

CHAPTER 101

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 10-102

BY SENATOR(S) Gibbs, Kopp, Schwartz, Whitehead, Williams;
also REPRESENTATIVE(S) Fischer, Hullinghorst, Pace, Pommer, Ryden, Todd.

AN ACT

**CONCERNING THE CERTIFICATION OF USERS OF PRESCRIBED FIRE ACCORDING TO STANDARDS
ESTABLISHED BY THE COLORADO STATE FOREST SERVICE.**

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

SECTION 1. 23-31-313 (6) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

23-31-313. Healthy forests - vibrant communities - funds created.
(6) Community watershed restoration. (a) In order to support communities and land managers in moving from risk reduction to long-term ecological restoration so that the underlying condition of Colorado's forests supports a variety of values, particularly public water supply and high-quality wildlife habitat, the forest service shall:

(III) ESTABLISH TRAINING AND CERTIFICATION STANDARDS FOR USERS OF PRESCRIBED FIRE IN CONSULTATION WITH THE COLORADO PRESCRIBED FIRE COUNCIL OR AN ANALOGOUS SUCCESSOR ORGANIZATION. THE FOREST SERVICE MAY ALSO CONSULT WITH LOCAL FIRE JURISDICTIONS. NOTHING IN THIS SUBPARAGRAPH (III) REQUIRES A USER OF PRESCRIBED FIRE TO BE CERTIFIED. THE STANDARDS SHALL:

(A) CREATE CERTIFIED BURNER AND NONCERTIFIED BURNER DESIGNATIONS FOR USERS OF PRESCRIBED FIRE ON PRIVATE AND NONFEDERAL LAND;

(B) ESTABLISH REQUIREMENTS FOR CERTIFIED BURNERS TO CONDUCT LAWFUL ACTIVITIES PURSUANT TO AUTHORIZATION UNDER SECTION 18-13-109 (2) (b) (IV), C.R.S., REGARDING FIRING OF WOODS OR PRAIRIE;

(C) IDENTIFY PROCESSES AND PROCEDURES FOR CERTIFIED BURNERS TO CONDUCT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

A PRESCRIBED FIRE;

(D) RECOMMEND ORGANIZATIONAL STRUCTURES FOR PRESCRIBED BURN OPERATIONS;

(E) ESTABLISH TRAINING STANDARDS FOR CERTIFIED BURNERS; AND

(F) CLEARLY IDENTIFY PREEXISTING FEES, PERMIT REQUIREMENTS, LIABILITIES, LIABILITY EXEMPTIONS, AND PENALTIES FOR PRESCRIBED BURN PERSONNEL AND LANDOWNERS, INCLUDING THOSE SPECIFIED IN SECTIONS 25-7-106 (7) AND (8) AND 25-7-123, C.R.S.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 15, 2010