMPLEMENT RECOMMENDATIONS IN THE CWPP.

12 (V) CWPPS ASSIST LOCAL COMMUNITIES IN INFLUENCING WHERE
13 AND HOW FEDERAL AGENCIES IMPLEMENT FUEL REDUCTION PROJECTS ON
14 FEDERAL LANDS, HOW ADDITIONAL FEDERAL FUNDS MAY BE DISTRIBUTED
15 FOR PROJECTS ON NONFEDERAL LANDS, AND IN DETERMINING THE TYPES
16 AND METHODS OF TREATMENT THAT, IF COMPLETED, WOULD REDUCE THE
17 RISK TO THE COMMUNITY.

18 (VI) THE DEVELOPMENT OF CWPPS PROMOTES ECONOMIC
19 OPPORTUNITIES IN RURAL COMMUNITIES.

20 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS
21 TO FACILITATE AND ENCOURAGE THE DEVELOPMENT OF CWPPS IN
22 COUNTIES WITH FIRE HAZARD AREAS IN THEIR TERRITORIAL BOUNDARIES
23 AND TO PROVIDE MORE STATEWIDE UNIFORMITY AND CONSISTENCY WITH
24 RESPECT TO THE CONTENT OF CWPPS IN COUNTIES NEEDING PROTECTION
25 AGAINST WILDFIRES.

26 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "CWPP" MEANS A COMMUNITY WILDFIRE PROTECTION PLAN AS
2 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
3 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148.

4 (b) "FIRE HAZARD AREA" MEANS AN AREA MAPPED BY THE
5 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302,
6 C.R.S., AS FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE TO
7 SEVERE FIRE HAZARDS.

8 (3) (a) NOT LATER THAN JANUARY 1, 2011, THE BOARD OF COUNTY
9 COMMISSIONERS OF EACH COUNTY, WITH THE ASSISTANCE OF THE STATE
10 FORESTER, SHALL DETERMINE WHETHER THERE ARE FIRE HAZARD AREAS
11 WITHIN THE UNINCORPORATED PORTION OF THE COUNTY.

12 (b) NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER
13 DETERMINING THERE ARE FIRE HAZARD AREAS WITHIN THE
14 UNINCORPORATED PORTION OF A COUNTY, THE BOARD OF COUNTY
15 COMMISSIONERS, IN COLLABORATION WITH THE REPRESENTATIVES OF THE
16 ORGANIZATIONS OR ENTITIES ENUMERATED IN SECTION 23-31-312 (3),
17 C.R.S., THAT ESTABLISHED THE GUIDELINES AND CRITERIA, SHALL
18 PREPARE A CWPP FOR THE PURPOSE OF ADDRESSING WILDFIRES IN FIRE
19 HAZARD AREAS WITHIN THE UNINCORPORATED PORTION OF THE COUNTY.
20 IN PREPARING THE CWPP, THE BOARD SHALL CONSIDER THE GUIDELINES
21 AND CRITERIA ESTABLISHED BY THE STATE FORESTER AND SUCH
22 REPRESENTATIVES PURSUANT TO SECTION 23-31-312 (3), C.R.S.

23 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
24 A COUNTY THAT HAS ALREADY PREPARED A CWPP AS OF THE EFFECTIVE
25 DATE OF THIS SECTION AND, IN CONNECTION WITH SUCH PREPARATION,
26 CONSIDERED THE GUIDELINES AND CRITERIA ESTABLISHED BY THE STATE
27 FORESTER AND DESIGNATED REPRESENTATIVES PURSUANT TO SECTION

1 23-31-312(3), C.R.S., SHALL NOT BE REQUIRED TO PREPARE A NEW CWPP
2 TO SATISFY THE REQUIREMENTS OF THIS SECTION.

3 **SECTION 3.** 23-31-309, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **23-31-309. Wildfire emergency response fund - creation -**
6 **wildfire preparedness fund - creation.** (6) PROCEDURES GOVERNING
7 THE DEVELOPMENT, ADOPTION, OR IMPLEMENTATION OF COMMUNITY
8 WILDFIRE PROTECTION PLANS BY COUNTY GOVERNMENTS ARE SPECIFIED
9 IN SECTION 30-15-401.7, C.R.S. NOTHING IN THIS SECTION SHALL BE
10 CONSTRUED TO AFFECT THE PROVISIONS OF SECTION 30-15-401.7, C.R.S.

11 **SECTION 4.** 30-10-512, Colorado Revised Statutes, is amended
12 to read:

13 **30-10-512. Sheriff to act as fire warden.** SUBJECT TO THE
14 PROVISIONS OF THE COMMUNITY WILDFIRE PROTECTION PLAN PREPARED
15 BY THE COUNTY IN ACCORDANCE WITH SECTION 30-15-401.7, the sheriff
16 of every county, in addition to other duties, shall act as fire warden of his
17 OR HER respective county in case of prairie or forest fires OR WILDFIRES.

