



## **Report to the Colorado General Assembly**

## **Wildfire Matters Review Committee**

*Prepared by*

*The Colorado Legislative Council  
Research Publication No. 653  
December 2015*

# **Wildfire Matters Review Committee**

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***December 2015***

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December 2015

To Members of the Seventieth 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 oversee and review the prevention, mitigation, and financing of wildfire matters in Colorado.

At its meeting on November 10, 2015, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2016 session was approved.

Sincerely,

/s/ Senator Bill Cadman  
Chairman

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***This report is also available on line at:***

<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-wildfire-matters-review-committee>

## **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 Activities**

The committee met four times during the 2015 interim. At all four 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; forest health; homeowner's insurance in the wildland-urban interface; funding needs for various wildfire mitigation and response initiatives, including federal funding; the status of the timber and biomass industries; prescribed burning; wildfire behavior predictability; forest and watershed restoration; stakeholder legislative recommendations; auxiliary emergency communications; and wildfire preparedness efforts undertaken by local governments. Entities represented before the committee included:

- the Department of Public Safety;
- the Division of Fire Prevention and Control;
- the Division of Homeland Security and Emergency Management;
- the Nature Conservancy;
- Colorado State Fire Chiefs;
- County Sheriffs of Colorado;
- the Amateur Radio Relay League;
- the Colorado Department of Public Health and Environment;
- the Colorado Department of Natural Resources;
- the Colorado Emergency Management Association;
- the United States Forest Service;
- the Colorado State Forest Service;
- representatives of the timber and biomass industries;
- forest and watershed health experts;
- the Colorado Municipal League; and
- local governments.

The committee heard public testimony at all four of its meetings, and spent time during meetings undertaking organizational activities and considering draft legislation. Six bills, two resolutions, and one letter were drafted at the request of the committee, which ultimately approved four bills, one resolution, and one memorial. Topics covered and recommendations made by the committee are discussed below.

## **Radio Communication Systems**

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**Radio and auxiliary communications during emergencies.** The committee heard from representatives of the Amateur Radio Relay League's Amateur Radio Emergency Service for the state of Colorado and discussed the role of volunteer amateur radio operators during wildfire emergencies. Bill D, which incorporates the topics discussed by the committee, creates the Auxiliary Emergency Communications Unit (unit) within the Office of Emergency Management in the Division of Homeland Security and Emergency Management (DHSEM) in the Colorado Department of Public Safety (DPS).

The committee also discussed the communication needs during a wildfire emergency, including coverage, funding, consolidated governance, interoperability, and proper training. A draft letter to the DPS regarding a study to find feasible alternatives to radio communications during wildfire events in rural areas was discussed by the committee, but did not go forward.

**Interoperable communication systems.** The committee heard from the DHSEM regarding public safety communication needs in Colorado. Specifically, the committee discussed the Statewide Needs Assessment and Business Plan report on the interoperable communication systems in Colorado used for emergency management and other purposes. Examples of interoperable communication systems utilized in Colorado include:

- digital trunked radio system;
- Front Range Communications Consortium;
- Pikes Peak Regional Communication Network; and
- amateur radio emergency services.

Additional interoperable communication systems may be used in various areas of the state. The DHSEM discussed the coverage range of the current systems and the risks associated with no-coverage zones.

## **Forest Health and Timber Industries**

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**Forest health and watershed restoration.** The committee heard from the Colorado State Forest Service (CSFS), the Nature Conservancy, timber and biomass industry experts, and forest researchers regarding the health of Colorado's forests. Specifically, the density of forests due to the lack of naturally occurring wildfires and lack of proper fire mitigation has increased the severity and dangers associated with wildfires in some areas. The committee discussed the wildfire risk reduction programs administered by the state.

In addition, the committee heard from representatives of water conservation districts on the impact of wildfires on watershed health. Proper forest management and wildfire mitigation efforts can also be used to protect watershed health. Based on the topics covered during this discussion, the committee recommended two bills. Bill B adds broadcast burning to the types of methods that may be awarded grants from the Healthy Forests and Vibrant Communities Cash

Fund and the Forest Restoration Program Cash Fund. Bill C also adds broadcast burning to the types of projects and methods for which the Department of Natural Resources may award grants from the Wildfire Risk Reduction Fund.

**Forest health related to beetle kill and wildfire risks.** The CSFS provided information on the current health of Colorado's forests. In addition, the committee discussed the mitigation programs available to communities and private land owners in forested areas at high risk for wildfire activity.

In addition, studies from the University of Colorado and Colorado State University were discussed. Specifically, these studies found that forest restoration works differently depending on the forest type, environment, and elevation. The committee discussed the potential impacts of beetle-killed trees on wildfire activity.

**Timber and biomass industries.** The committee heard from representatives of forest utilization industries and discussed the timber and biomass industries in Colorado. Specifically, they discussed how private industries can be used to clear and mitigate dense forests in order to reduce wildfire risk. In addition, representatives from biomass industries talked about the types of technologies used to create alternative energy sources in rural areas.

## **Firefighter Safety**

**Firefighter safety and recognition of work.** The committee heard from the Division of Fire Prevention and Control and the Colorado Department of Public Health and Environment (CDPHE) on health and safety concerns related to wildfires. A representative from CDPHE discussed air quality and health issues related to smoke. In addition, the committee discussed methods and resources for protecting the public and emergency responders, which includes efforts to reduce the risks and severity of wildfire activities. The committee discussed, but did not approve a bill that would have clarified terms related to the criminal offense of obstructing a peace officer, firefighter, or other emergency response personnel, and would have transferred or diverted state revenue to firefighter safety and wildfire risk reduction programs.

The committee also discussed the sacrifices made by firefighters during emergency responses. Resolution A honors and recognizes firefighters that have been killed in the line of duty.

## **Local Wildfire Issues**

**Local government authority in wildfire mitigation and suppression.** The committee heard from the County Sheriffs of Colorado, the Colorado Municipal League (CML), and local government representatives on issues related to wildfire mitigation and suppression. Specifically, the committee discussed the potential risks to private property in WUI areas. County representatives spoke on building codes and zoning issues related to new and existing developments in WUI areas.

In addition, CML presented on the various mitigation programs available to municipal governments, including Community Wildfire Protection Plans, Firewise Communities, and Fire Adapted Communities.

