

SB083_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB13-083 be amended as follows:

1 Amend printed bill, page 3, line 2, strike "directly adjacent" and substitute
2 "in direct proximity".

3 Page 5, line 5, after "**amend**" insert "(3.3)," and after "**add**" insert "(3.1),
4 (3.2),".

5 Page 5, after line 8 insert:

6 "(3.1) "CERTIFIED PRESCRIBED BURN MANAGER" MEANS AN
7 INDIVIDUAL WHO SUCCESSFULLY COMPLETES THE DIVISION'S CERTIFIED
8 BURNER TRAINING AND CERTIFICATION PROGRAM AND POSSESSES A VALID
9 CERTIFICATION NUMBER.

10 (3.2) "CIGARETTE" MEANS ANY ROLL FOR SMOKING, WHETHER
11 MADE WHOLLY OR PARTLY OF TOBACCO OR ANY OTHER SUBSTANCE,
12 IRRESPECTIVE OF SIZE OR SHAPE, AND WHETHER OR NOT SUCH TOBACCO OR
13 SUBSTANCE IS FLAVORED, ADULTERATED, OR MIXED WITH ANY OTHER
14 INGREDIENT, THE WRAPPER OR COVER OF WHICH IS MADE OF PAPER OR ANY
15 OTHER SUBSTANCE OR MATERIAL EXCEPT TOBACCO.

16 (3.3) ~~"Cigarette" means any roll for smoking, whether made
17 wholly or partly of tobacco or any other substance, irrespective of size or
18 shape, and whether or not such tobacco or substance is flavored,
19 adulterated, or mixed with any other ingredient, the wrapper or cover of
20 which is made of paper or any other substance or material except tobacco.~~
21 "CONTROLLED AGRICULTURAL BURN" MEANS A TECHNIQUE USED IN
22 FARMING OR LIVESTOCK PRODUCTION ON A PARCEL OF LAND THAT MEETS
23 THE DEFINITION OF AGRICULTURAL LAND, AS THAT TERM IS DEFINED IN
24 SECTION 39-1-102 (1.6) (a), C.R.S., TO CLEAR THE LAND OF ANY EXISTING
25 NATIVE VEGETATION OR CROP RESIDUE OR KILL WEEDS AND WEED SEEDS."

26 Page 5, strike lines 14 through 17 and substitute "~~flow preventer~~
27 "CONTROLLED DITCH BURN" MEANS A TECHNIQUE USING FIRE TO CLEAR
28 AND REMOVE VEGETATION, DEBRIS, OR OTHER MATERIAL FROM DITCHES,
29 CANALS, AND OTHER WATER TRANSPORTATION STRUCTURES, INCLUDING
30 BANKS AND ACCESS ROADS."

31 Page 7, line 6, strike "GROUND," and substitute "GROUND."

32 Page 7, strike line 7.



1 Page 7, line 13, strike "PLANNED FIRE" and substitute "PUBLIC SAFETY".

2 Page 7, line 14, after "AGRICULTURAL" insert "BURNS AND CONTROLLED
3 DITCH".

4 Page 7, strike lines 25 through 27 and substitute "CONDUCTING
5 PRESCRIBED BURNING ON ANY AREA OF WILDLAND IN THE STATE
6 PURSUANT TO SECTION 24-33.5-1217. THE DIVISION SHALL CONDUCT SUCH
7 PRESCRIBED BURNING PROGRAM IN COOPERATION WITH LOCAL, STATE, OR
8 FEDERAL AGENCIES, PRIVATE PERSONS, OR CONCERNS."

9 Page 8, strike lines 1 through 4.

10 Page 8, line 6, after "portion," insert "(2) (e)".

11 Page 8, line 7, strike "and (10)" and substitute "(10), and (11)".

12 Page 8, after line 10 insert:

13 "(e) Establish training standards for certified burners AND UTILIZE
14 ALL MEANS AVAILABLE TO MAKE THE CERTIFIED BURNER TRAINING AS
15 ACCESSIBLE AS POSSIBLE; and".

16 Page 8, line 11, after "(3)" insert "(a)" and strike "ON" and substitute
17 "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON".

18 Page 8, after line 15 insert:

19 "(b) (I) NOTHING IN THIS SECTION REQUIRES A PRIVATE
20 LANDOWNER TO BE CERTIFIED BY THE DIVISION AS A PRESCRIBED BURN
21 MANAGER OR QUALIFIED BY NATIONAL WILDFIRE COORDINATING GROUP
22 STANDARDS AS A PRESCRIBED BURN BOSS TO CONDUCT PRESCRIBED FIRE
23 ON THEIR OWN PROPERTY.