18 **SECTION 5.** 30-10-513, Colorado Revised Statutes, is amended
19 to read:

20 **30-10-513. Sheriff in charge of forest or prairie fire or wildfire**
21 **- expenses.** SUBJECT TO THE PROVISIONS OF THE COMMUNITY WILDFIRE
22 PROTECTION PLAN PREPARED BY THE COUNTY IN ACCORDANCE WITH
23 SECTION 30-15-401.7, it is the duty of the sheriff, undersheriffs, and
24 deputies, in case of any forest or prairie fire OR WILDFIRE OCCURRING IN
25 THE UNINCORPORATED AREA OF THE COUNTY, to assume charge thereof
26 or to assist other governmental authorities in such emergencies for
27 controlling or extinguishing such fires, and, for assisting in so doing, they

1 may call to their aid such person as they may deem necessary. The state
2 forester may assume the duty with concurrence of the sheriff. The board
3 of county commissioners of any county may allow the sheriff,
4 undersheriffs, deputies, municipal or county fire departments, fire
5 protection districts, fire authorities, and such other persons as may be
6 called to assist in controlling or extinguishing such fires such
7 compensation and other expenses necessarily incurred as it may deem
8 just. The board of county commissioners of any county in this state may
9 make such appropriation as it may deem proper for the purpose of
10 controlling fires in its county. The board of county commissioners is
11 authorized to levy a special tax subject to approval of the voters upon
12 every dollar of valuation of assessment of the taxable property within the
13 county for the purpose of creating a fund that shall be appropriated, after
14 consultation with representatives of fire departments, fire protection
15 districts, and fire authorities in the county, to prevent, control, or
16 extinguish such fires anywhere in the county and to fix the rate of levy;
17 except that the amount raised from the levy in any one year is limited to
18 the amount raised by one mill or five hundred thousand dollars,
19 whichever is less.

20 **SECTION 6.** 32-1-1002 (3) (a), Colorado Revised Statutes, is
21 amended to read:

22 **32-1-1002. Fire protection districts - additional powers and**
23 **duties.** (3) (a) The chief of the fire department in each fire protection
24 district in the state of Colorado, by virtue of such office so held by him
25 OR HER, shall have authority over the supervision of all fires within the
26 district, except as otherwise provided by law, subject to the duties and
27 obligations imposed by this subsection (3) AND SUBJECT TO THE

1 PROVISIONS OF THE COMMUNITY WILDFIRE PROTECTION PLAN PREPARED
2 BY THE COUNTY IN ACCORDANCE WITH SECTION 30-15-401.7, C.R.S., and
3 shall be vested with such other express authority as is contained in this
4 subsection (3), including commanding the fire department of such district.

5 **SECTION 7. Effective date.** This act shall take effect at 12:01
6 a.m. on the day following the expiration of the ninety-day period after
7 final adjournment of the general assembly that is allowed for submitting
8 a referendum petition pursuant to article V, section 1 (3) of the state
9 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);
10 except that, if a referendum petition is filed against this act or an item,
11 section, or part of this act within such period, then the act, item, section,
12 or part, if approved by the people, shall take effect on the date of the
13 official declaration of the vote thereon by proclamation of the governor.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL D

LLS NO. 09-0126.02 John Hershey

SENATE BILL

SENATE SPONSORSHIP

Kopp, Gibbs, Penry, Schwartz

HOUSE SPONSORSHIP

Scanlan and Levy, King, Lundberg

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING INCENTIVES FOR VOLUNTEER FIREFIGHTERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. Creates a fund in the division of fire safety in the department of public safety (division) to make grants to qualified volunteer firefighters and fire departments to cover the costs of training in fighting fires in wild land-urban interface areas.

Directs the division to collaborate with the state board for community colleges and occupational education to develop a system to provide tuition vouchers to qualified volunteer firefighters who are enrolled in full-time or part-time study and who agree to serve as

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.

volunteer firefighters for a specified number of years after completing their education.

Allows qualified volunteer firefighters to claim a tax rebate up to a specified amount for reimbursement of the costs of firefighting equipment.

Defines terms. Makes conforming amendments.

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

2 **SECTION 1.** 23-60-304, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **23-60-304. Plans - development and implementation -**
5 **credentialing - fees.** (6) THE BOARD SHALL ENTER INTO A COOPERATIVE
6 ARRANGEMENT WITH THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT
7 OF PUBLIC SAFETY TO DEVELOP A SYSTEM IN WHICH A QUALIFIED
8 VOLUNTEER FIREFIGHTER MAY RECEIVE A TUITION VOUCHER TO ATTEND
9 COURSES AT AN INSTITUTION IN THE STATE SYSTEM OF COMMUNITY AND
10 TECHNICAL COLLEGES IN ACCORDANCE WITH SECTION 24-33.5-1216,
11 C.R.S.

