

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
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BILL 3

LLS NO. 19-0220.01 Megan Waples x4348

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Establish Colorado Fire Commission"

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF THE COLORADO FIRE
102 COMMISSION.

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/>.)

Wildfire Matters Review Committee. 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 fire mitigation, prevention, preparedness, and response to safeguard lives, property, natural resources, and local and

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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 The commission is repealed effective September 1, 2024, and is subject to a sunset review prior to its repeal.

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

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

24-33.5-1233. Colorado fire commission - creation - powers and duties - definitions - repeal. (1) **Legislative declaration.** (a) THE

GENERAL ASSEMBLY HEREBY FINDS THAT:

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

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

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

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

(b) NOW, THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT 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 EIGHTEEN
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 AND

16 (V) FOURTEEN MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR
17 AS FOLLOWS:

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

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

24 (C) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A
25 STATEWIDE ORGANIZATION REPRESENTING VOLUNTEER FIREFIGHTERS;

26 (D) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A
27 STATEWIDE ORGANIZATION REPRESENTING COUNTY SHERIFFS, WITH ONE

1 SUCH MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH
2 MEMBER REPRESENTING THE EASTERN PART OF THE STATE;

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

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

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

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

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

15 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT ONE NONVOTING EX
16 OFFICIO MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION
17 REPRESENTING PUBLIC SAFETY ANSWERING POINTS. THE EXECUTIVE
18 DIRECTOR MAY, IN THE EXECUTIVE DIRECTOR'S DISCRETION, APPOINT
19 ADDITIONAL NONVOTING EX OFFICIO MEMBERS WITH EXPERTISE IN THE
20 COMMISSION'S AREAS OF STUDY TO AID THE COMMISSION IN FULFILLING ITS
21 DUTIES.

22 (c) THE COMMISSION INCLUDES THE FOLLOWING NONVOTING EX
23 OFFICIO MEMBERS:

24 (I) ONE REPRESENTATIVE FROM THE UNITED STATES FOREST
25 SERVICE;

26 (II) ONE REPRESENTATIVE FROM THE BUREAU OF LAND
27 MANAGEMENT; AND

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

2 (d) THE EXECUTIVE DIRECTOR SHALL MAKE INITIAL APPOINTMENTS
3 NO LATER THAN AUGUST 5, 2019. THE EXECUTIVE DIRECTOR SHALL
4 CONSIDER GEOGRAPHIC REPRESENTATION IN APPOINTING MEMBERS OF THE
5 COMMISSION. THE EXECUTIVE DIRECTOR SHALL ENSURE, TO THE EXTENT
6 PRACTICABLE, THAT THE APPOINTED MEMBERS REPRESENT A BALANCE OF
7 EXPERTISE IN THE AREAS OF FIRE MITIGATION, PREVENTION,
8 PREPAREDNESS, AND SUPPRESSION.

9 (e) THE TERM OF APPOINTMENTS IS FOUR YEARS; EXCEPT THAT THE
10 TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTIONS
11 (3)(a)(V)(C) TO (3)(a)(V)(F) OF THIS SECTION IS TWO YEARS. A MEMBER
12 MAY BE REAPPOINTED FOR ADDITIONAL TERMS. THE EXECUTIVE DIRECTOR
13 SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE
14 UNEXPIRED TERM. AN APPOINTMENT TO FILL A VACANCY IS SUBJECT TO
15 THE REQUIREMENTS SET FORTH FOR THE VACANT POSITION IN SUBSECTION
16 (3)(a)(V) OR (3)(b) OF THIS SECTION, AS APPLICABLE.

17 (f) EACH MEMBER OF THE COMMISSION SERVES WITHOUT
18 COMPENSATION, BUT EACH VOTING MEMBER AND EACH EX OFFICIO
19 MEMBER APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION IS
20 ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY TRAVEL
21 EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES AS A
22 MEMBER OF THE COMMISSION.

23 (g) THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IS THE
24 CHAIR OF THE COMMISSION.

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

1 **(4) Powers and duties.** (a) THE MISSION OF THE COMMISSION IS
2 TO ENHANCE PUBLIC SAFETY IN COLORADO THROUGH AN INTEGRATED
3 STATEWIDE PROCESS FOCUSED ON FIRE MITIGATION, PREVENTION,
4 PREPAREDNESS, AND RESPONSE TO SAFEGUARD LIVES, PROPERTY,
5 NATURAL RESOURCES, AND LOCAL AND REGIONAL COMMUNITIES.

