

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009)

Signed Into Law	
<p>Bill Number: Senate Bill 09-001</p> <p>Sponsors: <i>Reps. King and Scanlan</i> <i>Sens. Gibbs and Penry</i></p> <p><i>Recommended by the 2008 Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.</i></p> <p>The act requires the state forester, in collaboration with representatives of the U.S. Forest Service, the Colorado Department of Natural Resources, county governments, municipal governments, local fire departments or fire protection districts, electric, gas, and water utility providers in the subject area, and state and local law enforcement agencies, to establish guidelines for Community Wildfire Protection Plans (CWPPs) by November 15, 2009. 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 must establish guidelines and criteria counties must consider when developing their own CWPPs. The act requires each county, with the assistance of the state forester, to determine whether there are fire hazard areas within the unincorporated portion of the county by January 1, 2011. Counties must develop a CWPP within 180 days of identifying fire hazard areas.</p>	<p>Short Title: Community Wildfire Protection Plans</p> <p>Status: Signed Into Law</p> <p>Appropriations:</p> <p style="margin-left: 20px;">No new state appropriations are required in FY 2009-10. Requirements of the act for the state forester are largely underway and any changes brought about by the act could be accomplished within existing appropriations.</p>

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009) (Cont.)

Awaiting the Governor's Signature	
<p>Bill Number: Senate Bill 09-020</p> <p>Sponsors: <i>Rep. Scanlan</i> <i>Sen. Gibbs</i></p> <p><i>Recommended by the 2008 Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.</i></p> <p>The act, provides for a unified command structure for the management of wild land fires in the state and the primary responsibilities of local and state entities. The act also addresses the adoption of a county wildfire preparedness plan for the unincorporated area of the county and urges cooperation between the sheriff, the fire chiefs, and the board of county commissioners. Under the act, the first emergency response agency to arrive at the scene of a wild land fire, regardless of whether the incident occurs within its jurisdiction, must act as incident commander and be responsible for the initial emergency action necessary to control the wild land fire or to protect life or property until the emergency response agency that has jurisdiction over the incident site arrives.</p> <p>The act provides that fire department chiefs in each fire protection district in the state have the authority to supervise all fires within their district and the authority to utilize mutual aid agreements with neighboring districts to suppress and control fires that cross or threaten to cross the district boundaries.</p> <p>Under the act, county sheriffs are responsible for the planning and coordination of fire suppression efforts that occur in unincorporated areas of the county outside the boundaries of a fire protection district, or that exceed the capabilities of a fire protection district to control or extinguish. The act allows the authority of a fire chief to be transferred to the county sheriff to coordinate fire suppression efforts for any prairie, forest, or wild land fire that exceeds the capabilities of the district. A county sheriff must appoint a local incident management team to provide the command and control infrastructure to manage wildfires that exceed the capabilities of a fire protection district, and that require mutual aid and outside resources. The sheriff assumes financial responsibility on behalf of the county and a fire protection district for fire fighting efforts that require mutual aid and outside resources.</p>	<p>Short Title: Wild Land-Urban Fire Chain of Command</p> <p>Status: Awaiting the Governor's Signature</p> <p>Appropriations:</p> <p>No new state appropriations are required in FY 2009-10. However, the Governor's emergency fund, or other funds available to the CSFS, may be used for the purpose of preventing and suppressing forest and wild land fires in the state. Additionally, a board of county commissioners may make an appropriation for the purpose of controlling fires in its county and even levy a special property tax subject to approval of the voters to prevent, control, or extinguish such fires anywhere in the county. The act limits the amount raised from the levy to 1 mill or \$500,000 per year, whichever is less.</p>

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009) (Cont.)