12 **SECTION 2.** 24-33.5-1202, Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW SUBSECTION to read:

14 **24-33.5-1202. Definitions.** As used in this part 12, unless the
15 context otherwise requires:

16 (8.5) "QUALIFIED VOLUNTEER FIREFIGHTER" MEANS A VOLUNTEER
17 FIREFIGHTER AS DEFINED IN SECTION 31-30-1102 (9), C.R.S., IN ACTIVE
18 SERVICE AND MAINTAINING THE MINIMUM AMOUNT OF TRAINING IN A FIRE
19 DEPARTMENT OF THIRTY-SIX HOURS EACH YEAR.

20 **SECTION 3.** Part 12 of article 33.5 of title 24, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
22 SECTIONS to read:

1 **24-33.5-1215. Firefighting in wild land-urban interface areas**
2 **- training - volunteer firefighters - grants - fund created.** (1) THERE
3 IS HEREBY CREATED IN THE DIVISION THE WILD LAND-URBAN VOLUNTEER
4 FIREFIGHTER TRAINING FUND, REFERRED TO IN THIS SECTION AS THE
5 "FUND". MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
6 APPROPRIATION BY THE GENERAL ASSEMBLY. ANY INTEREST DERIVED
7 FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE
8 CREDITED TO THE FUND. ANY UNEXPENDED OR UNENCUMBERED MONEYS
9 REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN
10 IN THE FUND AND SHALL NOT REVERT OR BE TRANSFERRED TO THE
11 GENERAL FUND OR ANY OTHER FUND.

12 (2) SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL
13 ASSEMBLY, THE DIVISION MAY MAKE GRANTS FROM THE FUND TO
14 QUALIFIED VOLUNTEER FIREFIGHTERS AND FIRE DEPARTMENTS TO COVER
15 THE COSTS OF PARTICIPATING IN AND CONDUCTING TRAINING PROGRAMS
16 APPROVED BY THE DIVISION ON FIGHTING FIRES IN WILD LAND-URBAN
17 INTERFACE AREAS.

18 **24-33.5-1216. Volunteer firefighters - tuition vouchers -**
19 **community and technical colleges.** THE DIVISION SHALL COLLABORATE
20 WITH THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL
21 EDUCATION CREATED IN SECTION 23-60-104 (1) (b), C.R.S., TO DEVELOP
22 A SYSTEM TO PROVIDE A TUITION VOUCHER FOR THREE CREDITS PER
23 ACADEMIC YEAR TO A QUALIFIED VOLUNTEER FIREFIGHTER WHO IS A
24 FULL-TIME OR PART-TIME STUDENT AT AN INSTITUTION IN THE STATE
25 SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES AND WHO AGREES TO
26 SERVE AS A VOLUNTEER FIREFIGHTER FOR NO LESS THAN FOUR YEARS
27 AFTER COMPLETING HIS OR HER EDUCATION AT THE INSTITUTION.

1 DEPARTMENT MAY PROMULGATE RULES NECESSARY FOR THE
2 ADMINISTRATION OF THIS ARTICLE IN ACCORDANCE WITH ARTICLE 4 OF
3 TITLE 24, C.R.S.

4 **39-36-105. Repeal of article.** THIS ARTICLE IS REPEALED,
5 EFFECTIVE JANUARY 1, 2012.

6 **SECTION 5. Effective date.** This act shall take effect at 12:01
7 a.m. on the day following the expiration of the ninety-day period after
8 final adjournment of the general assembly that is allowed for submitting
9 a referendum petition pursuant to article V, section 1 (3) of the state
10 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);
11 except that, if a referendum petition is filed against this act or an item,
12 section, or part of this act within such period, then the act, item, section,
13 or part, if approved by the people, shall take effect on the date of the
14 official declaration of the vote thereon by proclamation of the governor.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL E

LLS NO. 09-0129.01 Jason Gelender

SENATE BILL

SENATE SPONSORSHIP

Gibbs and Kopp, Penry

HOUSE SPONSORSHIP

King and Scanlan, Levy, Lundberg

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A HIGH-RISK COMMUNITIES WILDFIRE
102 MITIGATION GRANT PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. Creates the high-risk communities wildfire mitigation grant program (program). Creates the high-risk communities wildfire mitigation grant program fund (fund). Appropriates specified amounts from the general fund to the fund for the 2008-09 through 2012-13 fiscal years, and requires all fund investment earnings to be credited to the fund. Continuously appropriates the fund to the Colorado state forest service

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.

(forest service) for expenditure only for high-risk communities wildfire mitigation grants subject to an exception that allows the forest service to expend up to a specified percentage of each annual appropriation to share the costs of developing community wildfire protection plans.

