

CHAPTER 175

GOVERNMENT - STATE

HOUSE BILL 14-1010

BY REPRESENTATIVE(S) Hamner, Becker, Duran, Exum, Fields, Fischer, Ginal, Melton, Mitsch Bush, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Tyler, Williams, Young, Ferrandino;
also SENATOR(S) Rivera, Guzman, Heath, Jones, Kefalas, King, Newell, Nicholson, Roberts, Schwartz, Todd.

AN ACT

CONCERNING CORRECTIONS TO STATUTORY PROVISIONS RELATING TO THE PRESCRIBED BURNING PROGRAM ADMINISTERED BY THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-1202, **repeal** (3.1); and **add** (2.3) as follows:

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

(2.3) "CERTIFIED BURNER" MEANS AN INDIVIDUAL WHO SUCCESSFULLY COMPLETES THE DIVISION'S CERTIFIED BURNER TRAINING AND CERTIFICATION PROGRAM AND POSSESSES A VALID CERTIFICATION NUMBER.

~~(3.1) "Certified prescribed burn manager" means an individual who successfully completes the division's certified burner training and certification program and possesses a valid certification number.~~

SECTION 2. In Colorado Revised Statutes, 24-33.5-1217, **amend** (3) (b) (I), (3) (b) (II), (4), and (5) (a) (II) (A) as follows:

24-33.5-1217. Prescribed burning program - training and certification of certified burners - rules - fees. (3) (b) (I) Nothing in this section requires a private landowner to be certified by the division as a ~~prescribed burn manager~~ CERTIFIED BURNER or qualified by national wildfire coordinating group standards as a prescribed burn boss to conduct prescribed fire on ~~their~~ THE LANDOWNER'S OWN

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

property.

(II) A private landowner or the landowner's designee who is certified by the division as a ~~prescribed burn manager~~ CERTIFIED BURNER or qualified by national wildfire coordinating group standards as a prescribed burn boss is not liable for any civil damages for acts or omissions made in good faith resulting in damage or injury caused by fire or smoke resulting from prescribed burns they conduct on ~~their~~ THE LANDOWNER'S OWN property and in compliance with applicable state laws and local ordinances, unless such private landowner's or designee's acts or omissions are grossly negligent or willful and wanton.

(4) The director, by rule, may establish a fee at an amount not to exceed the amount required to recover all direct costs that the division incurs in providing training to and processing applications for persons seeking certification as certified ~~prescribed burn managers~~ BURNERS pursuant to this section. Any fees so collected shall be deposited into the firefighter, first responder, hazardous materials responder, and prescribed fire training and certification fund created in section 24-33.5-1207.

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

(II) Shall adopt rules and standards:

(A) Pertaining to the training and certification of ~~prescribed burn managers~~ CERTIFIED BURNERS, including training components; application processes; qualification for and terms and durations of certification; types of certification, if applicable; grounds and processes for renewal, suspension, and revocation of certifications; and training, certification, and renewal fees; and

SECTION 3. In Colorado Revised Statutes, 24-33.5-1217.5, **amend** (1) (c) introductory portion, as follows:

24-33.5-1217.5. Minimum prescribed burning standards. (1) The prescribed burning standards adopted by the director pursuant to section 24-33.5-1217 (5) (a) (II) (B) must, at a minimum:

(c) Require at least one person, who must be ~~either certified by the division as a prescribed burn manager or~~ qualified by national wildfire coordinating group standards as a prescribed burn boss at the level commensurate with the complexity of the burn, to be present on site:

SECTION 4. In Colorado Revised Statutes, 24-33.5-1217.7, **amend** (1) as follows:

24-33.5-1217.7. Escaped prescribed fires. (1) If a prescribed fire exceeds the control capability of on-site resources, the fire is deemed to be escaped, and ~~contingency~~ SUPPRESSION actions shall be taken immediately to bring the escape under control.

SECTION 5. 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: May 12, 2014