



**Report to the
Colorado General Assembly**

**Wildfire Matters
Review Committee**

Prepared by

**The Colorado Legislative Council
Research Publication No. 635
January 2014**

Wildfire Matters Review Committee

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January 2014

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December 2013

To Members of the Sixty-ninth General Assembly:

Submitted herewith is the final report of the Wildfire Matters Review Committee. This committee was created pursuant to Senate Bill 13-082. The purpose of this committee is to review and propose legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues.

At its meeting on November 14, 2013, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2014 session was approved.

Sincerely,

/s/ Senator Lucia Guzman
 Chairman

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This report is also available on line at:

www.colorado.gov/lcs/WildfireMattersReviewCommittee

Committee Charge

Pursuant to Senate Bill 13-082, the Wildfire Matters Review Committee is charged with reviewing and proposing legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues. In addition, the bill transferred to the committee any remaining powers, duties, and responsibilities delegated to the Lower North Fork Wildfire Commission by House Bill 12-1352. In passing SB 13-082, the General Assembly intended for the Wildfire Matters Review Committee to be a permanent interim committee through which the General Assembly reviews state policies and resources addressing wildfire prevention and mitigation and the successful implementation and execution of such policies; the committee sunsets on July 1, 2018. Committee members serve two-year terms, and the committee must meet at least once per interim.

Committee Activities

The committee met five times from August to October 2013. At all five meetings, the committee heard presentations from, and engaged in discussion with, representatives of various entities involved in wildfire prevention, mitigation, and response. These presentations and discussions covered a wide range of topics associated with wildfires, including efforts undertaken by the General Assembly to address wildfire issues in recent years; wildfire aviation response; forest health; insurance, reinsurance, and building codes in the wildland-urban interface; the effect of wildfires on watersheds; emergency notification and communications during emergencies; and real estate disclosures pertaining to wildfire hazards. Entities represented before the committee included:

- the Divisions of Fire Prevention and Control and Homeland Security and Emergency Management within the Department of Public Safety;
- the Department of Natural Resources;
- the Governor's Task Force on Wildfire Insurance and Forest Health;
- private wildfire aviation response companies;
- the U.S. Government Accountability Office;
- the Water Quality Control Division within the Department of Public Health and Environment;
- the Colorado Water Conservation Board;
- the Urban Drainage and Flood Control District;
- municipal utilities;
- Colorado Counties, Inc.;
- the Colorado Municipal League;
- the National Fire Protection Association;
- emergency first responders;
- the insurance industry;
- the Divisions of Insurance and Real Estate within the Department of Regulatory Agencies;
- the Colorado 9-1-1 Resource Center;
- the Nature Conservancy;
- the Governor's Wildland and Prescribed Fire Advisory Committee;
- the Colorado Association of Realtors; and
- the Special District Association.



The committee heard public testimony at two of its meetings, and spent time during other meetings undertaking organizational activities and considering draft legislation. Prior to the committee's final meeting, the committee held a joint meeting with the interim Water Resources Review Committee to hear presentations on watershed protection, wildfire mitigation, and forest management; review the draft bills for both committees; and discuss issues of shared mission.

Ten bills and two joint resolutions were drafted at the request of the committee, which ultimately approved nine bills and the two resolutions. Two bills, Bills A and D, were approved without prime sponsorship, since the committee member requesting that these bills be drafted resigned from the General Assembly, effective November 1. Legislative rules require that these bills have a prime sponsor in order to be forwarded to the General Assembly for introduction in the 2014 legislative session. Legislative rules further stipulate that any member of the General Assembly may sponsor these committee bills. As a result, the committee approved one bill, Bill I, conditional upon either Bill A or Bill D not being approved by the Legislative Council for lack of a prime sponsor. The Legislative Council approved eight bills for introduction to the General Assembly, including Bill I, while Bill A was removed from consideration by the Legislative Council due to a lack of prime sponsorship. Topics covered during committee meetings and recommendations made by the committee are discussed below.

Forest Health

Land management practices. Various witnesses offered testimony concerning the difficulty of managing forest health and responding to wildfires given the patchwork of ownership and governmental jurisdictions involved. At a statewide scale, a majority of forested land is owned by the federal government, subject to federal environmental review and federal funding for most mitigation efforts. The committee received testimony from witnesses responsible for individual parcels of land adjacent to forested land owned by an absentee landowner or an owner who does not mitigate potential fire fuels, substantially diminishing the effectiveness of local efforts to address wildfire risk. As a possible tool to address wildfire hazard conditions on private property, the committee discussed abatement procedures employed by local governments to address noxious weeds and other nuisance conditions. These discussions resulted in Bill A, which would extend local government authority to abate nuisance vegetation to specifically include trees.

Wildfires also negatively impact watersheds and water supplies. In 2013, several instances of heavy rains falling on the burn scars left by wildland fires led to heavy flooding, presenting not only a risk to life and property, but also damaging municipal water supplies. Officials from water utilities explained to the committee how the damage caused by wildfires degrades drinking water sources and introduces sediment into reservoirs. The committee also assembled a panel discussion on the impacts of wildfires on water quality, watersheds, and hydrology. Similar issues were discussed when the committee held a joint meeting with the interim Water Resources Review Committee to discuss matters of shared concern.

Wildfire Insurance and Forest Health Tax Force. The committee received testimony and a report from the executive director of the Department of Regulatory Agencies, Barbara Kelley, who served as the chair of the Governor's Wildfire Insurance and Forest Health Task Force. The task force was created in January 2013 by executive order, and was charged with studying ways to reduce the risk of loss in the wildland-urban interface and provide greater customer choice and knowledge of insurance options for those living in this area. The task force studied barriers to successful management of wildfire risk and provided recommendations for further action. Among



its findings, the task force noted a study showing that relatively few homeowners were aware of the state's wildfire mitigation income tax deduction and that a tax credit, rather than a deduction, may be more beneficial to homeowners. Bill D makes this change.

Government Efforts to Address Wildfires

All levels of government play a part in addressing wildfires when they arise and mitigating the effects of future wildfires. The committee heard from representatives of a number of government agencies on ways to improve wildfire response, mitigation, and resource coordination. Due to the partial shutdown of the federal government in October 2013, the U.S. Forest Service was not able to address the committee at its scheduled time.

Briefings by the Department of Public Safety. The committee received testimony from the Department of Public Safety, including briefings by Paul Cooke, director of the Division of Fire Prevention and Control, and Kevin Klein, director of the Division of Homeland Security and Emergency Management. Mr. Cooke and Commissioner Dan Gibbs, chair of the Advisory Committee to the Director of the Division of Fire Prevention and Control on Wildland Fire and Prescribed Fire Matters, presented legislative recommendations. This committee was created by executive order of the Governor. The advisory committee recommended that:

- public agencies be immune when insurance companies and their contractors conduct wildfire and hazard mitigation activities on private property. This recommendation resulted in Bill G;
- county governments be allowed to prohibit agricultural burning and the sale and use of fireworks during periods of high fire danger. These recommendations were incorporated into Bill C;
- the state provide accidental death and disability coverage for seasonal firefighters employed by local governments who are deployed by the state outside of their jurisdictions for wildfire response. Bill F, which requires the state to make a lump-sum payment to the survivors of a seasonal wildland firefighter employed by the state or a local government killed in the line of duty, resulted from this recommendation; and
- certain technical changes be made to state law enacted in 2013 that created a prescribed burning program. These changes were incorporated into Bill I.

Issues facing Colorado's fire service. Gary Briese, executive director of the Colorado State Fire Chiefs, provided an overview of Colorado's fire service to the committee. Mr. Briese discussed the scope of the state's fire service, its responsibilities, the resources available to the service for fire response, and challenges facing those tasked with fighting fires. During his presentation, Mr. Briese noted a rising incidence of several types of cancers among firefighters, and discussed potential sources for this elevation of cancer risk. Bill E creates the Local Firefighter Safety Fund for the purpose of providing grants to local governments to increase firefighter safety and address occupation-related diseases.

Access to wildfire-related information. Various witnesses and committee members expressed concern regarding a lack of communication between state agencies and the public about wildfire issues. In response to public testimony, Bill H creates the Wildfire Information and Resource Center as a resource for enhancing information access by homeowners, wildland fire professionals, the media, and educators.



