

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0682.01 Megan Waples x4348

**SENATE BILL 19-040**

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**SENATE SPONSORSHIP**

**Hisey,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Agriculture & Natural Resources

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ESTABLISHMENT OF THE COLORADO FIRE**  
102 **COMMISSION.**

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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://leg.colorado.gov>.)*

The bill establishes the Colorado fire commission (commission) in the division of fire prevention and control in the department of public safety. The commission's purpose is to enhance public safety in Colorado through an integrated statewide process focused on the fire service's capacity to conduct fire management and use, preparedness, prevention, and response activities to safeguard lives, property, and natural resources,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

and increase the resiliency of local and regional communities. The commission may establish task forces to study and make recommendations on specific subjects within the commission's areas of study. The commission is repealed effective September 1, 2024, and is subject to a sunset review prior to its repeal.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-1233 as  
3 follows:

4           **24-33.5-1233. Colorado fire commission - creation - powers**  
5 **and duties - report - legislative declaration - repeal. (1) Legislative**  
6 **declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

7           (I) THE DIVISION HAS ENGAGED IN A TWO-YEAR,  
8 STAKEHOLDER-DRIVEN STRATEGIC PLANNING EFFORT TO EVALUATE FIRE  
9 PROGRAMS THROUGHOUT THE STATE AND IDENTIFY AREAS IN WHICH THE  
10 STATE CAN BETTER SUPPORT ITS PARTNERS;

11           (II) A COMMISSION STRUCTURE WILL ENSURE ACCOUNTABILITY  
12 AND CREATE AN EFFICIENT AND STREAMLINED STATEWIDE PROCESS FOR  
13 ISSUING RECOMMENDATIONS, DRIVING IMPLEMENTATION OF SPECIFIC  
14 ACTIONS AND POLICIES, AND REPORTING ON PROGRESS AND LESSONS  
15 LEARNED;

16           (III) A COMMISSION WILL ALSO HELP THE STATE TO BE PROACTIVE  
17 ON WILDFIRE ISSUES, AND TO DEVELOP A COMPREHENSIVE APPROACH THAT  
18 EMBRACES MITIGATION, PREVENTION, AND PREPAREDNESS; AND

19           (IV) ESTABLISHING A FIRE COMMISSION WILL ALLOW THE STATE TO  
20 CONTINUE TO DEVELOP LONG-TERM STRATEGIES AND RECOMMENDATIONS  
21 ON COMPLEX FIRE ISSUES.

22           (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT  
23 ESTABLISHING A COLORADO FIRE COMMISSION SERVES THE INTERESTS OF

1 THE STATE AND LOCAL COMMUNITIES IN DEVELOPING EFFECTIVE  
2 STRATEGIES FOR FIRE PREVENTION, MITIGATION, PREPAREDNESS, AND  
3 SUPPRESSION.

4 (2) **Commission created.** THERE IS HEREBY CREATED IN THE  
5 DIVISION THE COLORADO FIRE COMMISSION, REFERRED TO IN THIS SECTION  
6 AS THE "COMMISSION".

7 (3) **Membership.** (a) THE COMMISSION CONSISTS OF NINETEEN  
8 VOTING MEMBERS AS FOLLOWS:

9 (I) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S  
10 DESIGNEE;

11 (II) THE DIRECTOR, OR THE DIRECTOR'S DESIGNEE;

12 (III) THE CHIEF OF THE WILDLAND FIRE MANAGEMENT SECTION IN  
13 THE DIVISION, OR THE CHIEF'S DESIGNEE;

14 (IV) THE STATE FORESTER, OR THE STATE FORESTER'S DESIGNEE,  
15 TO INCLUDE RELEVANT INFORMATION PURSUANT TO SECTION 23-31-316;

16 (V) A REPRESENTATIVE OF THE COMMITTEE ADMINISTERING THE  
17 EMERGENCY FIRE FUND CREATED IN SECTION 24-33.5-1220, SELECTED BY  
18 THE COMMITTEE; AND

19 (VI) FOURTEEN MEMBERS APPOINTED BY THE EXECUTIVE  
20 DIRECTOR AS FOLLOWS:

21 (A) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A  
22 STATEWIDE ORGANIZATION REPRESENTING FIRE CHIEFS, WITH ONE SUCH  
23 MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH MEMBER  
24 REPRESENTING THE EASTERN PART OF THE STATE;