Requires the forest service to develop and implement the program and provide high-risk communities wildfire mitigation grants from the fund to local governments, the state, the federal government, fire protection districts, agencies thereof, and, in the sole discretion of the forest service, homeowners' associations for the purpose of funding nonemergency preventive wildfire mitigation measures. Specifies minimum matching requirements for grant recipients, and only allows grants for wildfire mitigation measures that are located in wild land-urban interface areas and that have been identified in a community wildfire protection plan. Requires the forest service to annually report to the general assembly regarding the program. Repeals the program on a specified date.

Defines terms.

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

2 **SECTION 1.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-309.5. High-risk communities wildfire mitigation grant**
6 **program - short title - definitions - creation of high-risk communities**
7 **wildfire mitigation grant program fund - use of fund - repeal.**

8 (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
9 THE "HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANT PROGRAM
10 ACT".

11 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (a) "COMMUNITY WILDFIRE PROTECTION PLAN" MEANS A PLAN
14 APPROVED BY LOCAL GOVERNMENT ENTITIES, LOCAL FIRE DEPARTMENTS,
15 AND THE FOREST SERVICE THAT MEETS THE DEFINITION OF A COMMUNITY
16 WILDFIRE PROTECTION PLAN IN THE FEDERAL "HEALTHY FORESTS

1 RESTORATION ACT OF 2003", PUB.L. 108-148, AND MEETS THE MINIMUM
2 REQUIREMENTS OF COLLABORATION BY LOCAL AND STATE GOVERNMENT
3 REPRESENTATIVES WITH CONSULTATION BY FEDERAL AGENCIES AND
4 OTHER INTERESTED PARTIES, PRIORITIZED FUEL REDUCTION AREAS WITH
5 IDENTIFIED TYPES OF TREATMENTS, AND TREATMENT OF STRUCTURAL
6 IGNITABILITY WITH RECOMMENDATIONS TO REDUCE IGNITABILITY.

7 (b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
8 SERVICE IDENTIFIED IN SECTION 23-31-302.

9 (c) "FUND" MEANS THE HIGH-RISK COMMUNITIES WILDFIRE
10 MITIGATION GRANT PROGRAM FUND CREATED IN SUBSECTION (3) OF THIS
11 SECTION.

12 (d) "WILDFIRE MITIGATION MEASURES" MEANS NONEMERGENCY
13 PREVENTIVE PROJECTS OR ACTIONS, WHICH MEET OR EXCEED FOREST
14 SERVICE STANDARDS OR ANY OTHER APPLICABLE STATE RULES, THAT ARE
15 DESIGNED TO REDUCE THE AMOUNT OF DAMAGE CAUSED BY WILDFIRES,
16 INCLUDING:

17 (I) THE CREATION OF A DEFENSIBLE SPACE AROUND STRUCTURES;

18 (II) THE ESTABLISHMENT OF FUEL BREAKS;

19 (III) THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
20 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILD LAND FIRE;

21 (IV) THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING
22 AND SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR
23 PRESCRIBED BURNING; AND

24 (V) OTHER NONEMERGENCY PREVENTIVE ACTIVITIES DESIGNED TO
25 REDUCE THE AMOUNT OF DAMAGE CAUSED BY WILDFIRES THAT THE
26 FOREST SERVICE MAY DEEM TO BE WILDFIRE MITIGATION MEASURES.

27 (3) **High-risk communities wildfire mitigation grant program**

1 **fund.** (a) THE HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANT
2 PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE
3 GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM THE GENERAL
4 FUND TO THE FUND AS FOLLOWS:

- 5 (I) TEN MILLION DOLLARS FOR THE 2008-09 FISCAL YEAR;
- 6 (II) TEN MILLION DOLLARS FOR THE 2009-10 FISCAL YEAR;
- 7 (III) TEN MILLION DOLLARS FOR THE 2010-11 FISCAL YEAR;
- 8 (IV) TEN MILLION DOLLARS FOR THE 2011-12 FISCAL YEAR; AND
- 9 (V) TEN MILLION DOLLARS FOR THE 2012-13 FISCAL YEAR.

10 (b) ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED
11 TO THE FOREST SERVICE, WHICH MAY EXPEND SUCH MONEYS ONLY FOR
12 HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANTS AWARDED
13 PURSUANT TO SUBSECTION (4) OF THIS SECTION; EXCEPT THAT THE FOREST
14 SERVICE MAY EXPEND UP TO TWO PERCENT OF EACH ANNUAL
15 APPROPRIATION TO SHARE THE COSTS OF DEVELOPING COMMUNITY
16 WILDFIRE PROTECTION PLANS. THE FOREST SERVICE MAY SEEK AND
17 ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE
18 OR PUBLIC SOURCES AND CREDIT THE SAME TO THE FUND. ALL INTEREST
19 AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS
20 IN THE FUND SHALL BE CREDITED TO THE FUND. UNEXPENDED AND
21 UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR
22 SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR
23 CREDITED TO THE GENERAL FUND OR ANY OTHER FUND. UNEXPENDED
24 MONEYS IN THE FUND ON JULY 1, 2013, SHALL BE TRANSFERRED TO THE
25 GENERAL FUND.