Firefighting aircraft. The committee was briefed on issues relating to Senate Bill 13-245 and the potential development of an aerial firefighting fleet by the state. The bill creates the Colorado Firefighting Air Corps within the Division of Fire Prevention and Control, which is authorized to retrofit firefighting aircraft or contract for such aircraft and associated support services. Mr. Cooke discussed progress on a report to the General Assembly required by the bill, which will identify gaps in current aerial firefighting capabilities and recommend a strategy to improve "initial attack" capabilities and other goals of aerial firefighting. The report is due to the General Assembly on or before April 1, 2014, and is required to include budget requests for the air corps.

Private contractors addressed the committee on options for establishing and maintaining a state aircraft fleet, and reviewed current science and technology in aerial wildland firefighting. The committee also heard testimony from the federal Government Accountability Office regarding the status of the U.S. Forest Service aerial tanker fleet. The committee made no specific legislative recommendations pertaining to aerial wildland firefighting.

Legislation

Review of recent wildfire-related legislation. Legislative Council Staff briefed the committee on legislation enacted by the General Assembly in recent years involving wildfire and forest health issues. Many recently enacted bills have addressed funding for forest health initiatives and wildfire response, the extension of current programs, training for firefighters and fire managers, and the disposal and marketing of "beetle kill" timber. The committee noted that the income tax deduction extended by House Bill 13-1012 limits the actual tax savings available for wildfire mitigation to a small percentage of the taxpayer's investment. The committee also noted that this legislation did not address potential use of the bonding authority of the Colorado Water Resource and Power Development Authority for forest health projects undertaken by private landowners and nongovernmental stewardship organizations. Bill C extends this authority's ability to make loans to private entities.

Draft bills rejected by the committee. The committee rejected one bill drafted for its consideration concerning building codes in the wildland-urban interface. As Colorado is a "local option" state, there is no state law mandating the use of a building code that is specific to residential or commercial buildings constructed in the wildland-urban interface. Some Colorado counties have amended their building codes to include building requirements for commercial and residential buildings constructed in the wildland-urban interface. The committee discussed and heard from subject-matter experts on the issue at all five of its meetings. Draft Bill 1 would have required certain local governments to adopt and enforce the International Wildland-Urban Interface Code, or a comparable substitute code, that would apply to the construction of, or any renovations made to, commercial or residential buildings located within fire hazard areas of certain municipalities.



Summary of Recommendations

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

Bill B — Prohibit Agricultural Burning Fire Danger and Restrict Fireworks

Bill B allows county governments to prohibit or restrict the ability of agricultural producers to conduct burning on their properties during periods when red flag warnings or fire weather watches have been issued by the National Weather Service. The bill further strikes an existing provision in state law that limits the ability of county governments to prohibit or restrict the sale, use, and possession of fireworks between May 31 and July 5 of each year. This provision currently allows county governments to prohibit such activity during this period based only on an express finding of high fire danger.

Bill C — Allow CWRPDA Private Entity Forest Health Loans

Current law provides that the Colorado Water Resources and Power Development Authority (CWRPDA) may issue bonds with proceeds to be used for loans to governmental agencies for certain forest health projects. Bill C extends CWRPDA authority to allow forest health project loans to private entities.

Bill D — Change Wildfire Mitigation Tax Deduction to Credit

For each tax year until 2024, current law allows taxpayers who have undertaken wildfire mitigation measures on their property to deduct up to half the cost of these measures, not to exceed a total deduction of \$2,500, from their state taxable income. For tax years 2015 through 2024, Bill D repeals the current income tax deduction and provides an income tax credit of up to \$2,500 for half the cost of wildfire mitigation measures. The bill limits eligibility for the credit to taxpayers who own and perform mitigation work on property in the wildland-urban interface. The bill includes relevant definitions and provisions for the carryover of the credit for up to five years.

Bill E — Local Firefighter Safety Grant Program

Bill E creates the Local Firefighter Safety and Disease Prevention Fund for use in making need-based grants to local governing bodies for equipment and training designed to increase firefighter safety and prevent occupation-related diseases. The bill requires the director of the Division of Fire Prevention and Control to promulgate rules governing the award of such grants, including consideration of recommendations of the Fire Service Training, Certification, and Firefighter Safety Advisory Board and the recipient governing body's other fund-raising efforts. The bill transfers \$3.25 million annually for five fiscal years to the new fund from the Mineral Leasing Fund in lieu of transferring the moneys to the Wildfire Preparedness Fund.



Bill F — Wildland Firefighters Death Benefit Payments

Bill F directs the Division of Fire Prevention and Control within the Department of Public Safety to make a lump-sum payment of \$10,000 to the survivors of a seasonal wildland firefighter employed by the state or a local government who is killed in the line of duty. The bill authorizes the director of the division to adopt rules as necessary to administer and fund the death benefits.

Bill G — Immunity for Public Agencies from Insurance Wildfire Mitigation

Under current law, emergency responders, including governmental agencies involved in wildfire response, are generally immune from civil liability for emergency-related death or injuries. Bill G extends this immunity to protect governmental agencies against the acts of insurance companies and their contractors engaged in the protection of private property. The bill specifies that such insurance companies and their contractors are not eligible for governmental immunity or volunteer immunity under Colorado law. The bill also authorizes an insurer to provide services protecting the property of its policyholders in the course of an emergency.

Bill H — Wildfire Information and Resource Center

Bill H creates the Wildfire Information and Resource Center in the Department of Public Safety's Division of Fire Prevention and Control. The bill states that the center will improve protection of the public by enhancing access to information by homeowners, wildland fire professionals, the media, and educators. The center must maintain a website, including information regarding: current wildfires in Colorado; how to prevent and prepare for a wildfire; statewide fire danger and current burning restrictions; current prescribed burn activity in Colorado and contact information for the responsible agency; wildland and prescribed fire training; sources of funding for wildfire mitigation activities; and any other information that the division director deems pertinent, such as wildfire research.

Bill I — Corrections to Prescribed Burning Program Laws

Bill I makes technical changes to the prescribed burning program created under Senate Bill 13-083, including changing certain terminology and stipulating that, under prescribed burning standards promulgated by the director of the Division of Fire Prevention and Control, only a person qualified by National Wildfire Coordinating Group standards may satisfy requirements to have a qualified person present at a prescribed burn site. Current law allows individuals certified by the division to also satisfy on-site requirements.

Resolution A — Honor Granite Mountain Interagency Hotshots

Joint Resolution A honors the Granite Mountain Interagency Hotshot firefighting crew based in Prescott, Arizona, which lost 19 of its members while battling the Yarnell Hill Fire in Arizona in June 2013. The crew has a history of responding to wildfires in Colorado.

Resolution B — Honor Colorado National Guard

Resolution B honors the Colorado Army National Guard and Air National Guard for their wildfire response efforts.



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 (303-866-2055). 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/2013/13interim.htm

Meeting Date and Topics Discussed

August 15, 2013

- ◆ Overview of the committee's charge
- ◆ Update on recently enacted wildfire-related legislation
- ◆ Presentation by the Division of Fire Prevention and Control on wildfire impacts, implementation of the prescribed burning program, and transfer of wildfire responsibilities to the division
- ◆ Implementation of the Wildfire Risk Reduction Grant Program
- ◆ Presentation on wildfire mitigation law in the mountain states
- ◆ Update from the Governor's Task Force on Wildfire Insurance and Forest Health
- ◆ Discussion with the state forester

September 6, 2013

- ◆ Implementation of recently enacted wildfire-related legislation
- ◆ Multiple presentations on wildfire aviation programming and estimated cost to establish a wildfire aviation fleet in Colorado
- ◆ Panel presentation on wildfires and water quality, watershed, and hydrology issues
- ◆ Local government efforts to mitigate wildfire risk and effects

September 23, 2013

- ◆ Presentation on fire-adapted communities and lessons learned from the Waldo Canyon fire
- ◆ Briefing on the Black Forest fire
- ◆ Overview of the Colorado Fire Service
- ◆ Update from the Division of Fire Prevention and Control
- ◆ Panel discussion on insurance and reinsurance issues in the wildland-urban interface
- ◆ Discussion of the interim committee draft bill process



