

## CHAPTER 119

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**GOVERNMENT - STATE**


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**HOUSE BILL 14-1210**

BY REPRESENTATIVE(S) Gerou, Labuda, Rosenthal, Schafer, Becker;  
also SENATOR(S) Roberts, Crowder, Guzman, Heath, Kefalas, Kerr, King, Newell, Nicholson, Schwartz, Todd, Carroll.

**AN ACT**

**CONCERNING A REQUIREMENT THAT A STATE AGENCY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH A COUNTY TO ADDRESS WILDLAND FIRES AFFECTING CERTAIN STATE LANDS LOCATED WITHIN THE COUNTY.**

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 24-33.5-1221 as follows:

**24-33.5-1221. State responsibility - determination by the director - intergovernmental agreements required - terms included - definitions - legislative declaration.** (1) The director shall determine, in consultation with local authorities and with the approval of the governor, geographic areas of the state, including wildland-urban interface areas, in which the state has a financial responsibility for managing forest and wildland fires. The management of fires in all other areas is primarily the responsibility of local or federal agencies, as the case may be. The director may exclude all lands owned or controlled by the federal government or any agency thereof, and the director shall exclude all lands within the exterior boundaries of incorporated cities or towns.

(2) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) BECAUSE WILDLAND FIRES SO OFTEN TRAVERSE THE TERRITORIAL BOUNDARIES OF POLITICAL SUBDIVISIONS, THE FULL COOPERATION OF GOVERNMENTAL ENTITIES WITHIN WHOSE TERRITORIAL BOUNDARIES FOREST LANDS, RANGELANDS, OR WILDLAND AREAS ARE LOCATED IS NECESSARY TO ENSURE ADEQUATE PROTECTION AGAINST THOSE FIRES;

(II) BECAUSE WILDLAND FIRES CROSS TERRITORIAL BOUNDARIES, PARTICULARLY

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

IF COOPERATIVE FIRE MITIGATION POLICIES ARE NOT ESTABLISHED AND MAINTAINED, PROTECTING THE PUBLIC FROM THE DANGERS OF SUCH FIRES, ESPECIALLY FIRES OCCURRING IN WILDLAND-URBAN INTERFACE AREAS, IS A NECESSARY ENDEAVOR AND A MATTER OF STATEWIDE CONCERN; AND

(III) THIS SUBSECTION (2) IS ENACTED FOR THE PURPOSE OF REQUIRING INTERGOVERNMENTAL COOPERATION BETWEEN A COUNTY AND ANY STATE AGENCY THAT OWNS WILDLAND AREAS LOCATED WITHIN THE COUNTY TO MITIGATE THE HARM CAUSED BY WILDLAND FIRES AFFECTING LAND AREAS IN THE INTEREST OF PROTECTING THE PUBLIC HEALTH AND SAFETY.

(b) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "FOREST LAND" MEANS LAND OF WHICH AT LEAST TEN PERCENT IS STOCKED BY FOREST TREES OF ANY SIZE AND INCLUDES LAND THAT FORMERLY HAD SUCH TREE COVER AND THAT WILL BE NATURALLY OR ARTIFICIALLY REGENERATED. "FOREST LAND" INCLUDES ROADSIDE, STREAMSIDE, AND SHELTERBELT STRIPS OF TIMBER THAT HAVE A CROWN WIDTH OF AT LEAST ONE HUNDRED TWENTY FEET. "FOREST LAND" INCLUDES UNIMPROVED ROADS AND TRAILS, STREAMS, AND CLEARINGS THAT ARE LESS THAN ONE HUNDRED TWENTY FEET WIDE.

(II) "RANGELAND" MEANS AN EXPANSE OF LAND THAT IS UNFORESTED AND ON WHICH IT IS SUITABLE FOR LIVESTOCK TO WANDER AND GRAZE.

(III) "STATE AGENCY" HAS THE MEANING SET FORTH IN SECTION 24-18-102.

(IV) "WILDLAND AREA" MEANS AN AREA IN WHICH DEVELOPMENT IS ESSENTIALLY NONEXISTENT, EXCEPT FOR ROADS, RAILROADS, POWER LINES, AND SIMILAR INFRASTRUCTURE, AND IN WHICH STRUCTURES, IF PRESENT, ARE WIDELY SCATTERED.