26 (4) **High-risk communities wildfire mitigation grant program.**

27 (a) THE FOREST SERVICE SHALL DEVELOP AND IMPLEMENT A PROGRAM TO

1 PROVIDE HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANTS FROM
2 THE FUND TO LOCAL GOVERNMENTS, THE STATE, THE FEDERAL
3 GOVERNMENT, FIRE PROTECTION DISTRICTS, AGENCIES THEREOF, AND, IN
4 THE SOLE DISCRETION OF THE FOREST SERVICE, HOMEOWNERS'
5 ASSOCIATIONS FOR THE PURPOSE OF FUNDING WILDFIRE MITIGATION
6 MEASURES. A WILDFIRE MITIGATION MEASURE OR UNIFIED PACKAGE OF
7 WILDFIRE MITIGATION MEASURES SHALL BE ELIGIBLE FOR A GRANT ONLY
8 IF:

9 (I) THE MEASURE OR MEASURES WILL BE TAKEN IN A WILD
10 LAND-URBAN INTERFACE AREA AND HAVE BEEN IDENTIFIED IN A
11 COMMUNITY WILDFIRE PROTECTION PLAN ADOPTED BY A LOCAL
12 GOVERNMENT WITHIN THE INTERFACE AREA THAT MEETS THE MINIMUM
13 CRITERIA AND STANDARDS OF THE FOREST SERVICE; AND

14 (II) THE GRANT RECIPIENT OR RECIPIENTS AGREE TO COVER AT
15 LEAST FORTY PERCENT OF THE TOTAL COST OF THE MEASURE OR
16 MEASURES THROUGH CASH CONTRIBUTIONS, IN-KIND CONTRIBUTIONS,
17 INCLUDING BUT NOT LIMITED TO LOCALLY-PROVIDED LABOR, OR BOTH.

18 (b) THE FOREST SERVICE MAY SPECIFY ANY GRANT APPLICATION
19 PROCEDURES, ADDITIONAL GRANT ELIGIBILITY REQUIREMENTS, OR GRANT
20 PRIORITIZATION CRITERIA THAT IT DEEMS APPROPRIATE AND THAT ARE
21 NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION. THE FOREST
22 SERVICE SHALL PUBLISH ANY SUCH PROCEDURES, REQUIREMENTS, OR
23 CRITERIA, INCLUDING ANY METRICS THAT MAY BE USED TO HELP THE
24 FOREST SERVICE PRIORITIZE GRANTS, ON ITS INTERNET WEB SITE.

25 (5) **Report.** NO LATER THAN JANUARY 15, 2010, AND NO LATER
26 THAN EACH JANUARY 15 THEREAFTER THROUGH JANUARY 15, 2013, THE
27 FOREST SERVICE SHALL REPORT TO THE AGRICULTURE, LIVESTOCK, AND

1 NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES
2 AND THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE
3 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE
4 HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANT PROGRAM. THE
5 REPORT SHALL INCLUDE A DESCRIPTION OF EACH GRANT AWARDED THAT
6 IDENTIFIES THE GRANT RECIPIENT OR RECIPIENTS, THE AMOUNT OF THE
7 GRANT, THE AMOUNT OF MATCHING CONTRIBUTIONS PROVIDED BY THE
8 GRANT RECIPIENT OR RECIPIENTS, AND THE WILDFIRE MITIGATION
9 MEASURE OR MEASURES FUNDED BY THE GRANT. THE REPORT SHALL ALSO
10 INCLUDE AN OVERALL ASSESSMENT OF THE PROGRAM, INCLUDING BUT NOT
11 LIMITED TO AN ASSESSMENT OF THE EXTENT TO WHICH WILDFIRE
12 MITIGATION MEASURES FUNDED HAVE REDUCED OR ARE EXPECTED TO
13 REDUCE THE AMOUNT OF DAMAGE CAUSED BY WILDFIRES AND THE EXTENT
14 TO WHICH ANY ADDITIONAL FUNDING FOR SUCH MEASURES MAY BE
15 NEEDED.

16 (6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

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

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL F

LLS NO. 09-0130.02 Jason Gelender

HOUSE BILL

HOUSE SPONSORSHIP

King, Lundberg

SENATE SPONSORSHIP

Penry and Gibbs, Kopp

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE STATE MATCH LOCAL
102 GOVERNMENT CONTRIBUTIONS TO THE EMERGENCY FIRE FUND.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. For the 2009-10 fiscal year and for each succeeding fiscal year, requires the state to make an appropriation from the general fund to the Colorado state forest service in an amount equal to the total amount of voluntary contributions made during the prior fiscal year to the emergency fire fund (fund), which is funded by voluntary contributions from most counties in the state and the Denver water board and used to

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.

pay for emergency responses to wildfires. Requires the state forester to grant the entire annual appropriation to the fund.