October 1, 2013

- ◆ Update on the implementation of House Bill 13-1031 concerning all-hazards resource mobilization and reimbursement
- ◆ Legislative recommendations from the Colorado state fire chiefs
- ◆ Perspectives on wildfire response and coordination from the County Sheriffs of Colorado
- ◆ Panel presentation on emergency notification and communication during emergencies
- ◆ Presentation on air fleet options for the Colorado Firefighting Air Corps
- ◆ Public testimony
- ◆ Prescribed burns and forest health
- ◆ Legislative recommendations from the Wildland and Prescribed Fire Advisory Committee
- ◆ Presentation of the final report from the Governor's Task Force on Wildfire Insurance and Forest Health
- ◆ Discussion on real estate disclosures
- ◆ Requests for interim committee legislation

October 30, 2013

- ◆ Joint meeting with the Water Resources Review Committee on the following topics:
 - ✓ Federal initiatives concerning watershed protection and wildfire mitigation
 - ✓ Forest management and watershed protection for today and in the future
 - ✓ Discussion on bill recommendations concerning forest management and watershed protection
- ◆ Public testimony
- ◆ Fire district consolidation
- ◆ Overview of the International Wildland-Urban Interface Code
- ◆ Final action on draft legislation



Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 14-0195.01 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF COUNTY GOVERNMENTS TO LIMIT**
102 **CERTAIN FORMS OF FIRE, AND, IN CONNECTION THEREWITH,**
103 **PERMITTING COUNTY GOVERNMENTS TO PROHIBIT**
104 **AGRICULTURAL BURNING DURING PERIODS OF HIGH FIRE**
105 **DANGER AND TO PROHIBIT FIREWORKS ACTIVITY DURING THE**
106 **SUMMER SEASON.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

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.

Wildfire Matters Review Committee. In connection with the existing statutory authority permitting county governments to ban open fires to reduce the danger of wildfires, the bill permits counties to prohibit or restrict the ability of agricultural producers to conduct burning on their own property during periods when red flag warnings or fire weather watches have been issued by the national weather service.

In connection with the existing statutory authority permitting county governments to prohibit or restrict the sale, use, and possession of fireworks, the bill deletes existing statutory language limiting the use of such authority between May 31 and July 5 of each year in times of high fire danger.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-15-401, **amend**
3 (1) (n.5) (I) and (1) (n.7); and **repeal** (1)(n.5)(III) as follows:

4 **30-15-401. General regulations - definitions.** (1) In addition to
5 those powers granted by sections 30-11-101 and 30-11-107 and by parts
6 1, 2, and 3 of this article, the board of county commissioners has the
7 power to adopt ordinances for control or licensing of those matters of
8 purely local concern that are described in the following enumerated
9 powers:

10 (n.5) (I) To ban open fires to a degree and in a manner that the
11 board of county commissioners deems necessary to reduce the danger of
12 wildfires within those portions of the unincorporated areas of the county
13 where the danger of forest or grass fires is found to be high based on
14 competent evidence. THE AUTHORITY GRANTED THE BOARD OF COUNTY
15 COMMISSIONERS BY THIS SUBPARAGRAPH (I) INCLUDES THE POWER TO
16 PROHIBIT OR RESTRICT THE ABILITY OF AGRICULTURAL PRODUCERS TO
17 CONDUCT BURNING ON THEIR OWN PROPERTY DURING PERIODS WHEN RED
18 FLAG WARNINGS OR FIRE WEATHER WATCHES HAVE BEEN ISSUED BY THE
19 NATIONAL WEATHER SERVICE.

1 (III) ~~Nothing in this paragraph (n.5) infringes upon or otherwise~~
2 ~~affects the ability of agricultural producers to conduct burning on their~~
3 ~~property.~~

4 (n.7) To prohibit or restrict the sale, use, and possession of
5 fireworks, including permissible fireworks, as defined in section
6 12-28-101 (3) and (8), C.R.S., for a period no longer than one year within
7 all or any part of the unincorporated areas of the county; ~~except that such~~
8 ~~an ordinance shall not be in effect between May 31 and July 5 of any year~~
9 ~~unless the ordinance includes an express finding of high fire danger,~~
10 ~~based on competent evidence, as defined in paragraph (n.5) of this~~
11 ~~subsection (1);~~

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

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 14-0197.01 Duane Gall

HOUSE BILL

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZING THE COLORADO WATER RESOURCES AND
102 POWER DEVELOPMENT AUTHORITY TO MAKE LOANS TO PRIVATE
103 ENTITIES FOR PURPOSES OF FOREST HEALTH PROJECTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The bill authorizes the Colorado water resources and power development authority to make loans to private entities for purposes of forest health projects contemplated by legislation passed in 2013.

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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-95-106, **amend**
3 (1) (r) as follows:

4 **37-95-106. Authority - powers.** (1) Except as otherwise limited
5 by this article, the authority, acting through the board, has the power:

6 (r) To make loans to any governmental agency for the planning,
7 designing, acquiring, constructing, reconstructing, improving, equipping,
8 and furnishing of a project, which loans may be secured by loan and
9 security agreements, leases, or any other instruments, upon such terms
10 and conditions as the board shall deem reasonable, including provisions
11 for the establishment and maintenance of reserve and insurance funds,
12 and to require the inclusion, in any lease, contract, loan and security
13 agreement, or other instrument, of such provisions for the construction,
14 use, operation, maintenance, and financing of a project as the board may
15 deem necessary or desirable. FOR PURPOSES OF A FOREST HEALTH
16 PROJECT, THE AUTHORITY MAY ALSO MAKE A LOAN AS DESCRIBED IN THIS
17 PARAGRAPH (r) TO A PRIVATE ENTITY.

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

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 14-0196.01 Esther van Mourik x4215

HOUSE BILL

HOUSE SPONSORSHIP

(None),

SENATE SPONSORSHIP

Nicholson,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CHANGING THE WILDFIRE MITIGATION INCOME TAX
102 DEDUCTION TO THE WILDFIRE MITIGATION INCOME TAX CREDIT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The bill changes the wildfire mitigation income tax deduction to the wildfire mitigation income tax credit. An income tax deduction reduces a taxpayer's taxable income, the amount to which the tax rate is applied. A tax credit reduces a taxpayer's tax liability by taking a dollar-for-dollar reduction in what is

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Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

owed by what the credit allows. The bill allows a landowner a credit of 50% of the costs incurred in performing wildfire mitigation measures, not to exceed \$2,500. Any amount in excess of the landowner's tax liability in the year the credit is first claimed may be carried forward to offset the landowner's future tax liability for 5 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-104, **amend**
3 (4) (n.5) (I) (A) and (4) (n.5) (IV) as follows:

4 **39-22-104. Income tax imposed on individuals, estates, and**
5 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted
6 from federal taxable income:

7 (n.5) (I) (A) For income tax years commencing on or after January
8 1, 2014, but prior to ~~January 1, 2025~~ JANUARY 1, 2015, an amount equal
9 to fifty percent of a landowner's costs incurred in performing wildfire
10 mitigation measures in that income tax year on his or her property located
11 within the state; except that the amount of the deduction claimed in an
12 income tax year shall not exceed two thousand five hundred dollars or the
13 total amount of the landowner's federal taxable income for the income tax
14 year for which the deduction is claimed, whichever is less.

15 (IV) This paragraph (n.5) is repealed, effective ~~January 1, 2026~~
16 JANUARY 1, 2016.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 39-22-536 as
18 follows:

19 **39-22-536. Credit for wildfire mitigation - definitions - repeal.**

20 (1) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1,
21 2015, BUT PRIOR TO JANUARY 1, 2025, THERE SHALL BE ALLOWED A
22 WILDFIRE MITIGATION TAX CREDIT AGAINST THE INCOME TAXES IMPOSED
23 PURSUANT TO THIS ARTICLE. EXCEPT AS PROVIDED IN SUBSECTION (3) OF

1 THIS SECTION, THE AMOUNT OF THE CREDIT IS FIFTY PERCENT OF A
2 LANDOWNER'S COSTS INCURRED IN THAT INCOME TAX YEAR IN
3 PERFORMING WILDFIRE MITIGATION MEASURES ON HIS OR HER PROPERTY
4 LOCATED IN A WILDLAND-URBAN INTERFACE AREA WITHIN THE STATE;
5 EXCEPT THAT THE CREDIT CLAIMED IN AN INCOME TAX YEAR SHALL NOT
6 EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.