(V) "WILDLAND FIRE" MEANS AN UNPLANNED OR UNWANTED FIRE IN A FOREST LAND, RANGELAND, OR WILDLAND AREA, INCLUDING AN UNAUTHORIZED HUMAN-CAUSED FIRE, AN OUT-OF-CONTROL PRESCRIBED FIRE, AND ANY OTHER FIRE IN A FOREST LAND, RANGELAND, OR WILDLAND AREA WHERE THE OBJECTIVE IS TO EXTINGUISH THE FIRE.

(c) (I) (A) ON OR BEFORE JANUARY 1, 2017, EACH STATE AGENCY THAT OWNS ANY LAND CONSTITUTING FOREST LAND, RANGELAND, OR WILDLAND AREA SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH EACH COUNTY IN WHICH THE LAND IS LOCATED TO MITIGATE WILDLAND FIRES AFFECTING THE LAND AREAS OF THE STATE AGENCY AND COUNTY. IN MAKING SUCH INTERGOVERNMENTAL AGREEMENT, THE PARTIES TO THE AGREEMENT SHALL CONSULT WITH ANY UTILITY PROVIDERS THAT HAVE FACILITIES IN THE AREAS SUBJECT TO THE AGREEMENTS TO THE EXTENT THAT THE AGREEMENTS WILL AFFECT THE PROVIDERS.

(B) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) DOES NOT APPLY TO RIGHTS-OF-WAY, CONSERVATION EASEMENTS, OR STATE TRUST LANDS. HOWEVER, THE DEPARTMENT OF NATURAL RESOURCES AND THE STATE LAND BOARD SHALL EVALUATE THE FEASIBILITY OF ENTERING INTO INTERGOVERNMENTAL AGREEMENTS SIMILAR TO THOSE REQUIRED UNDER SUB-SUBPARAGRAPH (A) OF THIS

SUBPARAGRAPH (I) FOR STATE TRUST LANDS. PRIOR TO SEPTEMBER 1, 2014, THE DEPARTMENT OF NATURAL RESOURCES SHALL REPORT TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION 2-3-1602, C.R.S., REGARDING ANY CONCLUSIONS REACHED SUBSEQUENT TO THIS EVALUATION, INCLUDING REASONABLE ALTERNATIVES TO ADDRESS WILDLAND FIRE MITIGATION AND SUPPRESSION COSTS WITH COUNTIES IN WHICH STATE TRUST LANDS ARE LOCATED.

(II) ANY AGREEMENT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) MUST ADDRESS THE FOLLOWING MATTERS:

(A) THE IDENTIFICATION OF ALL PARTIES TO THE AGREEMENT AND THEIR RESPECTIVE ROLES AND RESPONSIBILITIES REGARDING THE MITIGATION AND MANAGEMENT OF WILDLAND FIRES;

(B) THE PROCEDURES FOR COOPERATION AND COORDINATION AMONG THE PARTIES TO THE AGREEMENT;

(C) MANAGEMENT OBJECTIVES FOR FOREST LAND AND WILDLAND FIRE PREVENTION, PREPAREDNESS, MITIGATION, SUPPRESSION, RECLAMATION, OR REHABILITATION, AND THE DESIGNATION OF THE STATE AGENCY WITH FISCAL AND OPERATIONAL AUTHORITY FOR EACH OBJECTIVE;

(D) A DESCRIPTION OF AVAILABLE EMERGENCY OR MUTUAL AID RESOURCES IN THE EVENT OF WILDLAND FIRES;

(E) IDENTIFICATION OF THE PARTY OR PARTIES RESPONSIBLE FOR PAYING THE COSTS OF SUPPRESSION OF WILDFIRES OCCURRING ON STATE-OWNED LANDS;

(F) THE SPECIFICATION THAT REIMBURSEMENT AND BILLING PROCEDURES WILL BE HANDLED THROUGH THE DIVISION'S EXISTING BILLING PROCESS; AND

(G) ACTION THAT MAY BE UNDERTAKEN BY ONE PARTY TO THE AGREEMENT IF ANOTHER PARTY TO THE AGREEMENT FAILS TO SATISFY ITS DUTIES OR RESPONSIBILITIES UNDER THE AGREEMENT.

(d) THE AGREEMENT REQUIRED UNDER PARAGRAPH (c) OF THIS SUBSECTION (2) MUST BE EXECUTED BY ALL PARTIES TO THE AGREEMENT.

(e) NOTHING IN THIS SUBSECTION (2) ALTERS OR AFFECTS THE MANNER IN WHICH SUPPRESSION COSTS ARE HANDLED:

(I) DURING AN AGREED-UPON MUTUAL AID PERIOD; OR

(II) PURSUANT TO AN EXISTING AGREEMENT.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 11, 2014