***Wildfire risks in the wildland-urban interface areas.*** The committee addressed issues regarding forest management in low-elevation areas and the need to mitigate wildfire risks in the wildland-urban interface (WUI) areas. Representatives from local governments discussed the issues in communities and developments in the WUI areas. Based on the topics covered during this discussion, the committee discussed two bills. Bill A eliminates the wildfire mitigation income tax deduction and creates a wildfire mitigation state income tax credit. Another bill that would have required counties and municipalities that have adopted a building code to also adopt and enforce a wildfire mitigation code was ultimately not approved by the committee.

## **Federal Wildfire Issues**

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***Federal support for wildfire suppression.*** The committee heard from representatives of the U.S. Forest Service regarding the federal government's role in wildfire suppression. The committee discussed the current federal funding for wildfire suppression and mitigation. In response to these concerns, Memorial B asks Congress to fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.

## Summary of Recommendations

As a result of committee discussion and deliberation, the Wildfire Matters Review Committee recommends the following four bills, resolution, and memorial for consideration in the 2016 legislative session:

### **Bill A — Change the Wildfire Mitigation Tax Deduction to a Credit**

Bill A eliminates the wildfire mitigation income tax deduction and creates a wildfire mitigation state income tax credit. The tax credit will be available for tax years 2017 through 2019. The amount of the credit is equal to 25 percent of the costs a landowner incurs performing wildfire mitigation on his or her property located in the WUI. The amount of the credit per tax year cannot exceed \$2,500. Any amount above the limit can be carried forward for five years. Any remaining credit after five years is nonrefundable.

### **Bill B — Use Broadcast Burns to Promote Watershed Restoration**

Bill B adds broadcast burning to the types of projects and methods for which the CSFS may award grants from the Healthy Forests and Vibrant Communities Cash Fund and the Forest Restoration Program Cash Fund.

### **Bill C — Broadcast Burns to Wildfire Risk Reduction Grant Program and Replenish Fund**

Bill C adds broadcast burning to the types of projects and methods for which the Department of Natural Resources may award grants from the Wildfire Risk Reduction Fund, and authorizes the transfer of a total of \$3.0 million into the cash fund: \$1.5 million from the General Fund and \$1.5 million from the Severance Tax Operational Fund.

### **Bill D — Auxiliary Emergency Communication**

Bill D creates the Auxiliary Emergency Communications Unit (unit) within the Office of Emergency Management in the DHSEM in the DPS. The unit has the power to:

- establish programs for the training and credentialing of auxiliary emergency or disaster communicators across the state;
- assume all the duties and responsibilities of the Radio Amateur Civil Emergency Service (RACES); and
- ensure that auxiliary emergency communicators are authorized volunteers entitled to the appropriate protections and benefits of emergency volunteers when assisting local governments with the maintenance or demolition of communication facilities.

Pursuant to this authority, the DPS may develop and issue photo identification cards to auxiliary communicators, conduct criminal background checks, and reimburse emergency communicators for necessary travel and other expenses incurred in performance of their duties.

Finally, the bill increases from 23 to 24 the number of members serving on the Public Safety Communications Subcommittee of the Homeland Security and All-Hazards Senior Advisory

Committee in the DPS. The additional member is the section emergency coordinator for the Amateur Radio Emergency Service of the Colorado section of the Amateur Radio Relay League.

**Resolution A — Recognizing Firefighters Killed in the Line of Duty**

The resolution honors and recognizes firefighters that have been killed in the line of duty.

**Memorial B — Federal Budgets for Catastrophic Wildfire Response**

The memorial requests that Congress fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.

## 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:

<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-wildfire-matters-review-committee>

### Meeting Date and Topics Discussed

August 24, 2015

- ◆ Overview of 2015 Legislation
- ◆ Presentation by the Division of Fire Prevention and Control
- ◆ Presentation by the Colorado State Fire Chiefs
- ◆ Auxiliary Emergency Service
- ◆ Presentation by Colorado State Forest Service
- ◆ Discussion of state fire mitigation programs
- ◆ Public testimony

September 4, 2015

- ◆ Radio technology and operation plans
- ◆ Review of prescribed burning
- ◆ Impacts of wildfires and forest health on watershed
- ◆ Emergency management from county authorities
- ◆ Forest utilization and biomass industries in Colorado
- ◆ Colorado forest restoration studies
- ◆ Public testimony

September 9, 2015

- ◆ Forest and watershed restoration projects
- ◆ Federal perspective on fire management and funding
- ◆ Air quality standards
- ◆ Requests for draft legislation
- ◆ Public testimony

October 30, 2015

- ◆ Consideration of and final action on draft committee legislation
- ◆ Public testimony

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

BILL A

LLS NO. 16-0273.01 Esther van Mourik x4215

HOUSE BILL

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HOUSE SPONSORSHIP

Becker K., Singer

SENATE SPONSORSHIP

None,

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House Committees

Senate Committees

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A BILL FOR AN ACT

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

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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

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

DRAFT *Dashes through the words indicate deletions from existing statute.*

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 owed by what the credit allows. The bill allows a landowner a credit of 25% 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.

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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 declares that:

4 (a) Warm winters, hot and dry summers, severe drought, insect  
5 and disease infestations, years of fire suppression, and population growth  
6 in the wildland-urban interface continue to increase wildfire risk and the  
7 potential for catastrophic wildland fires in Colorado;

8 (b) Mitigating wildfire risk by creating a defensible space around  
9 structures is imperative not only to the home and the homeowner, but also  
10 to the homeowner's community and to the safety of the firefighters called  
11 to defend a home from a wildfire;

12 (c) By creating an adequate defensible space around structures, a  
13 homeowner can give firefighters the safest and best chance to defend the  
14 home from a wildfire; and

15 (d) Offering an income tax credit to a taxpayer for a portion of the  
16 costs of wildfire mitigation measures that the taxpayer incurs is sound  
17 public policy.

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

20 **39-22-104. Income tax imposed on individuals, estates, and**  
21 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted  
22 from federal taxable income:

1 (n.5) (I) (A) For income tax years commencing on or after January  
2 1, 2014, but prior to ~~January 1, 2025~~ JANUARY 1, 2017, an amount equal  
3 to fifty percent of a landowner's costs incurred in performing wildfire  
4 mitigation measures in that income tax year on his or her property located  
5 within the state; except that the amount of the deduction claimed in an  
6 income tax year shall not exceed two thousand five hundred dollars or the  
7 total amount of the landowner's federal taxable income for the income tax  
8 year for which the deduction is claimed, whichever is less.