7 (2) IF THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION
8 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE
9 TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS
10 BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET
11 AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR MAY BE
12 CARRIED FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS'
13 INCOME TAX LIABILITY FOR A PERIOD NOT TO EXCEED FIVE YEARS AND
14 SHALL BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.
15 ANY CREDIT REMAINING AFTER SAID PERIOD SHALL NOT BE REFUNDED OR
16 CREDITED TO THE TAXPAYER.

17 (3) (a) IN THE CASE OF TWO INDIVIDUALS FILING A JOINT RETURN,
18 THE AMOUNT OF THE CREDIT SHALL NOT EXCEED TWO THOUSAND FIVE
19 HUNDRED DOLLARS IN ANY TAXABLE YEAR. IN THE CASE OF A MARRIED
20 INDIVIDUAL WHO FILES A SEPARATE RETURN, ONLY ONE INDIVIDUAL IN THE
21 MARRIAGE MAY CLAIM THE CREDIT SPECIFIED IN THIS SECTION.

22 (b) IN THE CASE OF REAL PROPERTY OWNED AS TENANTS IN
23 COMMON, THE CREDIT ALLOWED PURSUANT TO THIS SECTION IS ONLY
24 ALLOWED FOR ONE OF THE INDIVIDUALS OF THE OWNERSHIP GROUP.

25 (4) FOR PURPOSES OF THIS SECTION:

26 (a) "COLORADO STATE FOREST SERVICE" MEANS THE COLORADO
27 STATE FOREST SERVICE IDENTIFIED IN SECTION 23-31-302, C.R.S.

1 (b) "COSTS" MEANS ANY ACTUAL OUT-OF-POCKET EXPENSE
2 INCURRED AND PAID BY THE LANDOWNER, DOCUMENTED BY RECEIPT, FOR
3 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE
4 ANY INSPECTION OR CERTIFICATION FEES, IN-KIND CONTRIBUTIONS,
5 DONATIONS, INCENTIVES, OR COST SHARING ASSOCIATED WITH
6 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE
7 EXPENSES PAID BY THE LANDOWNER FROM ANY GRANTS AWARDED TO THE
8 LANDOWNER FOR PERFORMING WILDFIRE MITIGATION MEASURES.

9 (c) "LANDOWNER" MEANS ANY OWNER OF RECORD OF PRIVATE
10 LAND LOCATED WITHIN THE STATE, INCLUDING ANY EASEMENT,
11 RIGHT-OF-WAY, OR ESTATE IN THE LAND, AND INCLUDES THE HEIRS,
12 SUCCESSORS, AND ASSIGNS OF SUCH LAND, AND SHALL NOT INCLUDE ANY
13 PARTNERSHIP, S CORPORATION, OR OTHER SIMILAR ENTITY THAT OWNS
14 PRIVATE LAND AS AN ENTITY.

15 (d) "WILDFIRE MITIGATION MEASURES" MEANS THE CREATION OF
16 A DEFENSIBLE SPACE AROUND STRUCTURES; THE ESTABLISHMENT OF FUEL
17 BREAKS; THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
18 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILDLAND FIRE; OR
19 THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING AND
20 SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR PRESCRIBED
21 BURNING; SO LONG AS SUCH ACTIVITIES MEET OR EXCEED ANY COLORADO
22 STATE FOREST SERVICE STANDARDS OR ANY OTHER APPLICABLE STATE
23 RULES.

24 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2026.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2014 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 14-0198.02 Thomas Morris x4218

SENATE BILL

SENATE SPONSORSHIP

Nicholson, Tochtrop, Jones

HOUSE SPONSORSHIP

Exum,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING A GRANT PROGRAM TO INCREASE LOCAL FIREFIGHTER**
102 **SAFETY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. Until July 1, 2013, the wildfire preparedness fund received an annual \$3.25 million transfer from the mineral leasing fund; last year the general assembly substituted a portion of insurance premium taxes as the source of revenues for this fund.

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.

Section 1 of the bill directs the state treasurer to annually transfer, for 5 state fiscal years, \$3.25 million from the mineral leasing fund to a newly created local firefighter safety fund.

Section 2:

- Creates the local firefighter safety and disease prevention fund and uses it for a need-based grant program to provide funding or reimbursement to local government governing bodies for equipment and training designed to increase firefighter safety and prevent occupation-related diseases;
- Directs the director of the division of fire safety and control to promulgate rules governing the award of the grants, including consideration of the recommendations of the fire service training, certification, and firefighter safety advisory board and the governing body's other fund-raising efforts; and
- Allows the division to expend up to 3% per year from the fund for its direct and indirect costs in administering the grant program.

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

SECTION 1. In Colorado Revised Statutes, 34-63-102, **amend** (5.4) (b) (II) as follows:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee - local government permanent fund created - definitions - repeal. (5.4) Except as otherwise provided in subsection (5.5) of this section, on and after July 1, 2008, all moneys other than bonus payments, as defined in paragraph (b) of subsection (5.3) of this section, credited to the mineral leasing fund created in subparagraph (II) of paragraph (a) of subsection (1) of this section shall be distributed on a quarterly basis for quarters beginning on July 1, October 1, January 1, and April 1 of each state fiscal year as follows:

(b) (II) Notwithstanding any other provision of this section, in the FIVE fiscal years commencing ON OR AFTER July 1, 2012, and July 1, 2013, unless another source of funding becomes available 2014, the

1 executive director of the department of local affairs shall transfer, prior
2 to any other distribution specified in this paragraph (b), three million two
3 hundred fifty thousand dollars of the moneys available for grant
4 applications pursuant to this paragraph (b) to the state treasurer, who shall
5 credit the moneys to the ~~wildfire preparedness~~ LOCAL FIREFIGHTER
6 SAFETY AND DISEASE PREVENTION fund created in section ~~24-33.5-1227~~
7 24-33.5-1229, C.R.S. The division of fire prevention and control in the
8 department of public safety, created pursuant to section 24-33.5-1201,
9 C.R.S., shall annually report on the use of the moneys transferred
10 pursuant to this subparagraph (II) to the department of local affairs, the
11 office of state planning and budgeting, and the general assembly. This
12 subparagraph (II) is repealed, effective July 1, ~~2016~~ 2020.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1229 as
14 follows:

15 **24-33.5-1229. Local firefighter safety and disease prevention**
16 **fund - creation - grants - rules.** (1) THERE IS HEREBY CREATED IN THE
17 STATE TREASURY THE LOCAL FIREFIGHTER SAFETY AND DISEASE
18 PREVENTION FUND. THE FUND CONSISTS OF ALL MONEYS THAT MAY BE
19 APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, ALL PRIVATE
20 AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS
21 THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE
22 FUND, AND ALL MONEYS TRANSFERRED TO THE FUND PURSUANT TO
23 SECTION 34-63-102 (5.4) (b) (II), C.R.S. THE STATE TREASURER SHALL
24 CREDIT ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE
25 FUND TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY
26 CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES
27 INDICATED IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF

1 EACH FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED
2 TO OR REVERT TO THE GENERAL FUND.

3 (2) THE DIVISION SHALL USE THE MONEYS IN THE FUND TO AWARD
4 NEED-BASED GRANTS TO GOVERNING BODIES TO PROVIDE FUNDING OR
5 REIMBURSEMENT FOR EQUIPMENT AND TRAINING DESIGNED TO INCREASE
6 FIREFIGHTER SAFETY AND PREVENT OCCUPATION-RELATED DISEASES. THE
7 DIVISION MAY EXPEND UP TO THREE PERCENT PER YEAR FROM THE FUND
8 FOR ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE GRANT
9 PROGRAM. THE GENERAL ASSEMBLY INTENDS THAT THE NEED-BASED
10 GRANTS FROM THE FUND ARE IN ADDITION TO, AND DO NOT SUPPLANT,
11 OTHER SOURCES OF FUNDING TO GOVERNING BODIES REGARDING
12 FIREFIGHTING.