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

8 (I) DEVELOPING AN ACCURATE UNDERSTANDING OF COLORADO'S
9 FIRE PROBLEMS, INCLUDING THE NUMBER OF INJURIES AND FATALITIES,
10 OVERALL FIRE LOSSES, AND THE CAUSES AND ORIGINS OF STRUCTURAL
11 AND WILDLAND FIRES;

12 (II) REVIEWING THE CURRENT EMERGENCY FIRE FUND PROGRAM
13 AND PROVIDING RECOMMENDATIONS TO MAKE IT MORE INCLUSIVE OF
14 COUNTIES THROUGHOUT THE STATE;

15 (III) EVALUATING FUNDING MECHANISMS FOR EFFECTIVE
16 RESPONSE TO LARGE FIRES, WITH CONSIDERATION GIVEN TO APPROPRIATE
17 COST-SHARE AGREEMENTS, FINANCIAL CONTRIBUTIONS, MITIGATION AND
18 PREPAREDNESS, MUTUAL AID PARTICIPATION, AND LOCAL ACTIONS AND
19 PLANS;

20 (IV) ASSESSING THE CAPACITY OF THE STATE TO PROVIDE
21 EMERGENCY FIRE SUPPORT AND TECHNICAL EXPERTISE TO LOCAL
22 COMMUNITIES;

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

25 (VI) STRENGTHENING REGIONAL AND STATEWIDE COORDINATION
26 OF MUTUAL AID RESOURCES AND INITIAL ATTACK CAPABILITIES FOR FIRES
27 AND OTHER HAZARDS;

1 (VII) DEVELOPING BEST PRACTICE RECOMMENDATIONS RELATED
2 TO HIGH-RISK OCCUPANCIES FOR CONSIDERATION BY LOCAL JURISDICTIONS
3 AND COMMUNITIES, INCLUDING RECOMMENDATIONS RELATED TO
4 MINIMUM COOPERATIVE AGREEMENTS AND MUTUAL AID RESOURCES;

5 (VIII) DEVELOPING AND PUBLISHING AN ASSESSMENT OF FIRE
6 TREATMENT COSTS AND COST DISTRIBUTION, INCLUDING THE COSTS OF
7 MITIGATION UNDER EMERGENT AND NONEMERGENT CIRCUMSTANCES,
8 RETREATMENT COSTS, AND POST-RECOVERY COSTS;

9 (IX) DEVELOPING METHODOICAL APPROACHES TO AND
10 RECOMMENDATIONS ON COLORADO'S FIRE SERVICE CONCERNS AND
11 ISSUES; AND

12 (X) FORECASTING UPCOMING FUNDING AND RESOURCE
13 CHALLENGES AND TRENDS THAT AFFECT FIRE SERVICES AND THE ABILITY
14 OF THE STATE AND OF LOCAL JURISDICTIONS TO RESPOND TO FIRE AND
15 MITIGATE HAZARDS IN THE SHORT AND LONG TERM.

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

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

22 (III) THE CHAIR SHALL APPOINT THE MEMBERS OF A TASK FORCE,
23 WITH THE ADVICE AND CONSENT OF THE COMMISSION. THE CHAIR MAY
24 APPOINT INDIVIDUALS WHO ARE NOT MEMBERS OF THE COMMISSION TO
25 SERVE ON A TASK FORCE. MEMBERS OF A TASK FORCE SERVE FOR THE
26 DURATION OF THE TASK FORCE. MEMBERS OF A TASK FORCE WHO ARE NOT
27 VOTING MEMBERS OF THE COMMISSION OR EX OFFICIO MEMBERS

1 APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION SERVE
2 WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

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

6 (6) **Reports.** (a) ON OR BEFORE AUGUST 31, 2020, AND ON OR
7 BEFORE AUGUST 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL
8 SUBMIT A WRITTEN REPORT TO THE AGRICULTURE, LIVESTOCK, AND
9 NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES
10 AND THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE
11 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING
12 THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
13 SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (6)(a) CONTINUES
14 UNTIL THE COMMISSION IS REPEALED.

15 (b) ON OR BEFORE AUGUST 31, 2020, AND ON OR BEFORE AUGUST
16 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT TO THE
17 WILDFIRE MATTERS REVIEW COMMITTEE ON ITS ACTIVITIES AND
18 RECOMMENDATIONS.

19 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
20 2024. BEFORE ITS REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
21 ACCORDANCE WITH SECTION 2-3-1203.

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

24 **2-3-1203. Sunset review of advisory committees - legislative**
25 **declaration - definition - repeal.** (15) (a) The following statutory
26 authorizations for the designated advisory committees are scheduled for
27 repeal on September 1, 2024:

1 (VI) THE COLORADO FIRE COMMISSION CREATED IN SECTION
2 24-33.5-1233.

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.