9 (IV) This paragraph (n.5) is repealed, effective ~~January 1, 2026~~  
10 JANUARY 1, 2018.

11 **SECTION 3.** In Colorado Revised Statutes, **add** 39-22-538 as  
12 follows:

13 **39-22-538. Credit for wildfire mitigation - definitions - repeal.**

14 (1) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1,  
15 2017, BUT PRIOR TO JANUARY 1, 2020, THERE IS ALLOWED A WILDFIRE  
16 MITIGATION TAX CREDIT AGAINST THE INCOME TAXES IMPOSED PURSUANT  
17 TO PART 1 OF THIS ARTICLE. EXCEPT AS PROVIDED IN SUBSECTION (3) OF  
18 THIS SECTION, THE AMOUNT OF THE CREDIT IS TWENTY-FIVE PERCENT OF  
19 A LANDOWNER'S COSTS INCURRED IN THAT INCOME TAX YEAR IN  
20 PERFORMING WILDFIRE MITIGATION MEASURES ON HIS OR HER PROPERTY  
21 LOCATED IN A WILDLAND-URBAN INTERFACE AREA WITHIN THE STATE;  
22 EXCEPT THAT THE CREDIT CLAIMED IN AN INCOME TAX YEAR SHALL NOT  
23 EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.

24 (2) IF THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION  
25 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE  
26 TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS  
27 BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET  
28 AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR MAY BE

1 CARRIED FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS'  
2 INCOME TAX LIABILITY FOR A PERIOD NOT TO EXCEED FIVE YEARS AND  
3 SHALL BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.  
4 ANY CREDIT REMAINING AFTER SAID PERIOD SHALL NOT BE REFUNDED OR  
5 CREDITED TO THE TAXPAYER.

6 (3) (a) IN THE CASE OF TWO TAXPAYERS FILING A JOINT RETURN,  
7 THE AMOUNT OF THE CREDIT SHALL NOT EXCEED TWO THOUSAND FIVE  
8 HUNDRED DOLLARS IN ANY TAXABLE YEAR. IN THE CASE OF TWO  
9 TAXPAYERS WHO MAY LEGALLY FILE A JOINT RETURN BUT ACTUALLY FILE  
10 SEPARATE RETURNS, ONLY ONE OF THE TAXPAYERS MAY CLAIM THE  
11 CREDIT SPECIFIED IN THIS SECTION.

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

15 (4) FOR PURPOSES OF THIS SECTION:

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

18 (b) "COSTS" MEANS ANY ACTUAL OUT-OF-POCKET EXPENSES  
19 INCURRED AND PAID BY THE LANDOWNER, DOCUMENTED BY RECEIPT, FOR  
20 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE  
21 ANY INSPECTION OR CERTIFICATION FEES, IN-KIND CONTRIBUTIONS,  
22 DONATIONS, INCENTIVES, OR COST SHARING ASSOCIATED WITH  
23 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE  
24 EXPENSES PAID BY THE LANDOWNER FROM ANY GRANTS AWARDED TO THE  
25 LANDOWNER FOR PERFORMING WILDFIRE MITIGATION MEASURES.

26 (c) "LANDOWNER" MEANS ANY OWNER OF RECORD OF PRIVATE  
27 LAND LOCATED WITHIN THE STATE, INCLUDING ANY EASEMENT,  
28 RIGHT-OF-WAY, OR ESTATE IN THE LAND, AND INCLUDES THE HEIRS,

1 SUCCESSORS, AND ASSIGNS OF SUCH LAND, AND DOES NOT INCLUDE ANY  
2 PARTNERSHIP, S CORPORATION, OR OTHER SIMILAR ENTITY THAT OWNS  
3 PRIVATE LAND.

4 (d) "WILDFIRE MITIGATION MEASURES" MEANS THE CREATION OF  
5 A DEFENSIBLE SPACE AROUND STRUCTURES; THE ESTABLISHMENT OF FUEL  
6 BREAKS; THE THINNING OF WOODY VEGETATION FOR THE PRIMARY  
7 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILDLAND FIRE; OR  
8 THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING AND  
9 SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR PRESCRIBED  
10 BURNING; SO LONG AS SUCH ACTIVITIES MEET OR EXCEED ANY COLORADO  
11 STATE FOREST SERVICE STANDARDS OR ANY OTHER APPLICABLE STATE  
12 RULES.

13 (5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2024.

14 **SECTION 4. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly  
17 (August 10, 2016, if adjournment sine die is on May 11, 2016); except  
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
19 of the state constitution against this act or an item, section, or part of this  
20 act within such period, then the act, item, section, or part will not take  
21 effect unless approved by the people at the general election to be held in  
22 November 2016 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**BILL B**

LLS NO. 16-0276.01 Thomas Morris x4218

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Becker K.,** Buck, Hamner, Thurlow, Singer

**SENATE SPONSORSHIP**

**Jones and Roberts,** Baumgardner, Cooke, Merrifield

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House Committees

Senate Committees

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**A BILL FOR AN ACT**

101 **CONCERNING INCREASED AUTHORITY TO USE BROADCAST BURNING AS**  
102 **A TOOL TO PROMOTE WATERSHED RESTORATION.**

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**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 adds broadcast burning, the method by which fire is applied generally to most or all of an area within well-defined boundaries, to the types of projects and methods for which the state forest service may award grants from the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*

*DRAFT Dashes through the words indicate deletions from existing statute.*

15

healthy forests and vibrant communities fund and the forest restoration program cash fund to help restore community watersheds.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-31-313, **amend**  
3 (3) (g) (IV) and (6) (a) (II) as follows:

4 **23-31-313. Healthy forests - vibrant communities - funds**  
5 **created - repeal.** (3) **Definitions.** As used in this section, unless the  
6 context otherwise requires:

7 (g) "Wildfire risk mitigation" or "fuel mitigation treatments"  
8 means preventive forest management projects or actions, which meet or  
9 exceed forest service standards or any other applicable state rules, that are  
10 designed to reduce the potential for unwanted impacts caused by  
11 wildfires, including:

12 (IV) The secondary treatment of woody fuels by lopping and  
13 scattering, piling, chipping, removing from the site, BROADCAST  
14 BURNING, or prescribed burning; and