25 (B) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A  
26 STATEWIDE ORGANIZATION REPRESENTING PROFESSIONAL FIREFIGHTERS;

27 (C) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A

1 STATEWIDE ORGANIZATION REPRESENTING VOLUNTEER FIREFIGHTERS;

2 (D) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A  
3 STATEWIDE ORGANIZATION REPRESENTING COUNTY SHERIFFS, WITH ONE  
4 SUCH MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH  
5 MEMBER REPRESENTING THE EASTERN PART OF THE STATE;

6 (E) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A  
7 STATEWIDE ORGANIZATION REPRESENTING COUNTIES, WITH ONE SUCH  
8 MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH MEMBER  
9 REPRESENTING THE EASTERN PART OF THE STATE;

10 (F) ONE MEMBER APPOINTED FROM NOMINEES SUBMITTED BY A  
11 STATEWIDE ORGANIZATION REPRESENTING MUNICIPALITIES;

12 (G) ONE MEMBER APPOINTED FROM NOMINEES SUBMITTED BY A  
13 STATEWIDE ORGANIZATION REPRESENTING SPECIAL DISTRICTS;

14 (H) ONE MEMBER APPOINTED FROM NOMINEES SUBMITTED BY A  
15 STATEWIDE ORGANIZATION REPRESENTING EMERGENCY MANAGERS; AND

16 (I) ONE MEMBER APPOINTED FROM NOMINEES SUBMITTED BY A  
17 NONPROFIT ORGANIZATION WITH EXPERTISE IN WILDFIRE MITIGATION.

18 (b) (I) THE EXECUTIVE DIRECTOR SHALL APPOINT ONE NONVOTING  
19 EX OFFICIO MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION  
20 REPRESENTING PUBLIC SAFETY ANSWERING POINTS.

21 (II) THE EXECUTIVE DIRECTOR SHALL APPOINT TWO NONVOTING  
22 EX OFFICIO MEMBERS WHO REPRESENT WATER PROVIDERS, WITH ONE SUCH  
23 MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH MEMBER  
24 REPRESENTING THE EASTERN PART OF THE STATE.

25 (III) THE EXECUTIVE DIRECTOR MAY, IN THE EXECUTIVE  
26 DIRECTOR'S DISCRETION, APPOINT ADDITIONAL NONVOTING EX OFFICIO  
27 MEMBERS WITH EXPERTISE IN THE COMMISSION'S AREAS OF STUDY TO AID

1 THE COMMISSION IN FULFILLING ITS DUTIES.

2 (c) THE COMMISSION INCLUDES THE FOLLOWING NONVOTING EX  
3 OFFICIO MEMBERS:

4 (I) ONE REPRESENTATIVE FROM THE UNITED STATES FOREST  
5 SERVICE;

6 (II) ONE REPRESENTATIVE FROM THE BUREAU OF LAND  
7 MANAGEMENT; AND

8 (III) ONE REPRESENTATIVE FROM THE NATIONAL PARK SERVICE.

9 (d) THE EXECUTIVE DIRECTOR SHALL MAKE INITIAL APPOINTMENTS  
10 NO LATER THAN AUGUST 5, 2019. THE EXECUTIVE DIRECTOR SHALL  
11 CONSIDER GEOGRAPHIC REPRESENTATION IN APPOINTING MEMBERS OF THE  
12 COMMISSION. THE EXECUTIVE DIRECTOR SHALL ENSURE, TO THE EXTENT  
13 PRACTICABLE, THAT THE APPOINTED MEMBERS REPRESENT A BALANCE OF  
14 EXPERTISE IN THE AREAS OF FIRE MITIGATION, PREVENTION,  
15 PREPAREDNESS, LOCAL COMMUNITY RESILIENCY, AND SUPPRESSION.