13 (3) THE DIRECTOR SHALL PROMULGATE RULES GOVERNING THE
14 AWARD OF GRANTS PURSUANT TO SUBSECTION (2) OF THIS SECTION,
15 INCLUDING CONSIDERATION OF:

16 (a) THE RECOMMENDATIONS OF THE FIRE SERVICE TRAINING,
17 CERTIFICATION, AND FIREFIGHTER SAFETY ADVISORY BOARD, CREATED IN
18 SECTION 24-33.5-1204 (1), CONCERNING AWARD APPLICATIONS;

19 (b) THE FINDINGS OF THE COLORADO FIRE SERVICE NEEDS
20 ASSESSMENT, WHICH THE DIVISION SHALL CONDUCT AT LEAST EVERY
21 OTHER YEAR; AND

22 (c) A GOVERNING BODY'S EFFORTS TO FINANCE EQUIPMENT AND
23 TRAINING DESIGNED TO INCREASE FIREFIGHTER SAFETY OTHER THAN
24 THROUGH AN AWARD OF A GRANT PURSUANT TO THIS SECTION.

25 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1204,
26 **amend** (1) as follows:

27 **24-33.5-1204. Voluntary education and training program -**

1 **voluntary certification of firefighters, first responders, and**
2 **hazardous materials responders - advisory board.** (1) For the
3 purposes of advising the director on the administration of the voluntary
4 fire service education and training program within the division of fire
5 prevention and control, THE LOCAL FIREFIGHTER SAFETY AND DISEASE
6 PREVENTION GRANT PROGRAM CREATED IN SECTION 24-33.5-1229, and the
7 voluntary firefighter, first responder, and hazardous materials responder
8 certification programs, there is hereby created in the division of fire
9 prevention and control the fire service training and certification advisory
10 board, referred to in this part 12 as the "advisory board", to serve as an
11 advisory board to the director.

12 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1205, **add**
13 (5) as follows:

14 **24-33.5-1205. Duties of the director and the advisory board.**
15 (5) THE ADVISORY BOARD HAS THE FOLLOWING DUTIES RELATING TO THE
16 LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION GRANT PROGRAM
17 CREATED IN SECTION 24-33.5-1229:

18 (a) TO ADVISE THE DIRECTOR ON THE PROMULGATION OF RULES
19 GOVERNING THE LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION
20 GRANT PROGRAM; AND

21 (b) TO REVIEW AND CONSIDER APPLICATIONS FOR GRANTS AND
22 MAKE RECOMMENDATIONS TO THE DIRECTOR ON THE AWARD OF GRANTS
23 UNDER THE PROGRAM.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL F

LLS NO. 14-0236.01 Duane Gall x4335

SENATE BILL

SENATE SPONSORSHIP

Tochtrop and Roberts,

HOUSE SPONSORSHIP

(None),

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PAYMENT OF DEATH BENEFITS FOR SEASONAL
102 WILDLAND FIREFIGHTERS KILLED IN THE LINE OF DUTY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The bill directs the division of fire prevention and control (division), within the department of public safety, to make a lump-sum payment of \$10,000 to the survivors of a seasonal wildland firefighter employed by the state or a local government and killed in the line of duty. The director of the division is

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.

authorized to adopt rules as necessary for the funding and administration of death benefits.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and determines that:

4 (a) The number, intensity, and complexity of wildfires in Colorado
5 have been growing exponentially in recent years, and experts predict that
6 this trend is likely to continue for decades;

7 (b) Wildfire respects no jurisdictional boundaries, and when a
8 large wildland fire occurs, firefighters come from near and far to render
9 assistance;

10 (c) Many of the firefighters that come to the aid of the state to
11 serve and protect Colorado's residents and visitors are seasonal wildland
12 firefighters who receive few, if any, health or insurance benefits; and

13 (d) In the event of a line-of-duty death of a seasonal wildland
14 firefighter, there may be burial costs and out-of-pocket expenses that
15 must be borne by survivors of the fallen firefighter.

16 (2) The general assembly therefore declares that, to honor the
17 service and sacrifice of seasonal wildland firefighters who are killed in
18 the line of duty in Colorado, the state should assist the survivors of the
19 fallen firefighter with burial costs and out-of-pocket expenses by
20 providing a lump-sum death payment.

21 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1202, **add**
22 (12.5) as follows:

23 **24-33.5-1202. Definitions.** As used in this part 12, unless the
24 context otherwise requires:

25 (12.5) "SEASONAL WILDLAND FIREFIGHTER" MEANS A TEMPORARY

1 EMPLOYEE OF A GOVERNING BODY OR A STATE AGENCY WHO IS TRAINED
2 AND QUALIFIED AS A WILDLAND FIREFIGHTER AND WHOSE DUTIES INCLUDE
3 RESPONDING TO WILDLAND FIRE EMERGENCY INCIDENTS AND ASSISTING
4 IN WILDLAND FIRE SUPPRESSION.

5 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1203, **add**
6 (1) (v) as follows:

7 **24-33.5-1203. Duties of division.** (1) The division shall perform
8 the following duties:

9 (v) ADMINISTER THE FUNDING AND PAYMENT OF DEATH BENEFITS
10 FOR SEASONAL WILDLAND FIREFIGHTERS IN ACCORDANCE WITH SECTION
11 24-33.5-1229.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-1229 as
13 follows:

14 **24-33.5-1229. Lump-sum death benefits for seasonal wildland**
15 **firefighters - rules.** (1) IF THE DIRECTOR DETERMINES THAT AN ELIGIBLE
16 SEASONAL WILDLAND FIREFIGHTER HAS DIED AS THE DIRECT AND
17 PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED IN THE LINE OF
18 DUTY IN COLORADO, THE DIVISION SHALL PAY A BENEFIT OF TEN
19 THOUSAND DOLLARS AS FOLLOWS, IF THE PAYEE INDICATED IS LIVING ON
20 THE DATE ON WHICH THE DETERMINATION IS MADE:

21 (a) IF THERE IS NO CHILD WHO SURVIVED THE SEASONAL WILDLAND
22 FIREFIGHTER, TO THE SURVIVING SPOUSE OF THE SEASONAL WILDLAND
23 FIREFIGHTER;

24 (b) IF THERE IS AT LEAST ONE CHILD WHO SURVIVED THE SEASONAL
25 WILDLAND FIREFIGHTER AND A SURVIVING SPOUSE OF THE SEASONAL
26 WILDLAND FIREFIGHTER, FIFTY PERCENT TO THE SURVIVING CHILD OR
27 CHILDREN, IN EQUAL SHARES, AND FIFTY PERCENT TO THE SURVIVING

1 SPOUSE;

2 (c) IF THERE IS NO SURVIVING SPOUSE OF THE SEASONAL WILDLAND
3 FIREFIGHTER, TO THE SURVIVING CHILD OR CHILDREN, IN EQUAL SHARES;

4 (d) IF THERE IS NO SURVIVING SPOUSE OF THE SEASONAL
5 WILDLAND FIREFIGHTER AND NO SURVIVING CHILD:

6 (I) TO THE SURVIVING INDIVIDUAL OR INDIVIDUALS DESIGNATED
7 BY THE SEASONAL WILDLAND FIREFIGHTER IN THE MOST RECENTLY
8 EXECUTED DESIGNATION OF BENEFICIARY ON FILE AT THE TIME OF DEATH
9 WITH THE GOVERNING BODY OR STATE AGENCY, APPORTIONED IN
10 ACCORDANCE WITH THE DESIGNATION OF BENEFICIARY OR, IF
11 APPORTIONMENT IS NOT INDICATED, IN EQUAL SHARES; OR

12 (II) IF THERE IS NO INDIVIDUAL QUALIFYING UNDER
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), TO THE SURVIVING
14 BENEFICIARIES UNDER THE MOST RECENTLY EXECUTED LIFE INSURANCE
15 POLICY OF THE SEASONAL WILDLAND FIREFIGHTER ON FILE AT THE TIME OF
16 DEATH WITH THE GOVERNING BODY OR STATE AGENCY, APPORTIONED IN
17 ACCORDANCE WITH THE INSURANCE POLICY OR, IF APPORTIONMENT IS NOT
18 INDICATED, IN EQUAL SHARES;

19 (e) IF THERE IS NO INDIVIDUAL QUALIFYING UNDER PARAGRAPH
20 (a), (b), (c), OR (d) OF THIS SUBSECTION (1), TO THE SURVIVING PARENT OR
21 PARENTS, IN EQUAL SHARES, OF THE SEASONAL WILDLAND FIREFIGHTER.

