

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0742.01 Megan McCall x4215

**HOUSE BILL 22-1132**

**HOUSE SPONSORSHIP**

**Holtorf and Exum**, Ortiz, Amabile, Bacon, Bennett, Bird, Boesenecker, Esgar, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lindsay, McCormick, McLachlan, Titone, Valdez A., Valdez D., Will, Young

**SENATE SPONSORSHIP**

**Liston**,

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**House Committees**

Energy & Environment  
Appropriations

**Senate Committees**

Transportation & Energy  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING THE PROVISION OF WILDFIRE MITIGATION SERVICES,**  
102                    **AND, IN CONNECTION THEREWITH, REGULATING CONTROLLED**  
103                    **BURNS ON PRIVATE PROPERTY.**

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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 requires that a fire department (defined to include a fire protection district as well as a county or municipality) be notified prior to conducting a controlled burn on private property and prohibits a person from conducting a controlled burn under certain conditions. The bill also sets forth civil and criminal penalties for a person who does not provide

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.*

HOUSE  
3rd Reading Unamended  
April 29, 2022

HOUSE  
Amended 2nd Reading  
April 28, 2022

notice prior to conducting a controlled burn or otherwise violates the bill's requirements.

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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** 29-22.5-105 as  
3 follows:

4           **29-22.5-105. Reporting controlled burns - ■ ■ short title -**  
5 **definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE "DARCY'S LAST  
6 CALL ACT".

7           (2) AS USED IN THIS SECTION:

8           (a) "CONTROLLED AGRICULTURAL BURN" HAS THE SAME MEANING  
9 AS SET FORTH IN SECTION 24-33.5-1202 (3.3).

10           (b) "CONTROLLED BURN" MEANS A CONTROLLED AGRICULTURAL  
11 BURN OR A CONTROLLED DITCH BURN THAT IS INTENTIONALLY STARTED  
12 ON PRIVATE PROPERTY.

13           (c) "CONTROLLED DITCH BURN" HAS THE SAME MEANING AS SET  
14 FORTH IN SECTION 24-33.5-1202 (3.4).

15           (d) "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE  
16 PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND  
17 COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR  
18 COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION. "FIRE  
19 DEPARTMENT" ALSO INCLUDES VOLUNTEER FIRE DEPARTMENTS  
20 ORGANIZED UNDER SECTION 24-33.5-1208.5.

21 ■  
22           (3) BEFORE ANY PERSON CONDUCTS A CONTROLLED BURN, THE  
23 PERSON MUST PROVIDE NOTICE OF THE CONTROLLED BURN IN  
24 ACCORDANCE WITH LOCAL RULES AND REGULATIONS OR, WHERE NO LOCAL  
25 RULES AND REGULATIONS EXIST, TO THE LOCAL DISPATCH CENTER, THE

1 COUNTY SHERIFF, AND WHERE APPLICABLE TO THE FIRE DEPARTMENT  
2 PROVIDING SERVICES TO THE AREA WHERE THE PRIVATE PROPERTY IS  
3 LOCATED. IN THE NOTICE REQUIRED BY THIS SUBSECTION (3), THE PERSON  
4 CONDUCTING THE CONTROLLED BURN MUST PROVIDE THE DATE, TIME, AND  
5 LOCATION WHERE THE CONTROLLED BURN WILL BE CONDUCTED, AND  
6 CONTACT INFORMATION FOR THE PERSON RESPONSIBLE FOR THE  
7 CONTROLLED BURN. **THE FIRE DEPARTMENT MAY DETERMINE THAT**  
8 **FIRE DEPARTMENT PERSONNEL MUST BE ON STANDBY AT THE TIME OF THE**  
9 **CONTROLLED BURN FOR IT TO BE CONDUCTED.**

10 (4) NOTHING IN THIS SECTION EXEMPTS A PERSON FROM  
11 COMPLYING WITH ANY OTHER APPLICABLE LOCAL, STATE, OR FEDERAL  
12 LAWS.

13 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1231, **add**  
14 **(4.5) as follows:**

15 **24-33.5-1231. Local firefighter safety and disease prevention**  
16 **fund - creation - grants - rules - repeal.** (4.5) ON THE EFFECTIVE DATE  
17 OF THIS SUBSECTION (4.5), THE STATE TREASURER SHALL TRANSFER ONE  
18 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.  
19 THE DIVISION SHALL USE THIS MONEY TO AWARD NEED-BASED GRANTS TO  
20 VOLUNTEER FIRE DEPARTMENTS PURSUANT TO SUBSECTION (2) OF THIS  
21 SECTION. THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE JANUARY 1,  
22 2025.

23 **SECTION 3. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly; except  
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take  
2 effect unless approved by the people at the general election to be held in  
3 November 2022 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.