



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0188
Prime Sponsors:

Date: October 25, 2021
Bill Status: Bill Request
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Bill Topic: **PRESCRIBED BURNS PRIVATE PROPERTY**

Summary of Fiscal Impact:

- | | |
|--|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill clarifies that a private property owner may use prescribed fire in accordance with federal, state, and local requirements. The bill potentially increases workload for some local governments related to the regulation of prescribed burns.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Wildfire Matters Review Committee.

Summary of Legislation

The bill clarifies the private property right of landowners to use prescribed burns in compliance with applicable federal, state, and local requirements. The bill establishes that prescribed burns are considered to be in the public interest and do not constitute a public or private nuisance. It also exempts pile burns from county open burning permit systems for disposing of slash.

Background

Prescribed burning refers to the planned application of fire to help restore health to fire-adapted environments. The Division of Fire Prevention and Control within the Department of Public Safety administers the Certified Burn Program by providing voluntary training and certification to private entities to plan and implement prescribed burns, exempting the certified entity from liability for any civil damages caused by prescribed burns conducted in compliance with applicable state and local requirements. The Air Pollution Control Division within the Department of Public Health and Environment oversees smoke management permits and open burn smoke permits in certain counties.

Local Government

Beginning in FY2022-23, the bill may increase workload for local governments to update local codes to match the state's regulations and to ensure that local codes are not more stringent than the state. These costs will vary based on jurisdiction. Excluding broadcast and pile burns from county open burn permitting systems may also change workload to process and review permit applications.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Public Health and Environment
Counties

Public Safety
Municipalities