

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0682.01 Megan Waples x4348

SENATE BILL 19-040

SENATE SPONSORSHIP

Hisey and Fields, Bridges, Coram, Crowder, Danielson, Donovan, Garcia, Gardner, Ginal, Gonzales, Lundeen, Marble, Pettersen, Rankin, Story, Tate, Todd, Williams A., Winter, Woodward

HOUSE SPONSORSHIP

Carver and Roberts,

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

Rural Affairs & Agriculture
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF THE COLORADO FIRE**
102 **COMMISSION, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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>.)

The bill establishes the Colorado fire commission (commission) in the division of fire prevention and control in the department of public safety. The commission's purpose is to enhance public safety in Colorado through an integrated statewide process focused on the fire service's capacity to conduct fire management and use, preparedness, prevention,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
2nd Reading Unamended
April 29, 2019

SENATE
Amended 3rd Reading
April 24, 2019

SENATE
Amended 2nd Reading
April 23, 2019

and response activities to safeguard lives, property, and natural resources, and increase the resiliency of local and regional communities. The commission may establish task forces to study and make recommendations on specific subjects within the commission's areas of study. The commission is repealed effective September 1, 2024, and is subject to a sunset review prior to its repeal.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 24-33.5-1233** as
3 follows:

4 **24-33.5-1233. Colorado fire commission - creation - powers**
5 **and duties - report - legislative declaration - repeal. (1) Legislative**
6 **declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

7 (I) THE DIVISION HAS ENGAGED IN A TWO-YEAR,
8 STAKEHOLDER-DRIVEN STRATEGIC PLANNING EFFORT TO EVALUATE FIRE
9 PROGRAMS THROUGHOUT THE STATE AND IDENTIFY AREAS IN WHICH THE
10 STATE CAN BETTER SUPPORT ITS PARTNERS;

11 (II) A COMMISSION STRUCTURE WILL ENSURE ACCOUNTABILITY
12 AND CREATE AN EFFICIENT AND STREAMLINED STATEWIDE PROCESS FOR
13 ISSUING RECOMMENDATIONS, DRIVING IMPLEMENTATION OF SPECIFIC
14 ACTIONS AND POLICIES, AND REPORTING ON PROGRESS AND LESSONS
15 LEARNED;

16 (III) A COMMISSION WILL ALSO HELP THE STATE TO BE PROACTIVE
17 ON WILDFIRE ISSUES, AND TO DEVELOP A COMPREHENSIVE APPROACH THAT
18 EMBRACES MITIGATION, PREVENTION, AND PREPAREDNESS; AND

19 (IV) ESTABLISHING A FIRE COMMISSION WILL ALLOW THE STATE TO
20 CONTINUE TO DEVELOP LONG-TERM STRATEGIES AND RECOMMENDATIONS
21 ON COMPLEX FIRE ISSUES.

22 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT

1 ESTABLISHING A COLORADO FIRE COMMISSION SERVES THE INTERESTS OF
2 THE STATE AND LOCAL COMMUNITIES IN DEVELOPING EFFECTIVE
3 STRATEGIES FOR FIRE PREVENTION, MITIGATION, PREPAREDNESS, AND
4 SUPPRESSION.

5 (2) **Commission created.** THERE IS HEREBY CREATED IN THE
6 DIVISION THE COLORADO FIRE COMMISSION, REFERRED TO IN THIS SECTION
7 AS THE "COMMISSION".

8 (3) **Membership.** (a) THE COMMISSION CONSISTS OF
9 TWENTY-FOUR VOTING MEMBERS AS FOLLOWS:

10 (I) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S
11 DESIGNEE;

12 (II) THE DIRECTOR, OR THE DIRECTOR'S DESIGNEE;

13 (III) THE CHIEF OF THE WILDLAND FIRE MANAGEMENT SECTION IN
14 THE DIVISION, OR THE CHIEF'S DESIGNEE;

15 (IV) THE STATE FORESTER, OR THE STATE FORESTER'S DESIGNEE,
16 TO INCLUDE RELEVANT INFORMATION PURSUANT TO SECTION 23-31-316;

17 (V) THE DIRECTOR OF THE DIVISION OF HOMELAND SECURITY AND
18 EMERGENCY MANAGEMENT, OR THE DIRECTOR'S DESIGNEE;

19 (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
20 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