22 (2) ELIGIBILITY FOR PAYMENT IN ACCORDANCE WITH SUBSECTION
23 (1) OF THIS SECTION ALSO EXTENDS TO THE SURVIVOR OR SURVIVORS OF
24 A SEASONAL WILDLAND FIREFIGHTER WHO DIES AFTER SEPARATION FROM
25 SERVICE WITH THE GOVERNING AGENCY BODY OR STATE AGENCY IF THE
26 DEATH RESULTED FROM AN INJURY SUSTAINED IN THE LINE OF DUTY IN
27 COLORADO.

1 (3) NO BENEFIT SHALL BE PAID UNDER THIS SECTION IF:

2 (a) THE FATAL OR CATASTROPHIC INJURY WAS CAUSED BY THE
3 INTENTIONAL MISCONDUCT OF THE SEASONAL WILDLAND FIREFIGHTER OR
4 BY HIS OR HER INTENTION TO BRING ABOUT HIS OR HER OWN DEATH,
5 DISABILITY, OR INJURY; OR

6 (b) THE SEASONAL WILDLAND FIREFIGHTER WAS VOLUNTARILY
7 INTOXICATED OR UNDER THE INFLUENCE OF AN ILLEGAL SUBSTANCE AT
8 THE TIME OF HIS OR HER FATAL OR CATASTROPHIC INJURY.

9 (4) THE DIRECTOR MAY MAKE PAYMENTS UNDER THIS SECTION
10 FROM ANY FUND THE DIRECTOR ADMINISTERS, AND THAT FUND WILL BE
11 REIMBURSED BY A REGULAR OR SUPPLEMENTAL APPROPRIATION BY THE
12 GENERAL ASSEMBLY. THE DIVISION IS ALSO AUTHORIZED TO PURCHASE A
13 GROUP LIFE INSURANCE POLICY TO PROVIDE BENEFITS IN ACCORDANCE
14 WITH THIS SECTION.

15 (5) THE DIRECTOR MAY ADOPT RULES AS NECESSARY TO
16 IMPLEMENT THIS SECTION.

17 **SECTION 5. 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.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL G

LLS NO. 14-0237.01 Bob Lackner x4350

SENATE BILL

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

(None),

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE IMMUNITY OF PUBLIC AGENCIES AGAINST LIABILITY
102 ARISING FROM THE WILDFIRE MITIGATION ACTIVITIES OF
103 INSURANCE COMPANIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The bill extends existing protections held by public agencies concerning immunity from civil liability to immunize such agencies from the acts of an insurer or insurance company, corporation, association, or partnership (insurer),

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.

including any employees, contractors, or agents (agents), engaged in activities intended to protect the insurable private property interests of the insurer's policyholders from damage.

The bill further specifies that neither an insurer nor any of its agents engaged in activities intended to protect the insurable private property interests of the insurer's policyholders from damage constitute a private organization entitled to immunity from liability under the statute nor is any agent of the insurer a volunteer for purposes of the "Colorado Governmental Immunity Act", regardless of whether such activities may be subject to the direction of a local emergency planning committee or a state or local fire or law enforcement agency.

The bill authorizes an insurer to provide services protecting the property of its policyholders in the course of an emergency. The division of insurance may promulgate rules to implement this provision.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1505,
3 **amend** (1) and (1.5) as follows:

4 **24-33.5-1505. Immunity.** (1) EXCEPT FOR WILLFUL AND WANTON
5 ACTS OR OMISSIONS, no state commission or agency or county or
6 municipal agency, including local emergency planning committees,
7 citizen corps councils, fire protection districts, and volunteer fire,
8 ambulance, or emergency service and rescue groups, nor their officers,
9 officials, directors, employees, or volunteers, when engaged in emergency
10 planning, service, or response activities regarding a hazardous material
11 release, threat of release, or act of terrorism, shall be liable for:

12 (a) The death of or injury to any person or for the loss of or
13 damage to property or the environment resulting from the hazardous
14 material release, threat of release, or act of terrorism; ~~except for willful~~
15 ~~and wanton acts or omissions:~~ OR

16 (b) THE ACTS OF AN INSURER OR INSURANCE COMPANY,
17 CORPORATION, ASSOCIATION, OR PARTNERSHIP, INCLUDING ANY

1 EMPLOYEES, CONTRACTORS, OR AGENTS, ENGAGED IN ACTIVITIES
2 INTENDED TO PROTECT THE INSURABLE PRIVATE PROPERTY INTERESTS OF
3 THE INSURER'S POLICYHOLDERS FROM HARM, LOSS, DAMAGE, OR
4 DESTRUCTION.

5 (1.5) (a) No private organization or any of its officers, officials,
6 directors, employees, or volunteers, when working under the direction of
7 a local emergency planning committee or state or local fire or law
8 enforcement agency and when engaged in emergency planning, training,
9 or response activities regarding a hazardous material release, threat of
10 release, or act of terrorism, shall be liable for the death of or injury to any
11 person or for the loss of or damage to property or the environment
12 resulting from the hazardous material release, threat of release, or act of
13 terrorism, except for willful and wanton acts or omissions.

14 (b) AN INSURER, INSURANCE COMPANY, CORPORATION,
15 ASSOCIATION, OR PARTNERSHIP, INCLUDING ANY EMPLOYEES,
16 CONTRACTORS, OR AGENTS, ENGAGED IN ACTIVITIES INTENDED TO
17 PROTECT THE INSURABLE PRIVATE PROPERTY INTERESTS OF THE INSURER'S
18 POLICYHOLDERS FROM HARM, LOSS, DAMAGE, OR DESTRUCTION DOES NOT
19 CONSTITUTE A PRIVATE ORGANIZATION ENTITLED TO IMMUNITY FROM
20 LIABILITY UNDER THE PROVISIONS OF THIS SECTION, AND AN EMPLOYEE,
21 CONTRACTOR, OR AGENT OF THE INSURER IS NOT A VOLUNTEER AS THAT
22 TERM IS DEFINED OR CONSTRUED IN ACCORDANCE WITH THE PROVISIONS
23 OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF
24 THIS TITLE, REGARDLESS OF WHETHER SUCH ACTIVITIES MAY BE SUBJECT
25 TO THE DIRECTION OF A LOCAL EMERGENCY PLANNING COMMITTEE OR A
26 STATE OR LOCAL FIRE OR LAW ENFORCEMENT AGENCY.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 10-4-121 as

1 follows:

2 **10-4-121. Authority of insurer to protect policyholders'**
3 **property - emergency - rules.** NOTWITHSTANDING ANY OTHER
4 PROVISION OF LAW, AN INSURER MAY PROVIDE SERVICES PROTECTING THE
5 PROPERTY OF ITS POLICYHOLDERS IN THE EVENT OF AN EMERGENCY. THE
6 DIVISION MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

7 **SECTION 3. Effective date.** This act takes effect July 1, 2014.

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

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL H

LLS NO. 14-0284.01 Kate Meyer x4348

SENATE BILL

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

(None),

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE WILDFIRE INFORMATION AND
102 RESOURCE CENTER IN THE DIVISION OF FIRE PREVENTION AND
103 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The bill creates the wildfire information and resource center in the division of fire prevention and control in the department of public safety.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1203, **add**
3 (1) (v) as follows:

4 **24-33.5-1203. Duties of division.** (1) The division shall perform
5 the following duties:

6 (v) ESTABLISH AND OPERATE THE WILDFIRE INFORMATION AND
7 RESOURCE CENTER CREATED IN SECTION 24-33.5-1229.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1229 as
9 follows:

10 **24-33.5-1229. Wildfire information and resource center.**

11 (1) (a) IN ORDER TO IMPROVE PROTECTION OF THE PUBLIC BY ENHANCING
12 ACCESS TO INFORMATION BY HOMEOWNERS, WILDLAND FIRE
13 PROFESSIONALS, THE MEDIA, AND EDUCATORS, THERE IS HEREBY CREATED
14 IN THE DIVISION THE WILDFIRE INFORMATION AND RESOURCE CENTER,
15 ALSO REFERRED TO IN THIS SECTION AS THE "CENTER".