15 (6) **Community watershed restoration.** (a) In order to support  
16 communities and land managers in moving from risk reduction to  
17 long-term ecological restoration so that the underlying condition of  
18 Colorado's forests supports a variety of values, particularly public water  
19 supply and high-quality wildlife habitat, the forest service shall:

20 (II) Facilitate and work collaboratively with the division of fire  
21 prevention and control, landowners, local governments, including  
22 conservation districts created pursuant to article 70 of title 35, C.R.S., and  
23 county noxious weed program administrators and other appropriate  
24 parties, including any electric, gas, and water utilities in the affected area,  
25 to design prescribed fire AND FUEL MITIGATION TREATMENT projects and

1 to encourage increased responsible use of prescribed fire AND FUEL  
2 MITIGATION TREATMENTS as a tool for restoring healthy forest conditions  
3 consistent with programs established pursuant to section 25-7-106 (7) and  
4 (8), C.R.S., and section 24-33.5-1217, C.R.S. The forest service shall  
5 emphasize providing training and technical assistance for landowners,

6 **SECTION 2. Applicability.** This act applies to conduct occurring  
7 on or after the effective date of this act.

8 **SECTION 3. 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  
Seventieth General Assembly  
STATE OF COLORADO

BILL C

LLS NO. 16-0277.01 Thomas Morris x4218

SENATE BILL

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SENATE SPONSORSHIP

Roberts and Jones, Baumgardner, Cooke, Merrifield

HOUSE SPONSORSHIP

Becker K., Buck, Singer, Thurlow

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING INCREASED AUTHORITY TO USE BROADCAST BURNING AS  
102 AN OPTIONAL TOOL TO REDUCE WILDFIRE RISK, AND, IN  
103 CONNECTION THEREWITH, PROVIDING ADDITIONAL FUNDING  
104 FOR WILDFIRE RISK REDUCTION EFFORTS.

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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. Section 1** of the bill adds broadcast burning, the method by which fire is applied generally to most

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

DRAFT *Dashes through the words indicate deletions from existing statute.*

19

or all of an area within well-defined boundaries with well-defined conditions, as an optional method for which the department of natural resources may award grants from the wildfire risk reduction fund to reduce wildfire risk in the wildland-urban interface.

**Sections 2 and 3** transfer \$3 million to the wildfire risk reduction fund, half from tier 2 of the severance tax operational fund and half from the general fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 36-7-402, **amend** (3)  
3 introductory portion as follows:

4 **36-7-402. Definitions.** As used in this part 4, unless the context  
5 otherwise requires:

6 (3) "Hazardous fuel reduction treatment" means treatments that  
7 remove or reduce vegetative fuel, including mechanical, manual,  
8 BROADCAST BURNING, and pile burning fire treatments, in order to:

9 **SECTION 2.** In Colorado Revised Statutes, 36-7-405, **amend** (2)  
10 as follows:

11 **36-7-405. Wildfire risk reduction fund - creation - transfer -**  
12 **repeal.** (2) (a) (I) On July 1, 2013, the state treasurer shall transfer from  
13 the general fund to the wildfire risk reduction fund the sum of nine  
14 million eight hundred thousand dollars.

15 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2016.

16 (b) ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER:

17 (I) FROM THE SEVERANCE TAX OPERATIONAL FUND AS SPECIFIED  
18 IN SECTION 39-29-109.3 (2) (t), C.R.S., TO THE WILDFIRE RISK REDUCTION  
19 FUND THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

20 (II) FROM THE GENERAL FUND TO THE WILDFIRE RISK REDUCTION  
21 FUND THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

22 (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2018.

1           **SECTION 3.** In Colorado Revised Statutes, 39-29-109.3, **add** (2)  
2 (t) as follows:

3           **39-29-109.3. Severance tax operational fund - repeal.**

4 (2) Subject to the requirements of subsections (3) and (4) of this section,  
5 if the general assembly chooses not to spend up to one hundred percent  
6 of the moneys in the operational fund as specified in subsection (1) of this  
7 section, the state treasurer shall transfer the following:

8           (t) (I) TO THE WILDFIRE RISK REDUCTION FUND CREATED IN  
9 SECTION 36-7-405, C.R.S., ONE MILLION FIVE HUNDRED THOUSAND  
10 DOLLARS ON JULY 1, 2016.

11           (II) THIS PARAGRAPH (t) IS REPEALED, EFFECTIVE JULY 1, 2018.

12           **SECTION 4. 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  
Seventieth General Assembly  
STATE OF COLORADO

**BILL D**

LLS NO. 16-0268.01 Bob Lackner x4350

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Singer**, Becker K., Hamner

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AUXILIARY EMERGENCY COMMUNICATIONS IN THE**  
102            **STATE, AND, IN CONNECTION THEREWITH, ESTABLISHING THE**  
103            **AUXILIARY EMERGENCY COMMUNICATIONS UNIT IN THE OFFICE**  
104            **OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC**  
105            **SAFETY.**

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**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>.)*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*

**DRAFT**      *Dashes through the words indicate deletions from existing statute.*

23

**Wildfire Matters Review Committee. Section 1** of the bill contains a nonstatutory legislative declaration.

**Section 2** of the bill creates the auxiliary emergency communications unit (unit) within the office of emergency management (office) within the division of homeland security and emergency management in the department of public safety. The unit is in the charge of the director of the office. This section specifies the unit's powers and duties and additionally specifies the powers and duties of the director of the office in connection with the powers and duties of the unit.

**Sections 3 through 7** of the bill make modifications to existing statutory provisions governing compensation benefits to volunteer civil defense workers. Specifically:

- Section 3 of the bill expands the definition of "emergency volunteer service" to include activities undertaken during a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency;
- Section 4 of the bill specifies that any credentialed member of the unit is a qualified volunteer and is eligible to receive accompanying protections and benefits under existing statutory provisions;
- Section 5 of the bill includes the amateur radio emergency service as a specified volunteer organization authorized to provide emergency services to state and local agencies. This section of the bill also specifies that the amateur radio emergency service is a qualified volunteer.
- Section 6 of the bill expands the activities for which a qualified volunteer may be called to service to include a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency. The statutory provisions protecting qualified volunteers do not apply to a training exercise, drill, or class without the express prior consent and approval of the volunteer's employer.
- Section 7 of the bill expands the list of activities used to verify that a qualified volunteer provided volunteer services to include an organized training exercise, drill, or class.