21 (VII) EIGHTEEN MEMBERS APPOINTED BY THE EXECUTIVE
22 DIRECTOR AS FOLLOWS:

23 (A) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A
24 STATEWIDE ORGANIZATION REPRESENTING FIRE CHIEFS, WITH ONE SUCH
25 MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH MEMBER
26 REPRESENTING THE EASTERN PART OF THE STATE;

27 (B) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A

1 STATEWIDE ORGANIZATION REPRESENTING PROFESSIONAL FIREFIGHTERS;

2 (C) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A
3 STATEWIDE ORGANIZATION REPRESENTING VOLUNTEER FIREFIGHTERS;

4 (D) FOUR MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A
5 STATEWIDE ORGANIZATION REPRESENTING COUNTY SHERIFFS, WITH AT
6 LEAST ONE SUCH MEMBER REPRESENTING THE WESTERN SLOPE AND AT
7 LEAST ONE SUCH MEMBER REPRESENTING THE EASTERN PART OF THE
8 STATE;

9 (E) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY A
10 STATEWIDE ORGANIZATION REPRESENTING COUNTIES, WITH ONE SUCH
11 MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH MEMBER
12 REPRESENTING THE EASTERN PART OF THE STATE;

13 (F) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY
14 A STATEWIDE ORGANIZATION REPRESENTING MUNICIPALITIES;

15 (G) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY
16 A STATEWIDE ORGANIZATION REPRESENTING SPECIAL DISTRICTS;

17 (H) ONE MEMBER APPOINTED FROM NOMINEES SUBMITTED BY A
18 STATEWIDE ORGANIZATION REPRESENTING EMERGENCY MANAGERS; AND

19 (I) ONE MEMBER OF THE 9-1-1 ADVISORY TASK FORCE
20 ESTABLISHED BY THE PUBLIC UTILITIES COMMISSION.

21 (b) (I) THE EXECUTIVE DIRECTOR SHALL APPOINT ONE NONVOTING
22 EX OFFICIO MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION WITH
23 EXPERTISE IN NATIONALLY RECOGNIZED SAFETY STANDARDS.

24 (II) THE EXECUTIVE DIRECTOR SHALL APPOINT TWO NONVOTING
25 EX OFFICIO MEMBERS WHO REPRESENT WATER PROVIDERS, WITH ONE SUCH
26 MEMBER REPRESENTING THE WESTERN SLOPE AND ONE SUCH MEMBER
27 REPRESENTING THE EASTERN PART OF THE STATE.

1 (III) THE EXECUTIVE DIRECTOR SHALL APPOINT ONE NONVOTING
2 EX OFFICIO MEMBER WHO REPRESENTS THE INSURANCE INDUSTRY.

3 (IV) THE EXECUTIVE DIRECTOR MAY, IN THE EXECUTIVE
4 DIRECTOR'S DISCRETION, APPOINT ADDITIONAL NONVOTING EX OFFICIO
5 MEMBERS WITH EXPERTISE IN THE COMMISSION'S AREAS OF STUDY TO AID
6 THE COMMISSION IN FULFILLING ITS DUTIES.

7 (c) THE COMMISSION INCLUDES THE FOLLOWING NONVOTING EX
8 OFFICIO MEMBERS:

9 (I) ONE REPRESENTATIVE FROM THE UNITED STATES FOREST
10 SERVICE;

11 (II) ONE REPRESENTATIVE FROM THE BUREAU OF LAND
12 MANAGEMENT; AND

13 (III) ONE REPRESENTATIVE FROM THE NATIONAL PARK SERVICE.

14 (d) THE EXECUTIVE DIRECTOR SHALL MAKE INITIAL APPOINTMENTS
15 NO LATER THAN AUGUST 5, 2019. THE EXECUTIVE DIRECTOR SHALL
16 CONSIDER GEOGRAPHIC REPRESENTATION IN APPOINTING MEMBERS OF THE
17 COMMISSION. THE EXECUTIVE DIRECTOR SHALL ENSURE, TO THE EXTENT
18 PRACTICABLE, THAT THE APPOINTED MEMBERS REPRESENT A BALANCE OF
19 EXPERTISE IN THE AREAS OF FIRE MITIGATION, PREVENTION,
20 PREPAREDNESS, LOCAL COMMUNITY RESILIENCY, AND SUPPRESSION.