Awaiting the Governor's Signature (Cont.)	
<p>Bill Number: Senate Bill 09-020 (Cont.)</p> <p>Sponsors: <i>Rep. Scanlan</i> <i>Sen. Gibbs</i></p> <p>In the case of a wildfire that exceeds the capability of the county, the sheriff is responsible for seeking the assistance from the Colorado State Forest Service (CSFS) through an agreement concerning the transfer of authority, responsibility for fire suppression, and the retention of responsibilities under a unified command structure.</p> <p>The act also addresses county wildfire preparedness plans and the ability for county voters to approve a special tax for the purpose of controlling wildfires within the county. The act provides that county sheriffs can develop and update a wildfire preparedness plan for the unincorporated area of the county in cooperation with any fire district with jurisdiction over such unincorporated area. A county sheriff can also request the CSFS to assist in the development or modification of a county wildfire preparedness plan.</p>	<p>Short Title: Wild Land-Urban Fire Chain of Command</p> <p>Status: Awaiting the Governor's Signature</p>
<p>Bill Number: Senate Bill 09-105</p> <p>Sponsors: <i>Rep. Scanlan</i> <i>Sen. Gibbs</i></p> <p>This act removes a statutory limit on the amount that a county can raise by a special property tax for the purpose of fighting both forest and prairie fires. The current limit on the amount that may be raised is 1 mill or \$500,000 per year, whichever is less. Under the act, voters could approve a higher tax rate.</p>	<p>Short Title: Forest Health and Cost of Firefighting</p> <p>Status: Awaiting the Governor's Signature</p> <p>Appropriations:</p> <p style="padding-left: 20px;">No new state appropriations are required in FY 2009-10. However, the act allows county voters to increase the property taxes to fund fighting forest and prairie fires in the county.</p>
<p>Bill Number: House Bill 09-1041</p> <p>Sponsors: <i>Rep. Gerou</i> <i>Sen. Gibbs</i></p> <p>The act allows a fire protection district board to charge fees for certain emergency safety services provided when assisting emergency medical services. Under the act, fire protection districts are authorized to change a fee for the following services:</p> <ul style="list-style-type: none"> • services provided prior to the arrival of an ambulance; • rescue or extrication of trapped or injured parties; and • lane safety or blocking provided by district equipment. 	<p>Short Title: Fire Protection District Board Authority</p> <p>Status: Awaiting the Governor's Signature</p> <p>Appropriations:</p> <p style="padding-left: 20px;">No new state appropriations are required in FY 2009-10. The act will increase revenue for fire protection districts that establish fees for services in the act. Fire protection districts that charge fees for services may incur administrative expenditures related to billing and collection of fees.</p>

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009) (Cont.)

Awaiting the Governor's Signature (Cont.)	
<p>Bill Number: House Bill 09-1162</p> <p>Sponsors: <i>Rep. Gerou</i> <i>Sen. Kopp</i></p>	<p>Short Title: Intergovernmental Cooperation For Wildfire Mitigation</p> <p>Status: Awaiting the Governor's Signature</p>
<p>The act requires an intergovernmental agreement (IGA) between a local government and a county to mitigate wild land fires in areas owned by the local government that are located either entirely or partially outside its own boundaries and inside the boundaries of a county. An IGA is required on or before July 1, 2011, for any local government that owns land inside the territorial boundaries of a county that is at least 50 percent forest land, or land that constitutes a wild land area. However, local governments are not required to enter into a new agreement if an existing agreement, including a mutual aid agreement, satisfies the requirements of the bill and is in place when the bill goes into effect on August 4, 2009.</p> <p>The act requires an IGA to address the following issues:</p> <ul style="list-style-type: none"> • the roles and responsibilities of each party to the agreement with respect to the mitigation of forest land and wild land fires; • procedures for cooperation and coordination among the parties; • management objectives for forest land and wild land fire prevention, preparedness, mitigation, suppression, reclamation, or rehabilitation and designation of the local government with fiscal and operational authority for each objective; • a description of available emergency or mutual aid resources; • specification of reimbursement and billing procedures; and • action may be taken by one party if another party to the agreement fails to satisfy its duties or responsibilities. <p>Additionally, the act allows the Division of Parks and Outdoor Recreation in the Department of Natural Resources and any other state agency to enter into a contract, intergovernmental agreement, or memorandum of understanding to allow fire mitigation on state property with personnel and equipment under the control of a fire department. The act defines "fire department" to include the duly authorized fire protection organization of a local government, a fire protection district, other special districts providing fire protection, and a not-for-profit, nongovernmental entity that is organized to provide firefighting services. Activities to be undertaken by a fire department may include prescribed burning as a component of wildfire mitigation and exercises to promote the training of firefighting personnel.</p>	<p>Appropriations:</p> <p>No new state appropriations are required in FY 2009-10. However, the act will create administrative costs for local governments where an intergovernmental agreement must be established.</p>

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009) (Cont.)

Active Bills

Bill Number: **House Bill 09-1199**

Short Title: **Healthy Forests Vibrant Communities Act**

Sponsors: *Rep. Scanlan*
Sen. Gibbs

Status: Senate Agriculture and Natural Resources

The reengrossed bill creates the Colorado Healthy Forests and Vibrant Communities Act of 2009 and the Healthy Forests and Vibrant Communities Fund for the purposes of the act.

The bill addresses the risk of wildfire in Colorado and the development of community wildfire protection plans (CWPPs) to bring together federal, state, and local interests, including nongovernmental entities, to address the risk of wildfire to life, property, and infrastructure in the state.