**Section 8** of the bill increases the size of the public safety communications subcommittee to the homeland security and all-hazards senior advisory committee from 23 to 24 members and makes the section emergency coordinator for the amateur radio emergency service of the

Colorado section of the amateur radio relay league or his or her designee a standing member of the subcommittee.

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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, determines, and declares that:

4 (a) Amateur radio operators have served their communities, the  
5 state, and the nation for over seventy-five years providing emergency and  
6 disaster communications;

7 (b) Following World War II, the federal government recognized  
8 the need for trained radio operators to assist with civil defense in the  
9 event of war and created a branch within the amateur radio service, the  
10 Radio Amateur Civil Emergency Service (RACES);

11 (c) The American Radio Relay League, the national association  
12 for radio amateurs, created the Amateur Radio Emergency Service  
13 (ARES) in 1935 and, since that time, ARES has been the only national  
14 organization recruiting and training amateur radio operators to serve in  
15 times of emergency;

16 (d) ARES is well established and well organized within Colorado;

17 (e) In many communities ARES and RACES units were combined  
18 with ARES members assuming the role of RACES operators when local  
19 emergencies were declared. In other communities, separate ARES and  
20 RACES organizations were established, thereby diluting the available  
21 resources and creating confusion or conflict as to roles and  
22 responsibilities.

23 (f) Communication failures have been a defining element of recent  
24 disasters, both natural and manmade;

25 (g) The September 11, 2001, attacks on the World Trade Center

1 in New York City, Hurricane Katrina, the 2003 North American blackout,  
2 and Hurricane Sandy in 2012 were all disasters where amateur radio  
3 provided key communication links when other communication facilities  
4 failed;

5 (h) The United States congress recognized the importance of  
6 amateur radio communications as a part of the national disaster response  
7 framework in 2012 when it directed the Federal Communications  
8 Commission (FCC) to conduct a study on the uses and capabilities of  
9 amateur radio service communications in emergencies and disaster relief;

10 (i) The FCC report, GN docket no. 12-91 dated August 16, 2012,  
11 concluded that "amateur radio can be of great value in emergency  
12 response situations. Amateur radio carries with it a wide range of  
13 advantages that allow it to supplement other emergency communications  
14 activities during disasters. This has been demonstrated time and again in  
15 a wide variety of emergency and disaster situations."

16 (j) The FCC report acknowledged that the "value [of amateur  
17 radio] could potentially be increased, however, through cooperation  
18 among DHS [the United States department of homeland security], public  
19 safety, emergency management, and amateur radio communications  
20 associations and groups to develop future training protocols." The FCC  
21 recommended to congress that DHS work with state, local, and tribal  
22 authorities to develop disaster area access policies and qualifications for  
23 trained amateur radio operators who provide emergency communications  
24 support.

25 (k) In Colorado, amateur radio operators and, in particular, ARES  
26 members have a rich history of providing communication expertise during  
27 natural or man-made disasters such as the blizzards of December 2006;  
28 the Hayman, North Fork, Four Mile Canyon, High Park, Waldo Canyon,

1 and Black Forest wildfires; and the September 2013 floods;

2 (l) Today, amateur radio operators assist the division of homeland  
3 security and emergency management of the department of public safety;  
4 train side-by-side with their professional counterparts in federal, state,  
5 and local government entities; and serve as members of local and regional  
6 incident management teams;

7 (m) In recent years amateur radio operators have been called upon  
8 by state and local governments to act as communication experts across a  
9 broader range of duties and responsibilities that extend beyond traditional  
10 amateur radio communication;

11 (n) While maintaining their traditional roles as amateur radio  
12 operators, many of these volunteers assist with the establishment and  
13 maintenance of communication facilities, assist with programming public  
14 safety radios during emergencies, and act as radio operators on public  
15 safety channels;

16 (o) During the past year, amateur radio operators have performed  
17 tens of thousands of hours of devoted service to the people of Colorado;

18 (p) While ARES has worked closely and cooperatively with the  
19 office of emergency management in the division of homeland security  
20 and emergency management, it has done so in a largely informal manner,  
21 lacking a formal memorandum of understanding between it and the  
22 office;

23 (q) Emergency preparedness and disaster response across the state  
24 would be improved by a comprehensive integrated and unified  
25 communications response framework;

26 (r) The office of emergency communications of the United States  
27 department of homeland security (OEC) has provided direct technical  
28 assistance to state and local emergency responders and government

1 officials through the development and delivery of training, tools, and  
2 onsite assistance to advance public safety interoperable communications  
3 capabilities; and

4 (s) The concept of auxiliary emergency communications  
5 (auxcomm) is being deployed nationally under the sponsorship of the  
6 OEC, and the framework has been embraced by the office of emergency  
7 management.

8 (2) Having a uniformly trained and credentialed unit of  
9 communication volunteers available for disaster response will materially  
10 assist emergency preparedness and disaster response efforts across the  
11 state. Accordingly, the general assembly hereby finds, declares, and  
12 determines that the matters addressed in this act are a matter of statewide  
13 concern.

14 (3) By enacting House Bill 16-\_\_\_\_, the general assembly intends  
15 to establish the auxiliary emergency communications unit within the  
16 office of emergency management in the division of homeland security  
17 and emergency management of the department of public safety as an  
18 all-volunteer, unpaid auxiliary unit for the purpose of lending technical  
19 and communication assistance to emergency management, firefighting,  
20 emergency medical service, search-and-rescue, and law enforcement  
21 agencies across the state. The general assembly further intends that the act  
22 be liberally construed to promote these objectives.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-705.5  
24 as follows:

25 **24-33.5-705.5. Auxiliary emergency communications unit -**  
26 **powers and duties of unit and office of emergency management**  
27 **regarding auxiliary communications - definitions.** (1) AS USED IN THIS  
28 SECTION:

1 (a) "AUXILIARY EMERGENCY COMMUNICATOR" MEANS AN  
2 AMATEUR RADIO OPERATOR LICENSED BY THE UNITED STATES FEDERAL  
3 COMMUNICATIONS COMMISSION PURSUANT TO 47 CFR 97 WHO MEETS THE  
4 TRAINING REQUIREMENTS AND IS CREDENTIALLED BY THE OFFICE. AN  
5 AUXILIARY EMERGENCY COMMUNICATOR MEETING THE REQUIREMENTS  
6 OF THIS PARAGRAPH (a) SERVES AS AN AUTHORIZED VOLUNTEER OF THE  
7 OFFICE FOR PURPOSES OF ARTICLE 10 OF THIS TITLE.