Makes legislative findings and declarations. Defines terms.

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

2 **SECTION 1.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-309.5. Emergency fire fund - creation - state**
6 **appropriations - transfers to wildfire emergency response fund -**
7 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND
8 DECLARES THAT:

9 (a) IN 1967, SEVERAL COUNTIES ESTABLISHED THE EMERGENCY
10 FIRE FUND AS A FUNDING SOURCE FOR EMERGENCY RESPONSES TO
11 WILDFIRES THAT WOULD OTHERWISE BE BEYOND THE CAPABILITIES OF THE
12 IMPACTED COUNTY OR COUNTIES.

13 (b) SINCE 1967, MOST COUNTIES AND THE DENVER WATER BOARD
14 HAVE MADE FINANCIAL CONTRIBUTIONS TO THE EMERGENCY FIRE FUND,
15 WHICH IS ADMINISTERED BY A TEN-PERSON COMMITTEE COMPOSED OF
16 COUNTY COMMISSIONERS, SHERIFFS, FIRE CHIEFS, AND THE STATE
17 FORESTER. WITH THE APPROVAL OF THE STATE FORESTER, MONEYS ARE
18 EXPENDED FROM THE EMERGENCY FIRE FUND TO PAY FOR EMERGENCY
19 RESPONSES TO WILDFIRES.

20 (c) IN RECENT YEARS, THE AMOUNT OF MONEYS IN THE
21 EMERGENCY FIRE FUND HAS BEEN INSUFFICIENT TO PAY ALL OF THE COSTS
22 OF THE EMERGENCY RESPONSES TO WILDFIRES THAT THE FUND WAS
23 ESTABLISHED TO PAY, AND THE GOVERNOR HAS HAD TO EXPEND STATE
24 DISASTER EMERGENCY MONEYS TO COVER THE UNCOVERED COSTS.

1 (d) IT IS THEREFORE NECESSARY, APPROPRIATE, AND IN THE BEST
2 INTERESTS OF THE PEOPLE OF THE STATE FOR THE STATE TO PROVIDE
3 MATCHING FUNDING FOR THE EMERGENCY FIRE FUND AS SPECIFIED IN THIS
4 SECTION.

5 (2) AS USED IN THIS SECTION, "EMERGENCY FIRE FUND" MEANS THE
6 EMERGENCY FIRE FUND ESTABLISHED IN 1967 THAT IS:

7 (a) FUNDED BY VOLUNTARY CONTRIBUTIONS FROM COUNTIES AND
8 THE DENVER WATER BOARD;

9 (b) ADMINISTERED BY A TEN-PERSON COMMITTEE COMPOSED OF
10 COUNTY COMMISSIONERS, SHERIFFS, FIRE CHIEFS, AND THE STATE
11 FORESTER; AND

12 (c) USED, WITH THE APPROVAL OF THE STATE FORESTER, TO FUND
13 EMERGENCY RESPONSES TO WILDFIRES.

14 (3) FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
15 2009, THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE GENERAL
16 FUND TO THE COLORADO STATE FOREST SERVICE AN AMOUNT EQUAL TO
17 THE AGGREGATE AMOUNT OF ALL VOLUNTARY CONTRIBUTIONS MADE TO
18 THE EMERGENCY FIRE FUND BY COUNTIES AND THE DENVER WATER BOARD
19 DURING THE PRIOR FISCAL YEAR. THE STATE FORESTER SHALL GRANT ALL
20 MONEYS APPROPRIATED PURSUANT TO THIS SUBSECTION (3) TO THE
21 EMERGENCY FIRE FUND.

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

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL G

LLS NO. 09-0131.01 Duane Gall

SENATE BILL

SENATE SPONSORSHIP

Kopp and Penry, Gibbs, Schwartz

HOUSE SPONSORSHIP

King and Scanlan, Lundberg

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ENCOURAGE THE RESTORATION OF
102 FOREST AREAS AFFECTED BY BARK BEETLE INFESTATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. Provides a 5-year exemption from business personal property taxes for qualified businesses that remove trees killed by bark beetles if such businesses assist in forest restoration efforts on the affected land after the beetle-killed timber is removed. Establishes a revolving fund to provide start-up revenues for new Colorado businesses that process and sell beetle-killed timber for beneficial uses.

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.

Directs the state forester to:

- Publish a list of affected lands, designating those areas where the need for clearing of beetle-killed timber is most urgent; and
- Offer the services of an ombudsman to assist property owners and businesses in applying for any necessary federal and state permits or other authorization to go onto forest lands to harvest beetle-killed timber.

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

2 **SECTION 1.** 39-3-118.5, Colorado Revised Statutes, is amended
3 to read:

4 **39-3-118.5. Business personal property - exemption - removal**
5 **of beetle-killed timber - definitions - conditions - recapture.** (1) For
6 property tax years commencing on and after January 1, 1996, business
7 personal property shall be exempt from the levy and collection of property
8 tax until such business personal property is first used in the business after
9 acquisition.