The bill directs the Colorado State Forest Service (CSFS) to:

- ensure that communities and firefighters have sufficient resources, technical support, and training to adequately implement CWPPs for communities seeking to prepare, update, or implement a CWPP;
- support communities in reducing wildfire risks by implementing risk mitigation treatments that focus on protecting lives, homes, and essential community infrastructure, and by improving inventory and monitoring of forest conditions through the implementation of cost-sharing grants in the wildland-urban interface;
- support long-term ecological restoration to support the public water supply and high-quality wildlife habitats through the implementation and monitoring of Forest Restoration Pilot Program grants;
- support local business development and job creation by administering a revolving loan fund to support woody biomass utilization, marketing timber products, and supporting the increased use of woody biomass in bio-heating;
- work with the Governor's Energy Office and the Air Quality Control Commission to support the appropriately increased use of woody biomass in bio-heating;
- issue a statewide request for proposals for the Wildfire Risk Mitigation Loan Program to assist businesses with loans to provide start-up capital for new facilities or equipment to harvest, remove, use, and market beetle-killed or other timber taken from private, federal, state, county, or municipal forest lands as part of a wildfire risk reduction or fuels mitigation treatment;

Appropriations:

The bill transfers \$1.95 million from the operational account of the Severance Tax Trust Fund to the Healthy Forests and Vibrant Communities Fund and \$50,000 from the operational account of the to the Wildland-Urban Interface Training Fund for FY 2009-10 through FY 2011-12. The bill also allows the CSFS to use up to \$1 million dollars annually from the Forest Restoration Pilot Program Cash Fund until July 1, 2012, to mitigate community wildfire risks.

Of the moneys transferred from the operational account of the Severance Tax Trust Fund to the Healthy Forests and Vibrant Communities Fund:

- \$500,000 may be expended for purposes of facilitating the adoption of CWPPs by local communities and provide technical assistance to local communities seeking to prepare or update a CWPP;
- \$250,000 may be expended for cost-sharing grants in the wildland-urban interface to help communities address the urgent need to reduce wildfire risks;
- \$100,000 may be expended for Forest Restoration Pilot Program grants to support long-term ecological restoration for the protection of the public water supply and high-quality wildlife habitats;
- \$80,000 may be expended for the administration of a revolving loan fund to support woody biomass utilization, marketing timber products, and supporting the increased use of woody biomass in bio-heating;
- \$320,000 may be expended to issue a statewide request for proposals for the Wildfire Risk Mitigation Loan Program to assist businesses with loans to provide start-up capital for new facilities or equipment to harvest, remove, use, and market beetle-killed or other timber taken as part of a wildfire risk reduction or fuels mitigation treatment; and
- \$700,000 may be expended for the CSFS to improve outreach and technical assistance by adding temporary staff, GIS capacity, and developing a web-based clearinghouse for technical assistance and funding resources.

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009) (Cont.)

Active Bills (Cont.)	
<p>Bill Number: House Bill 09-1199 (Cont.)</p> <p>Sponsors: <i>Rep. Scanlan</i> <i>Sen. Gibbs</i></p> <ul style="list-style-type: none"> • improve outreach and technical assistance by adding temporary staff, GIS capacity for risk assessments and planning, and by developing a web-based clearinghouse for technical assistance and funding resources; • submit a report on the use of moneys in the Healthy Forests and Vibrant Communities Fund to the Joint Budget Committee, the House Agriculture, Livestock, and Natural Resources Committee, and the Senate Agriculture and Natural Resources Committee, or any successor committees of the General Assembly; and • to contract, whenever feasible, with the Colorado Youth Corps Association or an accredited Colorado youth corps to provide labor for the wildlife mitigation measures set forth in the bill. <p>The bill also directs the Air Pollution Control Division to work with key regulatory and management entities to evaluate existing prescribed fire permit program rules and implement such rules for appropriate responsible use of, and increase where possible, prescribed fire as a land management tool. Regulatory and management entities include the forest service, local agencies, and private land managers. The implementation of such program rules must consider the balance between of national ambient air quality standards and the achievement of federal and state visibility goals, and the division must provide a report to the Air Quality Control Commission by June 30, 2010.</p> <p>Additionally, the bill also authorizes the governor to access and designate moneys in the Healthy Forests and Vibrant Communities Fund for healthy forests and vibrant communities activities by an executive order or proclamation and the CSFS must implement the directives set forth in such executive order or proclamation.</p>	<p>Short Title: Healthy Forests Vibrant Communities Act</p> <p>Status: Senate Agriculture and Natural Resources</p> <p>Additional appropriations for FY 2009-10 include:</p> <ul style="list-style-type: none"> • \$50,000 cash funds from the Wildland-Urban Interface Training Fund to the Department of Public Safety for courses to directors of fire protection districts; and • \$49,915 cash funds not otherwise appropriated from the Stationary Sources Control Fund to the Department of Public Health and Environment to evaluate existing fire permit program rules for the implementation of the Colorado Healthy Forests and Vibrant Communities Act. <p>Also, under the bill, the moneys in the Healthy Forests and Vibrant Communities Fund are continuously appropriated and moneys not expended at the end of the fiscal year must remain in the fund until expended.</p>

