

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/billsummaries>.)

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

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.

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.