

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
9/6/24

**BILL 9**

LLS NO. 25-0189.01 Rebecca Bayetti x4348

**INTERIM COMMITTEE BILL**

**Wildfire Matters Review Committee**

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**BILL TOPIC:** Certified Burner Reciprocity

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**A BILL FOR AN ACT**

101 **CONCERNING THE EXPANSION OF THE DEFINITION OF A COLORADO**  
102 **CERTIFIED BURNER TO INCLUDE AN INDIVIDUAL WHO MEETS**  
103 **RECIPROCITY REQUIREMENTS.**

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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/>.)*

**Wildfire Matters Review Committee.** The bill expands the definition of a "certified burner" in the state to include an individual who has not completed the Colorado division of fire prevention and control's (division) training and certification program but who meets reciprocity requirements and possesses a valid Colorado certification number. An

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

individual seeking certification through reciprocity may receive a certification number from the division by:

- Applying for certification to the division, according to the rules and standards of the division, including the payment of any associated fee; and
- Submitting evidence to the division, according to the rules and standards of the division, that the individual holds a valid certification from a state government or other entity.

The director of the division, in consultation with the Colorado state forest service, is required to adopt rules and standards pertaining to the qualification for and the terms and durations of certification, including through reciprocity.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1202,  
3 **amend** (2.3) as follows:

4           **24-33.5-1202. Definitions.** As used in this part 12, unless the  
5 context otherwise requires:

6           (2.3) "Certified burner" means an individual who EITHER  
7 successfully completes the division's certified burner training and  
8 certification program OR MEETS THE REQUIREMENTS FOR RECIPROCITY  
9 DESCRIBED IN SECTION 24-33.5-1217 (2.5) and WHO possesses a valid  
10 certification number.

11           **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1217,  
12 **amend** (2) introductory portion, (2)(b), (2)(e), (2)(f), (5)(a) introductory  
13 portion, (5)(a)(II)(A), and (10); and **add** (2)(g) and (2.5) as follows:

14           **24-33.5-1217. Prescribed burning program - training and**  
15 **certification of certified burners - rules - fees.** (2) The training and  
16 certification standards adopted under this section ~~shall~~ **MUST:**

17           (b) Establish requirements for certified burners to conduct lawful  
18 activities pursuant to authorization under section 18-13-109 (2)(b)(IV),  
19 C.R.S., regarding firing of woods or prairie;

1 (e) Establish training standards for certified burners and utilize all  
2 means available to make the certified burner training as accessible as  
3 possible; and

4 (f) Clearly identify preexisting fees, permit requirements,  
5 liabilities, liability exemptions, and penalties for prescribed burn  
6 personnel and landowners, including those specified in sections 25-7-106  
7 (7) and (8) and 25-7-123; ~~C.R.S.~~ AND

8 (g) ALLOW FOR AN INDIVIDUAL WHO MEETS THE RECIPROCITY  
9 REQUIREMENTS DESCRIBED IN SUBSECTION (2.5) OF THIS SECTION TO  
10 APPLY FOR AND RECEIVE A STATE CERTIFICATION NUMBER.

11 (2.5) (a) AN INDIVIDUAL WHO MEETS THE RECIPROCITY  
12 REQUIREMENTS DESCRIBED IN THIS SUBSECTION (2.5) MAY QUALIFY FOR  
13 CERTIFICATION AS A CERTIFIED BURNER.

14 (b) TO RECEIVE A VALID CERTIFICATION NUMBER FROM THE  
15 DIVISION, THE INDIVIDUAL MUST:

16 (I) APPLY FOR CERTIFICATION TO THE DIVISION, ACCORDING TO  
17 THE RULES AND STANDARDS OF THE DIVISION, INCLUDING THE PAYMENT  
18 OF ANY ASSOCIATED FEE; AND

19 (II) SUBMIT EVIDENCE TO THE DIVISION, ACCORDING TO THE RULES  
20 AND STANDARDS OF THE DIVISION, THAT THE INDIVIDUAL HOLDS A VALID  
21 CERTIFICATION FROM A STATE GOVERNMENT OR OTHER ENTITY.

22 (5) (a) The director, in consultation with the Colorado state forest  
23 service described in part 3 of article 31 of title 23 ~~C.R.S.~~, and in  
24 accordance with article 4 of this ~~title~~ TITLE 24:

25 (II) Shall adopt rules and standards:

26 (A) Pertaining to the training and certification of certified burners,  
27 including training components; application processes; qualification for

1 and terms and durations of certification, INCLUDING THROUGH  
2 RECIPROCITY; types of certification, if applicable; grounds and processes  
3 for renewal, suspension, and revocation of certifications; and training,  
4 certification, and renewal fees; and

5 (10) Notwithstanding any other provision of law:

6 (a) In performing the duties assigned to ~~him or her~~ THE DIRECTOR  
7 under subsections (5) and (6) of this section, the director shall consult  
8 with the Colorado state forest service as described in part 3 of article 31  
9 of title 23. ~~C.R.S.~~

10 (b) The prescribed burning standards adopted by the director  
11 pursuant to ~~sub-subparagraph (B) of subparagraph (H) of paragraph (a)~~  
12 ~~of subsection (5)~~ SUBSECTION (5)(a)(II)(B) of this section shall MUST be  
13 consistent with existing laws and processes that ban, regulate, or have  
14 developed recommendations concerning open burning, including sections  
15 18-13-109, 18-13-109.5, 23-31-312, 23-31-313 (6)(a)(II) and (6)(a)(III),  
16 25-7-106 (7) and (8), 25-7-123, 29-20-105.5, and 30-11-124. ~~C.R.S.~~

17 (c) Nothing in this section or section 24-33.5-1217.5 or  
18 24-33.5-1217.7 ~~shall be construed to affect~~ AFFECTS the authority of a  
19 county government to develop or administer an open burning permit  
20 system for the purpose of safely disposing of slash in accordance with the  
21 provisions of section 30-15-401 (1)(n.5). ~~C.R.S.~~

22 **SECTION 3. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly; except  
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
26 of the state constitution against this act or an item, section, or part of this  
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in  
2 November 2026 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.