24 (II) A PRIVATE LANDOWNER OR THE LANDOWNER'S DESIGNEE WHO
25 IS CERTIFIED BY THE DIVISION AS A PRESCRIBED BURN MANAGER OR
26 QUALIFIED BY NATIONAL WILDFIRE COORDINATING GROUP STANDARDS AS
27 A PRESCRIBED BURN BOSS IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR
28 ACTS OR OMISSIONS MADE IN GOOD FAITH RESULTING IN DAMAGE OR
29 INJURY CAUSED BY FIRE OR SMOKE RESULTING FROM PRESCRIBED BURNS
30 THEY CONDUCT ON THEIR OWN PROPERTY AND IN COMPLIANCE WITH



1 APPLICABLE STATE LAWS AND LOCAL ORDINANCES, UNLESS SUCH PRIVATE
2 LANDOWNER'S OR DESIGNEE'S ACTS OR OMISSIONS ARE GROSSLY
3 NEGLIGENT OR WILLFUL AND WANTON.

4 (III) NOTHING IN THIS SECTION EXEMPTS PRIVATE LANDOWNERS
5 FROM COMPLYING WITH ANY OTHER APPLICABLE LOCAL, STATE, OR
6 FEDERAL REQUIREMENTS PERTAINING TO OPEN BURNING."

7 Page 9, line 14, strike "PROGRAM;" and substitute "PROGRAM WITHIN THE
8 DIVISION;"

9 Page 10, line 2, after "GOVERNMENT." add "TO BE EXEMPT FROM THESE
10 STANDARDS, OTHER USERS OF PRESCRIBED FIRE, INCLUDING LOCAL
11 GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS MUST ADOPT
12 OR HAVE ALREADY ADOPTED GUIDELINES OR STANDARDS THAT ARE IN
13 SUBSTANTIAL COMPLIANCE WITH THE INTENT OF SECTION 24-33.5-1217.5
14 FOR PRESCRIBED BURNING UNDER THEIR CONTROL."

15 Page 10, line 8, strike "OR OTHER".

16 Page 10, line 9, strike "HAZARDOUS FUEL REDUCTION".

17 Page 10, line 15, strike "DETERMINES THAT THE PUBLIC BENEFITS".

18 Page 10, strike lines 16 through 19 and substitute "VERIFIES THAT THE
19 PROPERTY OWNER OR OTHER PERSON HAVING LEGAL CONTROL OF THE
20 PROPERTY WITHIN THE WILDLAND HAS BOTH EVALUATED ALL
21 ALTERNATIVES TO PRESCRIBED BURNING AND DETERMINED THAT
22 PRESCRIBED BURNING IS THE MOST APPROPRIATE HAZARDOUS FUEL
23 REDUCTION METHOD FOR THE PROPERTY.

24 (c) NOTHING IN THIS SECTION COMPELS ANY PERSON TO ENTER
25 INTO AN AGREEMENT WITH THE DIRECTOR."

26 Reletter succeeding paragraph accordingly.

27 Page 12, line 15, strike "24-33.5-1217.5,".

28 Page 12, line 16, strike "24-33.5-1217.7, OR 24-33.3-1217.9" and
29 substitute "24-33.5-1217.5 OR 24-33.5-1217.7".

30 Page 12, after line 20 insert:



1 "(11) EXCEPT AS OTHERWISE PROVIDED FOR THE FEES
2 ESTABLISHED AND COLLECTED PURSUANT TO SUBSECTION (4) OF THIS
3 SECTION, ALL MONEYS RECEIVED BY THE DIVISION PURSUANT TO THIS
4 SECTION SHALL BE CREDITED TO THE WILDFIRE PREPAREDNESS FUND
5 CREATED IN SECTION 24-33.5-1226 (4) (a)."

6 Page 12, line 21, strike "24-33.5-1217.5,".

7 Page 12, strike line 22 and substitute "24-33.5-1217.5 and 24-33.5-1217.7
8 as follows:".

9 Page 13, strike line 5 and substitute "OBJECTIVES, AS THOSE OBJECTIVES
10 ARE DETERMINED BY THE PROPERTY OWNER OR NATURAL RESOURCE
11 MANAGEMENT AUTHORITY; AND".

12 Page 13, strike line 11 and substitute:

13 "(I) IS BASED ON THE".

14 Page 14, strike line 27.

15 Strike pages 15 and 16.

16 Page 17, strike lines 1 through 12.

17 Page 17, line 13, strike "24-33.5-1217.9." and substitute
18 "24-33.5-1217.7.".

19 Page 17, line 14, strike "AVAILABLE" and substitute "ON-SITE".

20 Page 18, line 3, strike "LIABILITY." and substitute "LIABILITY FOR
21 TRESPASS.".

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