8 (b) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY AND  
9 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603.

10 (c) "OFFICE" MEANS THE OFFICE OF EMERGENCY MANAGEMENT  
11 CREATED IN SECTION 24-33.5-705 (1) (a).

12 (d) "UNIT" MEANS THE AUXILIARY EMERGENCY COMMUNICATIONS  
13 UNIT OF THE OFFICE.

14 (2) THE AUXILIARY EMERGENCY COMMUNICATIONS UNIT IS  
15 HEREBY ESTABLISHED WITHIN THE OFFICE. THE UNIT IS IN THE CHARGE OF  
16 THE DIRECTOR OF THE OFFICE.

17 (3) THE UNIT HAS THE FOLLOWING POWERS AND DUTIES:

18 (a) ESTABLISH PROGRAMS FOR THE TRAINING AND CREDENTIALING  
19 OF EMERGENCY OR DISASTER COMMUNICATORS ACROSS THE STATE,  
20 WHICH TRAINING AND CREDENTIALING IS DECLARED TO BE A MATTER OF  
21 STATEWIDE CONCERN. IN CONNECTION WITH SUCH TRAINING AND  
22 CREDENTIALING, THE USE OF THE TERM "AUXILIARY EMERGENCY  
23 COMMUNICATIONS" WITHIN THE STATE IS LIMITED TO INDIVIDUALS,  
24 ENTITIES, ASSOCIATIONS, AND UNITS OF LOCAL GOVERNMENT THAT HAVE  
25 BEEN CERTIFIED BY THE DIRECTOR OF THE OFFICE AS MEETING THE  
26 TRAINING AND CREDENTIALING REQUIREMENTS ESTABLISHED BY THE  
27 DEPARTMENT FOR AUXILIARY EMERGENCY COMMUNICATORS.

28 (b) ASSUME ALL OF THE DUTIES AND POSSESS ALL OF THE

1 AUTHORITY AND RESPONSIBILITIES OF THE RADIO AMATEUR CIVIL  
2 EMERGENCY SERVICE, REFERRED TO IN THIS SECTION AS "RACES", 47  
3 CFR 97.407, WITHIN THE STATE. ANY REFERENCE TO RACES IN ANY  
4 FEDERAL LAW OR REGULATION, AND ANY FEDERAL, STATE, OR LOCAL  
5 GOVERNMENT EMERGENCY OR DISASTER PLANS IS TO BE INTERPRETED AS  
6 REFERRING TO THE UNIT, AND THE UNIT IS THE SUCCESSOR ENTITY TO ANY  
7 STATE RACES ORGANIZATION REFERENCED IN ANY SUCH LAW,  
8 REGULATION, OR PLAN. LANGUAGE PROHIBITING ANY INDIVIDUAL,  
9 ENTITY, ASSOCIATION OR GOVERNMENT AGENCY FROM REPRESENTING  
10 THAT IT IS A STATE RACES ORGANIZATION.

11 (c) ENSURE THAT AUXILIARY EMERGENCY COMMUNICATORS ARE  
12 AUTHORIZED VOLUNTEERS ENTITLED TO THE PROTECTIONS AND BENEFITS  
13 OF PART 8 OF THIS ARTICLE WHEN ASSISTING WITH THE INSTALLATION,  
14 MAINTENANCE, OR DEMOLITION OF COMMUNICATION FACILITIES OF ANY  
15 COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY PLANNING  
16 COMMITTEE, OR STATE AGENCY, WHETHER OR NOT SUCH ACTIVITIES  
17 OCCUR DURING A DISASTER; EXCEPT THAT THE PROVISIONS OF SECTIONS  
18 24-33.5-825 AND 24-33.5-826 DO NOT APPLY TO A TRAINING EXERCISE,  
19 DRILL, OR CLASS WITHOUT THE EXPRESS PRIOR CONSENT AND APPROVAL  
20 OF THE VOLUNTEER'S EMPLOYER.

21 (4) IN CONNECTION WITH THE POWERS AND DUTIES OF THE UNIT AS  
22 SPECIFIED IN THIS SECTION, THE DIRECTOR OF THE OFFICE MAY:

23 (a) DEVELOP AND ISSUE PHOTO IDENTIFICATION THAT IS  
24 RECOGNIZED THROUGHOUT THE STATE FOR THE PURPOSE OF GRANTING  
25 ACCESS TO GOVERNMENT FACILITIES, INCIDENT COMMAND POSTS, AND  
26 DISASTER SCENES;

27 (b) CONDUCT CRIMINAL BACKGROUND INVESTIGATIONS ON  
28 CANDIDATES FOR CREDENTIALING AS AUXILIARY EMERGENCY

1 COMMUNICATORS IN ACCORDANCE WITH THE SECURITY NEEDS OF THE  
2 DEPARTMENT. THE UNIT MAY DENY CREDENTIALING TO ANY CANDIDATE  
3 BASED UPON THE RESULTS OF THAT BACKGROUND CHECK.

4 (c) REIMBURSE AUXILIARY EMERGENCY COMMUNICATORS FOR  
5 NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE  
6 PERFORMANCE OF THEIR DUTIES, INCLUDING PROJECTS, TRAINING, DRILLS,  
7 EXERCISES, AND DISASTER RESPONSE ACTIVITIES;

8 (d) EXPEND STATE MONEYS, INCLUDING BUT NOT LIMITED TO  
9 GRANT MONEYS OR MONEYS OTHERWISE BUDGETED TO THE OFFICE, TO  
10 ENHANCE THE COMMUNICATION INFRASTRUCTURE AS NECESSARY TO  
11 SUPPLEMENT OR REINFORCE THE EXISTING AMATEUR RADIO SYSTEMS AND  
12 NETWORKS WITHIN THE STATE FOR THE PURPOSES OF MAXIMIZING  
13 DISASTER PREPAREDNESS AND RESPONSE.