16 (e) THE TERM OF APPOINTMENTS IS FOUR YEARS; EXCEPT THAT THE  
17 TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTIONS  
18 (3)(a)(VI)(C) TO (3)(a)(VI)(F) OF THIS SECTION IS TWO YEARS. A MEMBER  
19 MAY BE REAPPOINTED FOR ADDITIONAL TERMS. THE EXECUTIVE DIRECTOR  
20 SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE  
21 UNEXPIRED TERM. AN APPOINTMENT TO FILL A VACANCY IS SUBJECT TO  
22 THE REQUIREMENTS SET FORTH FOR THE VACANT POSITION IN SUBSECTION  
23 (3)(a)(VI) OR (3)(b) OF THIS SECTION, AS APPLICABLE.

24 (f) EACH MEMBER OF THE COMMISSION SERVES WITHOUT  
25 COMPENSATION, BUT EACH VOTING MEMBER AND EACH EX OFFICIO  
26 MEMBER APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION IS  
27 ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY TRAVEL

1 EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES AS A  
2 MEMBER OF THE COMMISSION.

3 (g) THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IS THE  
4 CHAIR OF THE COMMISSION.

5 (h) THE COMMISSION SHALL MEET AT LEAST ONCE EVERY THREE  
6 MONTHS. THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS ARE  
7 NECESSARY FOR THE COMMISSION TO COMPLETE ITS DUTIES.

8 (4) **Powers and duties.** (a) THE MISSION OF THE COMMISSION IS  
9 TO ENHANCE PUBLIC SAFETY IN COLORADO THROUGH AN INTEGRATED  
10 STATEWIDE PROCESS FOCUSED ON THE FIRE SERVICE'S CAPACITY TO  
11 CONDUCT FIRE MANAGEMENT AND USE, PREPAREDNESS, PREVENTION, AND  
12 RESPONSE ACTIVITIES TO SAFEGUARD LIVES, PROPERTY, AND NATURAL  
13 RESOURCES, AND INCREASE THE RESILIENCY OF LOCAL AND REGIONAL  
14 COMMUNITIES.

15 (b) IN FURTHERANCE OF ITS MISSION, THE COMMISSION SHALL  
16 CONSIDER THE FOLLOWING ISSUES:

17 (I) DEVELOPING AN ACCURATE UNDERSTANDING OF COLORADO'S  
18 FIRE PROBLEMS, INCLUDING THE NUMBER OF INJURIES AND FATALITIES,  
19 OVERALL FIRE LOSSES, AND THE CAUSES AND ORIGINS OF STRUCTURAL  
20 AND WILDLAND FIRES;

21 (II) REVIEWING THE CURRENT EMERGENCY FIRE FUND PROGRAM  
22 AND PROVIDING RECOMMENDATIONS TO MAKE IT MORE INCLUSIVE OF  
23 COUNTIES THROUGHOUT THE STATE;

24 (III) EVALUATING FUNDING MECHANISMS FOR EFFECTIVE  
25 RESPONSE TO LARGE FIRES, WITH CONSIDERATION GIVEN TO APPROPRIATE  
26 COST-SHARE AGREEMENTS, FINANCIAL CONTRIBUTIONS, MITIGATION AND  
27 PREPAREDNESS, MUTUAL AID PARTICIPATION, AND LOCAL ACTIONS AND

1 PLANS;

2 (IV) ASSESSING THE CAPACITY OF THE STATE TO PROVIDE  
3 EMERGENCY FIRE SUPPORT AND TECHNICAL EXPERTISE TO LOCAL  
4 COMMUNITIES;

5 (V) DEVELOPING PERFORMANCE MEASURES OF OVERALL RESPONSE  
6 EFFECTIVENESS AND IDENTIFYING RECOMMENDED IMPROVEMENT AREAS;

7 (VI) STRENGTHENING REGIONAL AND STATEWIDE COORDINATION  
8 OF MUTUAL AID RESOURCES AND INITIAL ATTACK CAPABILITIES FOR FIRES  
9 AND OTHER HAZARDS;

10 (VII) DEVELOPING BEST PRACTICE RECOMMENDATIONS RELATED  
11 TO HIGH-RISK OCCUPANCIES FOR CONSIDERATION BY LOCAL JURISDICTIONS  
12 AND COMMUNITIES, INCLUDING RECOMMENDATIONS RELATED TO  
13 MINIMUM COOPERATIVE AGREEMENTS AND MUTUAL AID RESOURCES;

