

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

BILL C

LLS NO. 19-0220.01 Megan Waples x4348

HOUSE BILL

HOUSE SPONSORSHIP

Carver,

SENATE SPONSORSHIP

Fields,

House Committees

Senate Committees

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 the fire service's capacity to conduct fire management and use, preparedness, prevention, and response activities to safeguard

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.

lives, property, natural resources, and increase the resiliency of local and 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 The commission is repealed effective September 1, 2024, and is subject to a sunset review prior to its repeal.

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 - definitions - repeal. (1) Legislative declaration. (a) THE**
6 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) NOW, 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 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 TO INCLUDE RELEVANT INFORMATION PURSUANT TO SECTION 23-31-316;
16 AND

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

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

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

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

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

1 STATEWIDE ORGANIZATION REPRESENTING COUNTY SHERIFFS, WITH ONE
2 SUCH MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH
3 MEMBER REPRESENTING THE EASTERN PART OF THE STATE;

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

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

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

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

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

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

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

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

27 (c) THE COMMISSION INCLUDES THE FOLLOWING NONVOTING EX

1 OFFICIO MEMBERS:

2 (I) ONE REPRESENTATIVE FROM THE UNITED STATES FOREST
3 SERVICE;

4 (II) ONE REPRESENTATIVE FROM THE BUREAU OF LAND
5 MANAGEMENT; AND

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

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

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

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

1 (g) THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IS THE
2 CHAIR OF THE COMMISSION.

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

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

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

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

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

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

27 (IV) ASSESSING THE CAPACITY OF THE STATE TO PROVIDE

1 EMERGENCY FIRE SUPPORT AND TECHNICAL EXPERTISE TO LOCAL
2 COMMUNITIES;

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

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

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

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

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

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

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

26 (II) WHEN ESTABLISHING A TASK FORCE, THE COMMISSION SHALL
27 SET FORTH THE PURPOSE OF THE TASK FORCE AND ITS MEMBERSHIP, AREA

1 OF STUDY, DUTIES, AND DURATION.

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

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

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

22 (b) ON OR BEFORE AUGUST 31, 2020, AND ON OR BEFORE AUGUST
23 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT TO THE
24 WILDFIRE MATTERS REVIEW COMMITTEE ON ITS ACTIVITIES AND
25 RECOMMENDATIONS.

26 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
27 2024. BEFORE ITS REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN

1 ACCORDANCE WITH SECTION 2-3-1203.

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

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (15) (a) The following statutory
6 authorizations for the designated advisory committees are scheduled for
7 repeal on September 1, 2024:

8 (VI) THE COLORADO FIRE COMMISSION CREATED IN SECTION
9 24-33.5-1233.

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