14 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-802, **amend**  
15 (5) as follows:

16 **24-33.5-802. Definitions.** As used in this part 8, unless the  
17 context otherwise requires:

18 (5) "Emergency volunteer service" means all activities authorized  
19 and carried out by a volunteer who is a member of a qualified volunteer  
20 organization as directed by a county sheriff, local government, local  
21 emergency planning committee, or state agency in the event of disaster  
22 OR DURING A TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED IN  
23 PREPARATION FOR A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS  
24 ORGANIZED OR UNDER THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL  
25 GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE  
26 AGENCY.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-806.5  
28 as follows:

1           **24-33.5-806.5. Auxiliary emergency communications unit of**  
2           **the office of emergency management - qualified volunteers -**  
3           **protections and benefits.** NOTWITHSTANDING ANY OTHER PROVISION OF  
4           THIS PART 8, ANY CREDENTIALLED MEMBER OF THE AUXILIARY EMERGENCY  
5           COMMUNICATIONS UNIT OF THE OFFICE OF EMERGENCY MANAGEMENT  
6           CREATED BY SECTION 24-33.5-705 (1) IS A QUALIFIED VOLUNTEER FOR  
7           PURPOSES OF THIS PART 8 AND ARTICLE 10 OF THIS TITLE AND IS ELIGIBLE  
8           TO RECEIVE THE PROTECTIONS AND BENEFITS SPECIFIED IN THIS PART 8  
9           AND IN ARTICLE 10 OF THIS TITLE.

10           **SECTION 5.** In Colorado Revised Statutes, 24-33.5-822, **amend**  
11           (1) and (5) as follows:

12           **24-33.5-822. County sheriff - local government - local**  
13           **emergency planning committee - memorandum of understanding**  
14           **with volunteer organizations.** (1) Any county sheriff, the director of  
15           any local government, any local emergency planning committee, or any  
16           state agency may develop and enter into a memorandum of understanding  
17           with one or more volunteer organizations, including but not limited to the  
18           Colorado mounted rangers AND THE AMATEUR RADIO EMERGENCY  
19           SERVICE, to assist the county sheriff, local government, local emergency  
20           planning committee, or state agency in providing services as required.

21           (5) A member of the Colorado mounted rangers, THE AMATEUR  
22           RADIO EMERGENCY SERVICE, and any other volunteer organization  
23           lending assistance to a county sheriff, local government, local emergency  
24           planning committee, or state agency pursuant to this section is an  
25           authorized volunteer for the purposes of article 10 of this title.

26           **SECTION 6.** In Colorado Revised Statutes, 24-33.5-824, **amend**  
27           (1) (c) and (2) (a) as follows:

28           **24-33.5-824. Volunteers - provision of emergency services -**

1 **protections - benefits.** (1) A volunteer shall be allowed to receive the  
2 benefits and protections specified in this part 8 and pursuant to article 10  
3 of this title if the volunteer is determined to be a qualified volunteer  
4 pursuant to this section. A volunteer shall be deemed a qualified volunteer  
5 if:

6 (c) The volunteer is called to service through the volunteer  
7 organization under the authority of the county sheriff, local government,  
8 local emergency planning committee, or state agency to volunteer in a  
9 disaster OR DURING A TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED  
10 IN PREPARATION FOR A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS  
11 ORGANIZED OR UNDER THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL  
12 GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE  
13 AGENCY; EXCEPT THAT THE PROVISIONS OF SECTIONS 24-33.5-825 AND  
14 24-33.5-826 DO NOT APPLY TO A TRAINING EXERCISE, DRILL, OR CLASS  
15 WITHOUT THE EXPRESS PRIOR CONSENT AND APPROVAL OF THE  
16 VOLUNTEER'S EMPLOYER; and

17 (2) The executive director of the department or the executive  
18 director's designee shall create a system whereby a volunteer may obtain  
19 proof to provide to his or her employer that specifies:

20 (a) The volunteer was called to service by a volunteer  
21 organization for the purpose of assisting in a disaster OR DURING A  
22 TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED IN PREPARATION FOR  
23 A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS ORGANIZED OR UNDER  
24 THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL  
25 EMERGENCY PLANNING COMMITTEE, OR STATE AGENCY; EXCEPT THAT THE  
26 PROVISIONS OF SECTIONS 24-33.5-825 AND 24-33.5-826 DO NOT APPLY TO  
27 A TRAINING EXERCISE, DRILL, OR CLASS WITHOUT THE EXPRESS PRIOR  
28 CONSENT AND APPROVAL OF THE VOLUNTEER'S EMPLOYER;

1           **SECTION 7.** In Colorado Revised Statutes, 24-33.5-827, **amend**  
2 (1) (b) as follows:

3           **24-33.5-827. Procedures.** (1) The office of emergency  
4 management shall create procedures for the administration of this part 8.  
5 The procedures shall include:

6           (b) A process to verify that a qualified volunteer provided  
7 volunteer services during a disaster OR AN ORGANIZED TRAINING  
8 EXERCISE, DRILL, OR CLASS, and a method to allow the volunteer to  
9 provide proof of such service to his or her employer pursuant to section  
10 24-33.5-824 (2).

11           **SECTION 8.** In Colorado Revised Statutes, 24-33.5-1614,  
12 **amend** (3.3) (e) introductory portion; and **add** (3.3) (e) (IV) as follows:

13           **24-33.5-1614. Homeland security and all-hazards senior**  
14 **advisory committee - composition - duties - emergency planning**  
15 **subcommittee - public safety communications subcommittee -**  
16 **creation - definitions - repeal.** (3.3) (e) The subcommittee consists of  
17 at least the following ~~twenty-three~~ TWENTY-FOUR members:

18           (IV) THE SECTION EMERGENCY COORDINATOR FOR THE AMATEUR  
19 RADIO EMERGENCY SERVICE OF THE COLORADO SECTION OF THE  
20 AMATEUR RADIO RELAY LEAGUE OR HIS OR HER DESIGNEE.