16 (b) THE CENTER MUST BE OPERATIONAL WITHIN SIXTY DAYS OF
17 THE EFFECTIVE DATE OF THIS SECTION.

18 (2) (a) THE CENTER IS AN ON-LINE SOURCE OF WILDFIRE
19 INFORMATION FOR HOMEOWNERS, WILDLAND FIRE PROFESSIONALS, THE
20 MEDIA, AND EDUCATORS.

21 (b) THE CENTER'S WEB SITE MUST INCLUDE INFORMATION, OR
22 HYPERLINKS TO INFORMATION, REGARDING:

23 (I) CURRENT WILDFIRES IN COLORADO;

24 (II) HOW TO PREVENT AND PREPARE FOR A WILDFIRE;

25 (III) STATEWIDE FIRE DANGER AND CURRENT BURNING
26 RESTRICTIONS;

1 (IV) CURRENT PRESCRIBED BURN ACTIVITY, WITH CONTACT
2 INFORMATION FOR THE RESPONSIBLE AGENCY;

3 (V) WILDLAND AND PRESCRIBED FIRE TRAINING;

4 (VI) SOURCES OF FUNDING FOR WILDFIRE MITIGATION ACTIVITIES;

5 AND

6 (VII) OTHER INFORMATION THAT THE DIRECTOR DEEMS
7 PERTINENT, SUCH AS RESULTS OF LOCAL, STATE, OR NATIONAL RESEARCH
8 RELATED TO WILDFIRE.

9 (3) THE DIRECTOR MAY FULFILL ANY OF THE DUTIES CONTAINED
10 IN SUBSECTION (2) OF THIS SECTION THROUGH THE USE OF PUBLIC-PRIVATE
11 PARTNERSHIPS WITH ONE OR MORE PRIVATE OR PUBLIC ENTITIES.

12 (4) (a) THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS,
13 GRANTS, DONATIONS, OR REIMBURSEMENTS FROM PRIVATE OR PUBLIC
14 SOURCES FOR THE PURPOSES OF THIS SECTION.

15 (b) THE GENERAL ASSEMBLY FINDS THAT THE IMPLEMENTATION OF
16 THIS SECTION DOES NOT RELY ENTIRELY OR IN ANY PART ON THE RECEIPT
17 OF ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS.
18 THEREFORE, THE DIVISION IS NOT SUBJECT TO THE NOTICE REQUIREMENTS
19 SPECIFIED IN SECTION 24-75-1303 (3).

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

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL I

LLS NO. 14-0238.01 Kate Meyer x4348

HOUSE BILL

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CORRECTIONS TO STATUTORY PROVISIONS RELATING TO
102 THE PRESCRIBED BURNING PROGRAM ADMINISTERED BY THE
103 DIVISION OF FIRE PREVENTION AND CONTROL IN THE
104 DEPARTMENT OF PUBLIC SAFETY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Wildfire Matters Review Committee. Senate bill 13-083 created a prescribed burning program under the division of fire prevention and

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control (division) in the department of public safety. The bill makes the following technical corrections to the laws pertaining to that program:

- In order to better conform to nationally accepted terminology, the bill replaces the term "certified prescribed burn manager" with "certified burner".
- Currently, prescribed burning standards promulgated by the director of the division must require that either a person certified by the division as a burn manager or a person qualified by national wildfire coordinating group standards as a prescribed burn boss to be present at a prescribed burn site. The bill withdraws the former from the category of persons qualified to attend to the burn.
- When a prescribed fire has been deemed escaped, current law requires that "contingency actions" be taken. The bill refers instead to "suppression actions" in such circumstances.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1202, **repeal**
3 (3.1); and **add** (2.3) as follows:

4 **24-33.5-1202. Definitions.** As used in this part 12, unless the
5 context otherwise requires:

6 (2.3) "CERTIFIED BURNER" MEANS AN INDIVIDUAL WHO
7 SUCCESSFULLY COMPLETES THE DIVISION'S CERTIFIED BURNER TRAINING
8 AND CERTIFICATION PROGRAM AND POSSESSES A VALID CERTIFICATION
9 NUMBER.

10 ~~(3.1) "Certified prescribed burn manager" means an individual~~
11 ~~who successfully completes the division's certified burner training and~~
12 ~~certification program and possesses a valid certification number.~~

13 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1217,
14 **amend** (3) (b) (I), (3) (b) (II), (4), and (5) (a) (II) (A) as follows:

15 **24-33.5-1217. Prescribed burning program - training and**
16 **certification of certified burners - rules - fees.** (3) (b) (I) Nothing in

1 this section requires a private landowner to be certified by the division as
2 a ~~prescribed burn manager~~ CERTIFIED BURNER or qualified by national
3 wildfire coordinating group standards as a prescribed burn boss to
4 conduct prescribed fire on ~~their~~ THE LANDOWNER'S own property.

5 (II) A private landowner or the landowner's designee who is
6 certified by the division as a ~~prescribed burn manager~~ CERTIFIED BURNER
7 or qualified by national wildfire coordinating group standards as a
8 prescribed burn boss is not liable for any civil damages for acts or
9 omissions made in good faith resulting in damage or injury caused by fire
10 or smoke resulting from prescribed burns they conduct on ~~their~~ THE
11 LANDOWNER'S own property and in compliance with applicable state laws
12 and local ordinances, unless such private landowner's or designee's acts
13 or omissions are grossly negligent or willful and wanton.

14 (4) The director, by rule, may establish a fee at an amount not to
15 exceed the amount required to recover all direct costs that the division
16 incurs in providing training to and processing applications for persons
17 seeking certification as certified ~~prescribed burn managers~~ BURNERS
18 pursuant to this section. Any fees so collected shall be deposited into the
19 firefighter, first responder, hazardous materials responder, and prescribed
20 fire training and certification fund created in section 24-33.5-1207.

21 (5) (a) The director, in consultation with the Colorado state forest
22 service as described in part 3 of article 31 of title 23, C.R.S., and in
23 accordance with article 4 of this title:

24 (II) Shall adopt rules and standards:

25 (A) Pertaining to the training and certification of ~~prescribed burn~~
26 ~~managers~~ CERTIFIED BURNERS, including training components; application
27 processes; qualification for and terms and durations of certification; types

1 of certification, if applicable; grounds and processes for renewal,
2 suspension, and revocation of certifications; and training, certification,
3 and renewal fees; and

4 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1217.5,
5 **amend** (1) (c) introductory portion, as follows:

6 **24-33.5-1217.5. Minimum prescribed burning standards.**

7 (1) The prescribed burning standards adopted by the director pursuant to
8 section 24-33.5-1217 (5) (a) (II) (B) must, at a minimum:

9 (c) Require at least one person, who must be ~~either certified by the~~
10 ~~division as a prescribed burn manager or~~ qualified by national wildfire
11 coordinating group standards as a prescribed burn boss at the level
12 commensurate with the complexity of the burn, to be present on site:

13 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1217.7,
14 **amend** (1) as follows:

15 **24-33.5-1217.7. Escaped prescribed fires.** (1) If a prescribed
16 fire exceeds the control capability of on-site resources, the fire is deemed
17 to be escaped, and ~~contingency~~ SUPPRESSION actions shall be taken
18 immediately to bring the escape under control.

19 **SECTION 5. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

RESOLUTION A

LLS NO. R14-0234.01 Ashley Zimmerman x2291

SENATE Joint Resolution

SENATE SPONSORSHIP

Jones and Nicholson, Tochtrop

HOUSE SPONSORSHIP

Exum,

Senate Committees

House Committees

COMMITTEE JOINT RESOLUTION

101 CONCERNING THE GRANITE MOUNTAIN INTERAGENCY HOTSHOT
102 FIREFIGHTING CREW, AND, IN CONNECTION THEREWITH,
103 HONORING THE SERVICE AND SACRIFICE OF THE 19 MEMBERS OF
104 THE CREW WHO LOST THEIR LIVES ON JUNE 30, 2013, WHILE
105 BATTLING THE YARNELL HILL FIRE IN ARIZONA.