21 (e) THE TERM OF APPOINTMENTS IS FOUR YEARS; EXCEPT THAT THE
22 TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTIONS
23 (3)(a)(VII)(C) TO (3)(a)(VII)(F) OF THIS SECTION IS TWO YEARS. A
24 MEMBER MAY BE REAPPOINTED FOR ADDITIONAL TERMS. THE EXECUTIVE
25 DIRECTOR SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE
26 REMAINDER OF THE UNEXPIRED TERM. AN APPOINTMENT TO FILL A
27 VACANCY IS SUBJECT TO THE REQUIREMENTS SET FORTH FOR THE VACANT

1 POSITION IN SUBSECTION (3)(a)(VII) OR (3)(b) OF THIS SECTION, AS
2 APPLICABLE.

3 (f) EACH MEMBER OF THE COMMISSION SERVES WITHOUT
4 COMPENSATION, BUT EACH VOTING MEMBER AND EACH EX OFFICIO
5 MEMBER APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION IS
6 ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY TRAVEL
7 EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES AS A
8 MEMBER OF THE COMMISSION.

9 (g) THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IS THE
10 CHAIR OF THE COMMISSION.

11 (h) THE COMMISSION SHALL MEET AT LEAST ONCE EVERY THREE
12 MONTHS. THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS ARE
13 NECESSARY FOR THE COMMISSION TO COMPLETE ITS DUTIES.

14 (4) **Powers and duties.** (a) THE MISSION OF THE COMMISSION IS
15 TO ENHANCE PUBLIC SAFETY IN COLORADO THROUGH AN INTEGRATED
16 STATEWIDE PROCESS FOCUSED ON THE FIRE SERVICE'S CAPACITY TO
17 CONDUCT FIRE MANAGEMENT AND USE, PREPAREDNESS, PREVENTION, AND
18 RESPONSE ACTIVITIES TO SAFEGUARD LIVES, PROPERTY, INCLUDING
19 UTILITY AND COMMUNICATION INFRASTRUCTURE, AND NATURAL
20 RESOURCES, AND INCREASE THE RESILIENCY OF LOCAL AND REGIONAL
21 COMMUNITIES.

22 (b) IN FURTHERANCE OF ITS MISSION, THE COMMISSION SHALL
23 CONSIDER THE FOLLOWING ISSUES:

24 (I) DEVELOPING AN ACCURATE UNDERSTANDING OF COLORADO'S
25 FIRE PROBLEMS, INCLUDING THE NUMBER OF INJURIES AND FATALITIES,
26 OVERALL FIRE LOSSES, AND THE CAUSES AND ORIGINS OF STRUCTURAL
27 AND WILDLAND FIRES;

1 (II) REVIEWING THE CURRENT EMERGENCY FIRE FUND PROGRAM
2 AND PROVIDING RECOMMENDATIONS TO MAKE IT MORE INCLUSIVE OF
3 COUNTIES THROUGHOUT THE STATE;

4 (III) EVALUATING FUNDING MECHANISMS FOR EFFECTIVE
5 RESPONSE TO LARGE FIRES, WITH CONSIDERATION GIVEN TO APPROPRIATE
6 COST-SHARE AGREEMENTS, FINANCIAL CONTRIBUTIONS, MITIGATION AND
7 PREPAREDNESS, MUTUAL AID PARTICIPATION, AND LOCAL ACTIONS AND
8 PLANS;

9 (IV) ASSESSING THE CAPACITY OF THE STATE TO PROVIDE
10 EMERGENCY FIRE SUPPORT AND TECHNICAL EXPERTISE TO LOCAL
11 COMMUNITIES;

12 (V) DEVELOPING PERFORMANCE MEASURES OF OVERALL RESPONSE
13 EFFECTIVENESS AND IDENTIFYING RECOMMENDED IMPROVEMENT AREAS;

14 (VI) STRENGTHENING REGIONAL AND STATEWIDE COORDINATION
15 OF MUTUAL AID RESOURCES AND INITIAL ATTACK CAPABILITIES FOR FIRES
16 AND OTHER HAZARDS;

17 (VII) DEVELOPING BEST PRACTICE RECOMMENDATIONS RELATED
18 TO HIGH-RISK OCCUPANCIES FOR CONSIDERATION BY LOCAL JURISDICTIONS
19 AND COMMUNITIES, INCLUDING RECOMMENDATIONS RELATED TO
20 MINIMUM COOPERATIVE AGREEMENTS AND MUTUAL AID RESOURCES;