21           **SECTION 9. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly  
24 (August 10, 2016, if adjournment sine die is on May 11, 2016); except  
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
26 of the state constitution against this act or an item, section, or part of this  
27 act within such period, then the act, item, section, or part will not take  
28 effect unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**RESOLUTION A**

LLS NO. R16-0272.01 Ashley Zimmerman x2291

**SENATE JOINT RESOLUTION**

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**SENATE SPONSORSHIP**

**Baumgardner and Merrifield, Cooke, Jones, Roberts**

**HOUSE SPONSORSHIP**

**Hamner and Thurlow, Becker, Buck, Singer**

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**Senate Committees**

**House Committees**

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**SENATE JOINT RESOLUTION**

101     **CONCERNING THE RECOGNITION OF COLORADO FIREFIGHTERS KILLED**  
102             **IN THE LINE OF DUTY.**

---

1             WHEREAS, More than 12,000 career and volunteer firefighters  
2     comprise the Colorado fire service; and

3             WHEREAS, Personnel of the Colorado fire service respond to  
4     more than 500,000 calls for help each year, often placing themselves  
5     directly in harm's way for the safety of others; and

6             WHEREAS, Fire services personnel are often the first to respond  
7     to an emergency, whether it involves a fire, medical emergency, spill of  
8     hazardous materials, natural disaster, act of terrorism, or transportation  
9     accident; and

10            WHEREAS, Approximately 100 fire and emergency services  
11     personnel die annually in the line of duty in the United States; and

**Shading denotes HOUSE amendment.** Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*

*DRAFT     Dashes through the words indicate deletions from existing statute.*

1           WHEREAS, Most recently, the following firefighters have given  
2 their lives in service to the people of Colorado:

- 3           ● Richard Lee Marchman, a volunteer firefighter for the  
4 Indian Peaks Fire Protection District, collapsed and died  
5 on July 9, 2014, after assisting in the rescue of a hiker with  
6 a broken ankle;
- 7           ● Willard Clapper, a volunteer firefighter for the Aspen Fire  
8 Protection District, died on October 16, 2014, after battling  
9 lymphoma, which was determined to be line-of-duty under  
10 Colorado's presumptive cancer law;
- 11          ● John Whelan, a firefighter for the Denver Fire Department,  
12 died on July 16, 2015, from injuries sustained during  
13 firefighting activities;
- 14          ● Craig Moilanen, a firefighter with the North Metro Fire  
15 Rescue District and formerly of the Foothills Fire  
16 Protection District, died on October 8, 2015, after a  
17 two-year battle with cancer; and

18           WHEREAS, The Colorado Fallen Firefighters Memorial in  
19 Lakewood contains the names of 145 firefighters who have fallen while  
20 working to protect lives and property in Colorado; now, therefore,

21           *Be It Resolved by the Senate of the Seventieth General Assembly*  
22 *of the State of Colorado, the House of Representatives concurring herein:*

23           (1) That we, the members of the Colorado General Assembly,  
24 honor and pay tribute to the ultimate sacrifice paid by these fallen  
25 firefighters; and

26           (2) Express our sympathy to the families and friends of those  
27 service members who have died.

28           *Be It Further Resolved,* That copies of this Joint Resolution be sent  
29 to Ken Watkins, President, Colorado State Fire Chiefs; Mike Rogers,  
30 President, Colorado Professional Fire Fighters; Paul Cooke, Director,  
31 Colorado Division of Fire Prevention and Control; Eric Tade, Fire Chief,  
32 Denver Fire Department; David Ramos, Fire Chief, North Metro Fire  
33 Rescue District; Norman Bowers, Fire Chief, Indian Peaks Fire Protection  
34 District; Rick Balentine, Fire Chief, Aspen Fire Protection District; and  
35 Brian Zoril, Fire Chief, Foothills Fire Protection District.

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**MEMORIAL B**

LLS NO. R16-0173.01 Thomas Morris x4218

**SENATE JOINT MEMORIAL**

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**SENATE SPONSORSHIP**

**Jones and Roberts**, Baumgardner, Cooke, Hodge, Merrifield,

**HOUSE SPONSORSHIP**

**Coram and Vigil**, Arndt, Becker K., Buck, Hamner, Mitsch Bush, Singer, Thurlow

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**SENATE JOINT MEMORIAL**

101     **CONCERNING THE NEED FOR CONGRESS TO FUND CATASTROPHIC**  
102             **WILDFIRE RESPONSE COSTS OUTSIDE OF FEDERAL FOREST**  
103             **MANAGEMENT AGENCIES' NORMAL BUDGETS.**

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1             WHEREAS, There are about 24 million acres of forests and  
2 woodlands in Colorado, of which more than two-thirds are managed by  
3 the federal government; and

4             WHEREAS, Colorado's forests are increasingly susceptible to  
5 forest fires, with an average of about 40,000 acres burned per year from  
6 2004 through 2007 but an average of more than 140,000 acres burned per  
7 year from 2008 through 2014; and

8             WHEREAS, According to the Insurance Information Institute,  
9 Colorado has the second highest percentage of households that are at high  
10 or extreme risk from wildfires of any state in the nation; and

11            WHEREAS, Under current federal law, money that was originally  
12 budgeted to mitigate fire risk, protect and restore watersheds, increase  
13 forest health, promote recreational opportunities, and conduct necessary  
14 forest planning is diverted to fight fires once the amount budgeted for fire  
15 fighting has been depleted; and

16            WHEREAS, The United States Forest Service spent only 16% of  
17 its annual budget on fire suppression and response in 1995, but recently  
18 announced that in 2015, for the first time, it will spend more than half its

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*

*DRAFT     Dashes through the words indicate deletions from existing statute.*

1 budget to fight wildfires, and by 2025 it expects to spend 67% of its  
2 budget on that task; and

3 WHEREAS, A 2013 study by Headwaters Economics showed that  
4 in the 1990s, average federal spending to suppress wildfires was less than  
5 \$1 billion annually, but since 2002, federal spending has risen to over \$3  
6 billion annually and costs are still rising; and

7 WHEREAS, Paying for catastrophic wildfire response should not  
8 come at the expense of programs that reduce the risk of wildfires, because  
9 doing so plainly creates a feedback loop that increases the frequency and  
10 severity of catastrophic wildfires; and

11 WHEREAS, Congress is currently considering several measures  
12 that would create alternative ways to pay for catastrophic wildfire  
13 response costs; and

14 WHEREAS, The General Assembly's Water Resources Review  
15 Committee and Wildfire Matters Review Committee have approved this  
16 Joint Resolution [Memorial]; now, therefore,

17 *Be It Resolved by the Senate of the Seventieth General Assembly*  
18 *of the State of Colorado, the House concurring herein:*

19 That Congress should enact laws necessary to protect federal land  
20 management agencies' ability to mitigate the risk of catastrophic wildfires  
21 and manage the lands within their jurisdiction by funding catastrophic  
22 wildfire response in a manner analogous to that used for natural disasters.

23 *Be It Further Resolved*, That a copy of this Joint Memorial be  
24 provided to Colorado's congressional delegation, Governor John  
25 Hickenlooper, the Western Governors' Association, Secretary of  
26 Agriculture Tom Vilsack, and Secretary of the Interior Sally Jewell.