1 WHEREAS, The Granite Mountain Interagency Hotshot Crew, of
2 the Prescott, Arizona Fire Department (Granite Mountain Hotshots), was
3 founded as a fuels mitigation crew in 2002, and became the first
4 municipal hotshot crew in the United States; and

5 WHEREAS, Hotshot crews are intensively trained wildland
6 firefighters that are placed in the most rugged terrain on the most active

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1 and difficult areas of wildfires; and

2 WHEREAS, The Granite Mountain Hotshots are an elite ground
3 firefighting crew, which hailed from diverse backgrounds and worked
4 long hours in extreme environmental conditions while performing
5 physically demanding fireline tasks; and

6 WHEREAS, When large wildfires occur in Colorado and
7 elsewhere, firefighters come from near and far to render assistance. Such
8 was the case with the Granite Mountain Hotshots, who, since becoming
9 qualified as an Interagency Hotshot Crew in 2008, assisted on the
10 following fires in Colorado:

- 11 ● The Coal Creek Fire in the BLM White River District from
12 September 2nd through September 4th, 2011;
- 13 ● The Hay Fire in the BLM White River District from
14 September 4th through September 5th, 2011;
- 15 ● The Karren Place Fire in the BLM White River District
16 from September 5th through September 11th, 2011;
- 17 ● The Reservoir Road Fire in Larimer County from
18 September 13 through September 19, 2010; and

19 WHEREAS, Colorado owes a debt of gratitude to the Granite
20 Mountain Hotshots for their service to the State; and

21 WHEREAS, On June 30, 2013, 19 members of the Granite
22 Mountain Hotshots gave their lives battling the Yarnell Hill Fire in
23 Yavapai County, Arizona; and

24 WHEREAS, The loss of these 19 firefighters makes the Yarnell
25 Hill Fire the worst wildland firefighter fatality incident in the United
26 States in 80 years; and

27 WHEREAS, The 19 members of the Granite Mountain Hotshots
28 who lost their lives are:

- 29 ● Eric Marsh, who was 43 years old and a native of Ashe
30 County, North Carolina, served as the crew's
31 superintendent;
- 32 ● Jesse Steed, who was 36 years old and a native of
33 Cottonwood, Arizona, served as the crew's captain;
- 34 ● Clayton Whitted, who was 28 years old, was a native of

- 1 Prescott, Arizona;
- 2 ● Robert Caldwell, who was 23 years old, was a native of
- 3 Prescott, Arizona, and was the cousin of Grant McKee,
- 4 who also perished battling the Yarnell Hill Fire;
- 5 ● Travis Carter, who was 31 years old, was a native of
- 6 Prescott, Arizona;
- 7 ● Christopher MacKenzie, who was 30 years old, was a
- 8 native of Hemet, California;
- 9 ● Travis Turbyfill, who was 27 years old, was a native of
- 10 Prescott, Arizona;
- 11 ● Andrew Ashcraft, who was 29 years old, was a native of
- 12 Prescott, Arizona;
- 13 ● Joe Thurston, who was 32 years old, was a native of Cedar
- 14 City, Utah;
- 15 ● Wade Parker, who was 22 years old, was a native of Chino
- 16 Valley, Arizona;
- 17 ● Anthony Rose, who was 23 years old, was a native of Zion,
- 18 Illinois;
- 19 ● Garret Zuppiger, who was 27 years old, was a native of
- 20 Phoenix, Arizona;
- 21 ● Scott Norris, who was 28 years old, was a native of
- 22 Prescott, Arizona;
- 23 ● Dustin DeFord, who was 24 years old, was born in
- 24 Baltimore, Maryland and raised in Ekalaka, Montana;
- 25 ● William "Billy" Warneke, who was 25 years old, was a
- 26 native of Hemet, California;
- 27 ● Kevin Woyjeck, who was 21 years old, was a native of Seal
- 28 Beach, California;
- 29 ● John Percin, Jr., who was 24 years old, was a native of
- 30 West Linn, Oregon;
- 31 ● Grant McKee, who was 21 years old, was a native of
- 32 Newport Beach, California, and was the cousin of Robert
- 33 Caldwell, who also perished battling the Yarnell Hill Fire;
- 34 and
- 35 ● Sean Misner, who was 26 years old, was a native of Goleta,
- 36 California; now, therefore,

37 *Be It Resolved by the Senate of the Sixty-ninth General Assembly*

38 *of the State of Colorado, the House of Representatives concurring herein:*

39 That we, the members of the Colorado General Assembly:

1 (1) Commend the bravery and sacrifice made by the fallen heroes
2 of the Prescott Fire Department's Granite Mountain Interagency Hotshot
3 Crew;

4 (2) Extend our deepest condolences and sympathy to the surviving
5 families of these 19 firefighters lost in the line of duty; and

6 (3) Express our appreciation for the service of the Granite
7 Mountain Hotshots to the state of Colorado.

8 *Be It Further Resolved*, That copies of this Joint Resolution be sent
9 to the Prescott, Arizona Fire Chief; Michael Morgan, President of
10 Colorado State Fire Chiefs; and Paul Cooke, Director of the Division of
11 Fire Prevention and Control in the Department of Public Safety.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

RESOLUTION B

LLS NO. R14-0235.01 Kate McCarthy

SENATE Joint Resolution

SENATE SPONSORSHIP

Roberts and Nicholson, Tochtrop

HOUSE SPONSORSHIP

Exum,

Senate Committees

House Committees

COMMITTEE JOINT RESOLUTION

101 CONCERNING THE COLORADO NATIONAL GUARD AND, IN CONNECTION
102 THEREWITH, HONORING GUARD MEMBERS FOR THEIR
103 FIREFIGHTING EFFORTS.

1 WHEREAS, Since 1860, the men and women of the Colorado
2 Army National Guard and Air National Guard have served our country in
3 wartime and peace, "always ready, always there", as the first military
4 responders to domestic emergencies affecting our communities, this state,
5 and the nation; and

6 WHEREAS, The frequency and severity of wildfires in Colorado
7 is increasing, and when large wildfires occur in Colorado, members of the
8 Colorado Army National Guard and Air National Guard are frequently
9 called upon to assist civil authorities in their firefighting efforts; and

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1 WHEREAS, During the past two years, more than 120 members
2 of the Colorado Army National Guard and Air National Guard have
3 received training in wildland firefighting and have been equipped to
4 support wildland fire suppression efforts; and

5 WHEREAS, Members of the Colorado Army National Guard and
6 Air National Guard have been called upon to assist firefighting efforts at
7 many fires across the state, including the High Park fire in Larimer
8 county, the Waldo Canyon fire in El Paso county, the Fern Lake fire in
9 Larimer county, the Black Forest fire in El Paso county, the East Peak fire
10 in Huerfano county, the Lime Gulch fire in Jefferson county, and the
11 West Fork Fire Complex in southern Colorado; and

12 WHEREAS, On June 11, 2013, 14 soldiers of the Colorado Army
13 National Guard's 1157th Engineer Firefighter Company joined more than
14 120 other members of the Colorado Army National Guard and Air
15 National Guard who were assisting civil authorities with firefighting
16 support at the Black Forest fire in El Paso county; and

17 WHEREAS, On June 22, 2013, 75 members of the Colorado
18 National Guard mobilized to fight the ongoing fire activity in Colorado,
19 and 15 members of the Colorado Army National Guard's 1-157th Infantry
20 Battalion joined an Interagency Type II Handcrew and deployed to the
21 East Peak fire in Huerfano county and spent 5 days securing the line on
22 this fire; now, therefore,

23 *Be It Resolved by the Senate of the Sixty-ninth General Assembly*
24 *of the State of Colorado, the House of Representatives concurring herein:*

25 That we, the members of the Colorado General Assembly:

26 (1) Commend the men and women of the Colorado National
27 Guard who have tirelessly assisted civil authorities with wildfire
28 suppression and support;

29 (2) Extend our deep gratitude to the brave and admirable service
30 of the Colorado National Guard; and

31 (3) Affirm that the Colorado National Guard fulfills its motto of
32 "always ready, always there".

1 *Be It Further Resolved*, That copies of this Joint Resolution be sent
2 to Governor John Hickenlooper; Major General H. Michael Edwards, The
3 Adjutant General for Colorado; Brigadier General Peter Byrne, Director
4 of Joint Staff; Michael Hunt, Deputy Executive Director, Colorado
5 Department of Military and Veterans Affairs; General Frank J. Grass,
6 Chief of the National Guard Bureau; and Paul Cooke, Director of the
7 Colorado Division of Fire Prevention and Control.