21 (VIII) IN COOPERATION WITH THE COLORADO STATE FOREST
22 SERVICE AND OTHER AFFECTED STAKEHOLDERS, DEVELOPING AND
23 PUBLISHING AN ASSESSMENT OF FIRE TREATMENT COSTS AND COST
24 DISTRIBUTION, INCLUDING THE COSTS OF MITIGATION UNDER EMERGENT
25 AND NONEMERGENT CIRCUMSTANCES, RETREATMENT COSTS, AND
26 POST-RECOVERY COSTS;

27 (IX) DEVELOPING METHODOICAL APPROACHES TO AND

1 RECOMMENDATIONS ON COLORADO'S FIRE SERVICE CONCERNS AND
2 ISSUES; AND

3 (X) FORECASTING UPCOMING FUNDING AND RESOURCE
4 CHALLENGES AND TRENDS THAT AFFECT FIRE SERVICES AND THE ABILITY
5 OF THE STATE AND OF LOCAL JURISDICTIONS TO RESPOND TO FIRE AND
6 MITIGATE HAZARDS IN THE SHORT AND LONG TERM.

7 (c) (I) THE COMMISSION MAY ESTABLISH TASK FORCES TO STUDY
8 AND MAKE RECOMMENDATIONS TO THE COMMISSION ON SPECIFIC SUBJECT
9 MATTER AREAS WITHIN THE COMMISSION'S AREA OF STUDY.

10 (II) WHEN ESTABLISHING A TASK FORCE, THE COMMISSION SHALL
11 SET FORTH THE PURPOSE OF THE TASK FORCE AND ITS MEMBERSHIP, AREA
12 OF STUDY, DUTIES, AND DURATION.

13 (III) THE CHAIR SHALL APPOINT THE MEMBERS OF A TASK FORCE,
14 WITH THE ADVICE AND CONSENT OF THE COMMISSION. THE CHAIR MAY
15 APPOINT INDIVIDUALS WHO ARE NOT MEMBERS OF THE COMMISSION TO
16 SERVE ON A TASK FORCE. MEMBERS OF A TASK FORCE SERVE FOR THE
17 DURATION OF THE TASK FORCE. MEMBERS OF A TASK FORCE WHO ARE NOT
18 VOTING MEMBERS OF THE COMMISSION OR EX OFFICIO MEMBERS OF THE
19 COMMISSION APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS
20 SECTION SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT
21 FOR EXPENSES.

22 (5) **Staff support.** THE DIVISION SHALL PROVIDE OFFICE SPACE,
23 EQUIPMENT, AND STAFF SERVICES AS MAY BE NECESSARY TO IMPLEMENT
24 THIS SECTION.

25 (6) **Reports.** (a) ON OR BEFORE AUGUST 31, 2020, AND ON OR
26 BEFORE AUGUST 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL
27 SUBMIT A WRITTEN REPORT TO THE RURAL AFFAIRS AND AGRICULTURE

1 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE
2 AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR ANY
3 SUCCESSOR COMMITTEES. NOTWITHSTANDING THE REQUIREMENT IN
4 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
5 REQUIRED IN THIS SUBSECTION (6)(a) CONTINUES UNTIL THE COMMISSION
6 IS REPEALED.

7 (b) ON OR BEFORE AUGUST 31, 2020, AND ON OR BEFORE AUGUST
8 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT TO THE
9 WILDFIRE MATTERS REVIEW COMMITTEE ON ITS ACTIVITIES AND
10 RECOMMENDATIONS.

11 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
12 2024. BEFORE ITS REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
13 ACCORDANCE WITH SECTION 2-3-1203.

14 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**
15 (15)(a)(VI) as follows:

16 **2-3-1203. Sunset review of advisory committees - legislative**
17 **declaration - definition - repeal.** (15) (a) The following statutory
18 authorizations for the designated advisory committees are scheduled for
19 repeal on September 1, 2024:

20 (VI) THE COLORADO FIRE COMMISSION CREATED IN SECTION
21 24-33.5-1233.

22 **SECTION 3. Appropriation.** For the 2019-20 state fiscal year,
23 \$174,183 is appropriated to the department of public safety for use by the
24 division of fire prevention and control. This appropriation is from the
25 general fund and is based on an assumption that the division will require
26 an additional 0.8 FTE. To implement this act, the division may use this
27 appropriation for wildland fire management services.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.