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009) (Cont.)

Postponed Indefinitely	
<p>Bill Number: Senate Bill 09-018</p> <p>Sponsors: <i>Reps. King and Scanlan</i> <i>Sens. Gibbs and Kopp</i></p> <p>Recommended by the 2008 Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.</p> <p>The reengrossed bill would have required the Colorado State Forest Service (CSFS) to develop and implement the High-risk Communities Wildfire Mitigation Grant Program for the purpose of mitigating wildfires.</p> <p>Grants would have been available to local governments, the state, the federal government, fire protection districts, and homeowner's associations. Eligible projects were required to be in a wild land-urban interface areas that have been identified in the community wildfire protection plan adopted by a local government. Grant recipients were required to cover at least forty percent of the total cost of the wildfire protection measures. The CSFS could have used up to 2 percent of each annual appropriation to share in the costs of developing community wildfire protection plans with local governments and up to 3 percent of each annual appropriation could have been used for the cost of administering grants.</p> <p>The bill also required the CSFS to report annually on the grant program and requires grant recipients to contract with the Colorado youth corps association or an accredited Colorado youth corps to provide labor for the wildfire mitigation measures whenever feasible.</p>	<p>Short Title: High Risk Wildfire Mitigation Grants</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p>The bill would have transferred \$180,000 from the Operational Account of the Severance Tax Trust Fund to the High-risk Communities Wildfire Mitigation Grant Program Fund for FY 2009-10 through FY 2012-13. However, it is estimated that obligations to the account will exceed available funds for FY 2009-10, and the funds available for wildfire mitigation grants would have been reduced by 38 percent to \$111,600.</p>
<p>Bill Number: House Bill 09-1031</p> <p>Sponsors: <i>Rep. King</i> <i>Sens. Gibbs and Penry</i></p> <p>Recommended by the 2008 Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas.</p> <p>As amended by the House Agriculture, Livestock, and Natural Resources Committee, the bill would have required an annual appropriation from the General Fund, beginning with FY 2009-10, to the Colorado State Forest Service to be dispersed to the Emergency Fire Fund (EFF). The EFF is set up and managed by counties and the Denver Water Board to pay for emergency responses to wildfires. The annual appropriation would have been equal to the amount of voluntary contributions provided by counties, the Denver Water Board, and any other contributing entities to the EFF during the prior fiscal year.</p>	<p>Short Title: State Match For County Outlays From Wildfire</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p>The bill was estimated to increase state General Fund expenditures by the Colorado State Forest Service by \$1 million per year beginning in FY 2009-10.</p> <p>Assuming local government contributions to the fund remain constant, the state matching funds would have provided an additional \$1 million per year. However, the bill does not specify a maximum amount for the state match and future General Fund appropriations could increase or decrease based on changes in the amount of local government contributions to the fund.</p>

Summary of Wildfire Preparedness Bills, 2009 Session (As of April 20, 2009) (Cont.)

Postponed Indefinitely (Cont.)	
<p>Bill Number: House Bill 09-1131</p> <p>Sponsors: <i>Rep. Gerou</i> <i>Sen. (None)</i></p> <p>As introduced, the bill would have required an appropriation of at least \$8,000 from the General Fund each year to the Wild Land-Urban Interface (WUI) Training Fund. The WUI Training Fund was created by Senate Bill 08-039 to implement a pilot program to train directors of fire protection districts in WUI areas. Senate Boll 08-039 specifically prohibited General Fund appropriations to the WUI Training Fund and only allowed funding by gifts, grants, and donations. To date, no gifts, grants, and donations have been received.</p>	<p>Short Title: Fund Training for Fire Protection District Directors</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p style="padding-left: 40px;">The bill would have required a General Fund appropriation of \$8,000 to the Division of Fire Safety in the Department of Public Safety in FY 2009-10.</p>