10 (2) (a) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY
11 1, 2009, AND FOR THE SUBSEQUENT PROPERTY TAX YEARS THROUGH THE
12 PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2013, ALL BUSINESS
13 PERSONAL PROPERTY THAT IS USED TO HARVEST, TRANSPORT, PROCESS,
14 AND MARKET BEETLE-KILLED TIMBER AND IS FIRST USED IN A BUSINESS
15 DURING SUCH YEAR, BUT ONLY TO THE EXTENT THAT IT IS USED TO
16 HARVEST, TRANSPORT, PROCESS, AND MARKET BEETLE-KILLED TIMBER,
17 SHALL BE EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX.
18 THE EXEMPTION PROVIDED IN THIS PARAGRAPH (a) SHALL BE AVAILABLE
19 DURING ALL YEARS THAT SUCH PROPERTY IS SUBJECT TO PROPERTY
20 TAXATION.

21 (b) THE VALUE OF THE BUSINESS PERSONAL PROPERTY AFTER THE

1 EXEMPTION IS APPLIED AS SPECIFIED IN PARAGRAPH (a) OF THIS
2 SUBSECTION (2) SHALL BE THE ACTUAL VALUE OF THE PROPERTY USED TO
3 DETERMINE WHETHER THE PROPERTY ALSO QUALIFIES FOR AN EXEMPTION
4 PURSUANT TO SECTION 39-3-119.5.

5 (c) AS USED IN THIS SUBSECTION (2), "BEETLE-KILLED TIMBER"
6 MEANS DEAD PINE OR SPRUCE TREES, OR PARTS THEREOF, TAKEN FROM
7 LAND DESIGNATED BY THE COLORADO STATE FOREST SERVICE AS LAND
8 AFFECTED BY THE BARK BEETLE INFESTATION.

9 (3) (a) TO CLAIM THE EXEMPTION PROVIDED IN SUBSECTION (2) OF
10 THIS SECTION, THE TAXPAYER MUST MEET ALL OF THE FOLLOWING
11 CONDITIONS:

12 (I) BE A SOLE PROPRIETOR WHOSE PRIMARY RESIDENCE IS IN
13 COLORADO OR A CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS
14 IN COLORADO;

15 (II) EARN A PROFIT ON THE PORTION OF ITS BUSINESS CONSISTING
16 OF HARVESTING, TRANSPORTING, PROCESSING, AND MARKETING OF
17 BEETLE-KILLED TIMBER DURING AT LEAST TWO OF THE FIVE PROPERTY TAX
18 YEARS BETWEEN JANUARY 1, 2009, AND DECEMBER 31, 2014; AND

19 (III) UNDERTAKE, AND SUBSTANTIALLY COMPLETE AS AGREED,
20 RESEEDING OR OTHER FOREST RESTORATION EFFORTS, AS DESCRIBED IN A
21 FOREST STEWARDSHIP PLAN APPROVED BY THE COLORADO STATE FOREST
22 SERVICE, WITHIN THE TIME PERIOD SPECIFIED IN SUCH PLAN.

23 (b) TAXES THAT WOULD HAVE BEEN PAYABLE BUT FOR THE
24 EXEMPTION PROVIDED IN SUBSECTION (2) OF THIS SECTION SHALL BE
25 IMMEDIATELY PAYABLE AND SUBJECT TO RECAPTURE IF THE TAXPAYER
26 INITIALLY MET THE CONDITIONS SET FORTH IN PARAGRAPH (a) OF THIS
27 SUBSECTION (3) AND, ON OR BEFORE DECEMBER 31, 2014, FAILS TO MEET

1 ONE OR MORE OF THE CONDITIONS.

2 **SECTION 2.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-312. Bark-beetle mitigation loans - definitions -**
6 **revolving fund - repeal.** (1) **Short title.** THIS SECTION SHALL BE
7 KNOWN AND MAY BE CITED AS THE "COLORADO BARK-BEETLE
8 MITIGATION ACT".

9 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
10 OTHERWISE REQUIRES:

11 (a) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
12 SERVICE IDENTIFIED IN SECTION 23-31-302 AND THE DIVISION OF
13 FORESTRY CREATED IN SECTION 24-33-104 (1) (k), C.R.S.

14 (b) "STATE FORESTER" MEANS THE STATE FORESTER APPOINTED
15 PURSUANT TO SECTION 23-31-207.

16 (3) **Bark-beetle mitigation loan program.** THE FOREST SERVICE
17 SHALL ISSUE A STATEWIDE REQUEST FOR PROPOSALS FOR LOANS TO
18 BUSINESSES TO PROVIDE START-UP CAPITAL FOR NEW FACILITIES OR
19 EQUIPMENT TO HARVEST, REMOVE, USE, AND MARKET BEETLE-KILLED
20 TIMBER TAKEN FROM PRIVATE, FEDERAL, STATE, COUNTY, OR MUNICIPAL
21 FOREST LANDS.