14 (VIII) DEVELOPING AND PUBLISHING AN ASSESSMENT OF FIRE  
15 TREATMENT COSTS AND COST DISTRIBUTION, INCLUDING THE COSTS OF  
16 MITIGATION UNDER EMERGENT AND NONEMERGENT CIRCUMSTANCES,  
17 RETREATMENT COSTS, AND POST-RECOVERY COSTS;

18 (IX) DEVELOPING METHODOICAL APPROACHES TO AND  
19 RECOMMENDATIONS ON COLORADO'S FIRE SERVICE CONCERNS AND  
20 ISSUES; AND

21 (X) FORECASTING UPCOMING FUNDING AND RESOURCE  
22 CHALLENGES AND TRENDS THAT AFFECT FIRE SERVICES AND THE ABILITY  
23 OF THE STATE AND OF LOCAL JURISDICTIONS TO RESPOND TO FIRE AND  
24 MITIGATE HAZARDS IN THE SHORT AND LONG TERM.

25 (c) (I) THE COMMISSION MAY ESTABLISH TASK FORCES TO STUDY  
26 AND MAKE RECOMMENDATIONS TO THE COMMISSION ON SPECIFIC SUBJECT  
27 MATTER AREAS WITHIN THE COMMISSION'S AREA OF STUDY.

1 (II) WHEN ESTABLISHING A TASK FORCE, THE COMMISSION SHALL  
2 SET FORTH THE PURPOSE OF THE TASK FORCE AND ITS MEMBERSHIP, AREA  
3 OF STUDY, DUTIES, AND DURATION.

4 (III) THE CHAIR SHALL APPOINT THE MEMBERS OF A TASK FORCE,  
5 WITH THE ADVICE AND CONSENT OF THE COMMISSION. THE CHAIR MAY  
6 APPOINT INDIVIDUALS WHO ARE NOT MEMBERS OF THE COMMISSION TO  
7 SERVE ON A TASK FORCE. MEMBERS OF A TASK FORCE SERVE FOR THE  
8 DURATION OF THE TASK FORCE. MEMBERS OF A TASK FORCE WHO ARE NOT  
9 VOTING MEMBERS OF THE COMMISSION OR EX OFFICIO MEMBERS OF THE  
10 COMMISSION APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS  
11 SECTION SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT  
12 FOR EXPENSES.

13 (5) **Staff support.** THE DIVISION SHALL PROVIDE OFFICE SPACE,  
14 EQUIPMENT, AND STAFF SERVICES AS MAY BE NECESSARY TO IMPLEMENT  
15 THIS SECTION.

16 (6) **Reports.** (a) ON OR BEFORE AUGUST 31, 2020, AND ON OR  
17 BEFORE AUGUST 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL  
18 SUBMIT A WRITTEN REPORT TO THE AGRICULTURE, LIVESTOCK, AND  
19 NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES  
20 AND THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE  
21 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING  
22 THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO  
23 SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (6)(a) CONTINUES  
24 UNTIL THE COMMISSION IS REPEALED.

25 (b) ON OR BEFORE AUGUST 31, 2020, AND ON OR BEFORE AUGUST  
26 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT TO THE  
27 WILDFIRE MATTERS REVIEW COMMITTEE ON ITS ACTIVITIES AND



1 RECOMMENDATIONS.

2 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,  
3 2024. BEFORE ITS REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN  
4 ACCORDANCE WITH SECTION 2-3-1203.

5 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**  
6 (15)(a)(VI) as follows:

7 **2-3-1203. Sunset review of advisory committees - legislative**  
8 **declaration - definition - repeal.** (15) (a) The following statutory  
9 authorizations for the designated advisory committees are scheduled for  
10 repeal on September 1, 2024:

11 (VI) THE COLORADO FIRE COMMISSION CREATED IN SECTION  
12 24-33.5-1233.

13 **SECTION 3. Act subject to petition - effective date.** This act  
14 takes effect at 12:01 a.m. on the day following the expiration of the  
15 ninety-day period after final adjournment of the general assembly (August  
16 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
17 referendum petition is filed pursuant to section 1 (3) of article V of the  
18 state constitution against this act or an item, section, or part of this act  
19 within such period, then the act, item, section, or part will not take effect  
20 unless approved by the people at the general election to be held in  
21 November 2020 and, in such case, will take effect on the date of the  
22 official declaration of the vote thereon by the governor.