

CHAPTER 241

GOVERNMENT - STATE

HOUSE BILL 12-1352

BY REPRESENTATIVE(S) Gardner B. and Gerou, Baumgardner, Beezley, Bradford, Holbert, Joshi, Kerr J., Liston, Looper, Miklosi, Murray, Nikkel, Pace, Priola, Ramirez, Scott, Stephens, Summers, Szabo, McNulty, Ferrandino, Kerr A., Peniston, Schafer S., Todd, Young;
also SENATOR(S) Cadman, Boyd, Foster, Giron, Heath, Jahn, King K., Lambert, Lundberg, Morse, Neville, Nicholson, Schwartz, Williams S.

AN ACT

CONCERNING THE CREATION OF A STATE COMMISSION TO ADDRESS MATTERS ARISING OUT OF THE LOWER NORTH FORK WILDFIRE.

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

SECTION 1. In Colorado Revised Statutes, **add** part 17 to article 2 of title 2 as follows:

PART 17
LOWER NORTH FORK WILDFIRE COMMISSION

2-2-1701. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) IN MARCH 2012, A CONTROLLED BURN CONDUCTED BY THE COLORADO STATE FOREST SERVICE IN THE LOWER NORTH FORK AREA OF JEFFERSON COUNTY, COLORADO, RESULTED IN A WILDFIRE ON MARCH 26, 2012, THAT KILLED THREE PEOPLE, DESTROYED HOMES AND OTHER STRUCTURES RESULTING IN EXTENSIVE PROPERTY DAMAGE, AND BURNED MORE THAN ONE THOUSAND FOUR HUNDRED ACRES SOUTH OF CONIFER, COLORADO. THE LOWER NORTH FORK WILDFIRE OCCURRING ON MARCH 26, 2012, IS REFERRED TO IN THIS PART 17 AS THE "WILDFIRE".

(b) THE IMPACT ON THE AFFECTED COMMUNITY RESULTING FROM THE WILDFIRE INCLUDES NOT ONLY LOSS OF LIFE AND FINANCIAL DEVASTATION BUT ALSO A LOSS OF CONFIDENCE BY PERSONS AFFECTED IN THE ABILITY OF THE STATE AND OTHER

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

EMERGENCY RESPONDERS TO RESPOND TO THIS OR OTHER DISASTERS THAT MAY OCCUR IN THE FUTURE. ACCORDINGLY, IT IS AN APPROPRIATE USE OF THE PLENARY POWER OF THE GENERAL ASSEMBLY TO EMPOWER A BODY SUCH AS THE COMMISSION CREATED UNDER THIS PART 17 TO INVESTIGATE THE CAUSES OF THE WILDFIRE AND TO MAKE RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION THAT WOULD PREVENT THE OCCURRENCE OF A SIMILAR TRAGEDY.

2-2-1702. Lower north fork wildfire commission - created - membership - chair - meetings - quorum - reimbursement of expenses - staff assistance - public meetings. (1) THE LOWER NORTH FORK WILDFIRE COMMISSION, REFERRED TO IN THIS PART 17 AS THE "COMMISSION", IS HEREBY CREATED. THE COMMISSION IS COMPRISED OF THE FOLLOWING FIVE MEMBERS:

(a) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE EACH APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(b) TWO MEMBERS OF THE SENATE, ONE EACH APPOINTED BY THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE SENATE; AND

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-103 (1), C.R.S., OR HIS OR HER DESIGNEE.

(2) THE COMMISSION SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS. THE COMMISSION SHALL MEET AT SUCH TIME AND SUCH PLACE AS DESIGNATED BY THE CHAIR; EXCEPT THAT THE FIRST MEETING OF THE COMMISSION SHALL TAKE PLACE NOT LATER THAN JULY 1, 2012. A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM.

(3) MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR SERVING ON THE COMMISSION; EXCEPT THAT COMMISSION MEMBERS ARE ENTITLED TO REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. IN THE CASE OF THE LEGISLATIVE MEMBERS OF THE COMMISSION, IN CONNECTION WITH THEIR NECESSARY ATTENDANCE AT MEETINGS OF THE COMMISSION, SUCH MEMBERS ARE ENTITLED TO RECEIVE THE AMOUNT SPECIFIED IN SECTION 2-2-307 (3) (a) (I) FOR NECESSARY ATTENDANCE AT A MEETING OF AN INTERIM COMMITTEE.

(4) SUBJECT TO THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., MEETINGS OF THE COMMISSION ARE PUBLIC MEETINGS.

(5) ANY STAFF ASSISTANCE REQUIRED BY THE COMMISSION SHALL BE PERFORMED BY EXISTING EMPLOYEES OF THE LEGISLATIVE STAFF AGENCIES OF THE GENERAL ASSEMBLY OR THE DEPARTMENT OF PUBLIC SAFETY WITHIN EXISTING APPROPRIATIONS.

2-2-1703. Investigation of causes of wildfire - recommendations for legislative or other action - report to general assembly. (1) DURING THE 2012 LEGISLATIVE INTERIM THE COMMISSION SHALL INVESTIGATE, REPORT ITS FINDINGS, AND MAKE RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION ON ALL MATTERS RELATING TO THE WILDFIRE, INCLUDING, WITHOUT LIMITATION, CAUSES OF

THE WILDFIRE, THE IMPACT ON THE AFFECTED COMMUNITY CAUSED BY THE WILDFIRE, THE LOSS OF LIFE AND FINANCIAL DEVASTATION INCURRED BY THE COMMUNITY, THE LOSS OF CONFIDENCE BY THE COMMUNITY IN THE RESPONSE TO THE EMERGENCY BY GOVERNMENTAL BODIES AT ALL LEVELS, AND MEASURES TO PREVENT THE OCCURRENCE OF A SIMILAR TRAGEDY. IN CONNECTION WITH THIS DUTY, THE COMMISSION SHALL SOLICIT AND ACCEPT REPORTS AND TAKE TESTIMONY AT ONE OR MORE PUBLIC HEARINGS HELD FOR SUCH PURPOSES. THE COMMISSION MAY SOLICIT OTHER SOURCES, INCLUDING, WITHOUT LIMITATION, REPRESENTATIVES FROM STATE AND LOCAL GOVERNMENTS AND ORGANIZATIONS OF CITIZENS, TO PROVIDE TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT INFORMATION.

(2) NOT LATER THAN DECEMBER 31, 2012, THE COMMISSION SHALL SUBMIT A WRITTEN REPORT OF ITS FINDINGS AND ANY RECOMMENDATIONS MADE PURSUANT TO THIS SECTION FOR LEGISLATIVE OR OTHER ACTION TO THE JUDICIARY AND LOCAL GOVERNMENT COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. UPON THE REQUEST OF ANY MEMBER OF THE COMMISSION, SUMMARIES OF DISSENTING OPINIONS SHALL BE PREPARED AND ATTACHED TO THE FINAL REPORT OF THE COMMISSION'S FINDINGS AND RECOMMENDATIONS. THE FINAL REPORT REQUIRED BY THIS SUBSECTION (2) IS SUBJECT TO THE REQUIREMENTS OF SECTION 24-1-136(9), C.R.S.

2-2-1704. Repeal of part. THIS PART 17 IS REPEALED, EFFECTIVE JULY 1, 2014.

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: June 4, 2012