22 (4) **Eligibility requirements - applications.** THE FOREST
23 SERVICE SHALL SOLICIT APPLICATIONS FOR, AND SHALL MAKE, LOANS
24 UNDER THIS SECTION. IN DECIDING WHETHER TO MAKE A LOAN, THE
25 FOREST SERVICE SHALL CONSIDER THE EXTENT TO WHICH THE APPLICANT:

26 (a) HELPS RETAIN OR EXPAND OTHER LOCAL BUSINESSES;

27 (b) HELPS MAINTAIN OR INCREASE THE NUMBER OF JOBS IN THE

1 AREA;

2 (c) CONTRIBUTES TO THE STABILITY OF RURAL COMMUNITIES;

3 (d) DEMONSTRATES OPERATIONAL EXPERIENCE AND A GOOD
4 REPUTATION;

5 (e) PROMOTES AND PUBLICIZES THE EFFORTS UNDERTAKEN
6 PURSUANT TO THIS SECTION; AND

7 (f) HELPS RECRUIT NEW BUSINESS ACTIVITY IN THE AREA, UNDER
8 THIS SECTION AND OTHERWISE.

9 (5) **Report.** NO LATER THAN JULY 1, 2010, THE STATE FORESTER
10 SHALL SUBMIT A REPORT TO THE GOVERNOR, WHICH REPORT SHALL
11 INCLUDE AN ASSESSMENT OF WHETHER, AND TO WHAT EXTENT, PROJECTS
12 FUNDED BY LOANS UNDER THIS SECTION HAVE ACHIEVED THE PURPOSES
13 IDENTIFIED IN THIS SECTION.

14 (6) **Administrative costs.** THE FOREST SERVICE MAY UTILIZE NO
15 MORE THAN TWENTY PERCENT OF ANY AMOUNTS APPROPRIATED IN ANY
16 FISCAL YEAR FOR ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE
17 LOAN PROGRAM.

18 (7) **Bark-beetle mitigation revolving fund.** THERE IS HEREBY
19 CREATED IN THE STATE TREASURY THE BARK-BEETLE MITIGATION
20 REVOLVING FUND, WHICH SHALL BE ADMINISTERED BY THE DEPARTMENT
21 OF HIGHER EDUCATION. ALL MONEYS IN THE FUND ARE CONTINUOUSLY
22 APPROPRIATED TO THE DEPARTMENT OF HIGHER EDUCATION FOR
23 ALLOCATION TO THE BOARD OF GOVERNORS OF THE COLORADO STATE
24 UNIVERSITY SYSTEM FOR LOANS SPECIFIED IN THIS SECTION. ALL MONEYS
25 IN THE FUND AT THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE
26 FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER
27 FUND.

1 (8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

2 **SECTION 3.** 23-31-304, Colorado Revised Statutes, is amended
3 to read:

4 **23-31-304. State responsibility determined.** (1) The state
5 forester shall:

6 (a) Determine, in consultation with local authorities and with the
7 approval of the governor, geographic areas of the state, including wild
8 land-urban interface areas, in which the state has a financial responsibility
9 for managing forest fires. The management of fires in all other areas is
10 primarily the responsibility of local or federal agencies, as the case may
11 be. The state forester may exclude all lands owned or controlled by the
12 federal government or any agency thereof, and the state forester shall
13 exclude all lands within the exterior boundaries of incorporated cities or
14 towns.

15 (b) DETERMINE, IN CONSULTATION WITH LOCAL AUTHORITIES AND
16 WITH THE APPROVAL OF THE GOVERNOR, GEOGRAPHIC AREAS OF THE
17 STATE, INCLUDING WILD LAND-URBAN INTERFACE AREAS, IN WHICH
18 INFESTATION BY BARK BEETLES HAS CREATED AN IMMINENT DANGER OF
19 FIRE AND IN WHICH THE REMOVAL OF BEETLE-KILLED TIMBER SHOULD BE
20 ENCOURAGED, WHETHER THROUGH FINANCIAL INCENTIVES OR LOANS
21 UNDER SECTIONS 39-3-118.5, C.R.S., AND 23-31-312, RESPECTIVELY, OR
22 OTHERWISE; AND

23 (c) PROVIDE A DESIGNATED STAFF MEMBER TO ACT AS AN
24 OMBUDSMAN TO ASSIST PROPERTY OWNERS AND BUSINESSES IN APPLYING
25 FOR ANY NECESSARY FEDERAL, STATE, OR LOCAL PERMITS, PRIVATE
26 LICENSES OR EASEMENTS, OR OTHER AUTHORIZATION TO GO ONTO PUBLIC
27 OR PRIVATE FOREST LANDS TO HARVEST BEETLE-KILLED TIMBER.

1 **SECTION 4. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.