

CHAPTER 85

GOVERNMENT - COUNTY

HOUSE BILL 12-1285

BY REPRESENTATIVE(S) Gerou, Conti, Gardner B., Hamner, Kerr J., Nikkel;
also SENATOR(S) Jahn, Boyd, King S., Newell, Nicholson, Schwartz.

AN ACT

CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING INTERGOVERNMENTAL COOPERATION TO ADDRESS WILDLAND FIRE MITIGATION WHERE A MUNICIPALITY OWNS LAND INSIDE A COUNTY FOR UTILITY PURPOSES.

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

SECTION 1. In Colorado Revised Statutes, 29-20-105.5, **amend** (3) (a) and (3) (b) introductory portion; and **add** (2) (b.5) and (2) (e) as follows:

29-20-105.5. Intergovernmental cooperation - intergovernmental agreements to address wildland fire mitigation - legislative declaration. (2) As used in this section, unless the context otherwise requires:

(b.5) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR A CITY AND COUNTY. "LOCAL GOVERNMENT" DOES NOT INCLUDE A COUNTY OR A HOME RULE COUNTY.

(e) "UTILITY PURPOSES" MEANS THE USE OR MANAGEMENT OF PROPERTY BY A LOCAL GOVERNMENT THAT IS REASONABLY RELATED TO THE PROVISION OF ELECTRIC, NATURAL GAS, WATER, WASTEWATER, AND TELECOMMUNICATION SERVICES.

(3) (a) (I) On or before July 1, 2012, each local government that owns any land area FOR ANY REASON OTHER THAN FOR UTILITY PURPOSES that is located either entirely or partially outside its own territorial boundaries and inside the territorial boundaries of a county and that contains at least fifty percent forest land or land that constitutes a wildland area shall enter into an intergovernmental agreement with the county for the purpose of mitigating forest land or wildland fires affecting the contiguous land areas of the local government and county. ~~In association with the~~

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

~~governmental parties entering into any intergovernmental agreement, the parties to such agreement shall consult with any utility providers that have facilities in the areas subject to the agreements to the extent the provisions of the agreements will affect the providers.~~

(II) ON OR BEFORE JULY 1, 2012, EACH LOCAL GOVERNMENT THAT OWNS ANY LAND AREA FOR UTILITY PURPOSES THAT IS LOCATED EITHER ENTIRELY OR PARTIALLY OUTSIDE ITS OWN TERRITORIAL BOUNDARIES AND INSIDE THE TERRITORIAL BOUNDARIES OF A COUNTY AND THAT CONTAINS AT LEAST FIFTY PERCENT FOREST LAND OR LAND THAT CONSTITUTES A WILDLAND AREA SHALL EITHER:

(A) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY FOR THE PURPOSE OF MITIGATING FOREST LAND OR WILDLAND FIRES AFFECTING THE CONTIGUOUS LAND AREAS OF THE LOCAL GOVERNMENT AND COUNTY; OR

(B) ENTER INTO AN AGREEMENT WITH THE COLORADO STATE FOREST SERVICE CREATED IN SECTION 36-7-201 (1), C.R.S., FOR THE PURPOSE OF MITIGATING FOREST LAND OR WILDLAND FIRES AFFECTING THE CONTIGUOUS LAND AREAS OF THE LOCAL GOVERNMENT AND COUNTY, AND PROVIDE NOTIFICATION OF THE AGREEMENT TO ANY COUNTY IN WHICH THE LOCAL GOVERNMENT OWNS ANY LAND AREA.

(III) IN ASSOCIATION WITH THE GOVERNMENTAL PARTIES ENTERING INTO ANY INTERGOVERNMENTAL AGREEMENT OR AGREEMENT WITH THE COLORADO STATE FOREST SERVICE, THE PARTIES TO THE AGREEMENT SHALL CONSULT WITH ANY UTILITY PROVIDERS THAT HAVE FACILITIES IN THE AREAS SUBJECT TO THE AGREEMENT TO THE EXTENT THE PROVISIONS OF THE AGREEMENT WILL AFFECT THE PROVIDERS.

(b) ~~The~~ ANY agreement required by SUBPARAGRAPH (I) OR (II) OF paragraph (a) of this subsection (3) shall address, without limitation, the following matters:

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 6, 2012