

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-0495.01 Nicole Myers x4326

HOUSE BILL 24-1155

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A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE STATUTES THAT GUIDE THE**
102 **MANAGEMENT OF CERTAIN PUBLIC SAFETY EMERGENCIES.**

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>.)

Current law regarding the authority over wildland fires is not aligned with current practice for managing wildland fires in the state. The bill aligns the statutes that address the management of wildland fires with current practice.

Transfer of wildland fire management from a fire response agency to the county sheriff. Current law specifies that a fire protection

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

SENATE
Amended 2nd Reading
March 12, 2024

HOUSE
3rd Reading Unamended
February 15, 2024

HOUSE
2nd Reading Unamended
February 14, 2024

district may transfer the management of a wildland fire to the county sheriff (sheriff) when the fire exceeds the fire chief of a fire protection district's (fire chief) capability to manage, but does not contemplate such transfer by a municipal fire department, volunteer fire department, fire authority, or other fire response agency. To specify the authority of all fire response agencies to transfer the management of a wildland fire to the sheriff, the bill authorizes a fire department, as currently defined in law, to transfer the management of a wildland fire and repeals references to transfers by a fire protection district.

In addition, current law allows a sheriff to develop a wildfire preparedness plan for the unincorporated area of a county in cooperation with any fire district with jurisdiction over the unincorporated area. The bill specifies that the sheriff may also develop such plan in cooperation with any fire department with jurisdiction over the unincorporated area.

Management of wildland fires subject to the provisions of relevant plans or agreements. Current law specifies that the duties of the sheriff and the fire chief are subject to the community wildfire protection plan (CWPP). However, the CWPP addresses the identification and reduction of hazards and is not focused on the response to or management of wildland fires. The bill repeals references to the CWPP in the statutes that address the response to and management of wildland fires and specifies that the sheriff and the fire chief are subject to any relevant plans or agreements.

Management strategy when a wildland fire has been transferred to the state. Current law specifies that when a sheriff transfers the management of a wildland fire to the division of fire prevention and control in the department of public safety (division), the division is required to use unified command, which is a management strategy that uses multiple incident commanders with shared objectives. This requirement does not allow the division and the sheriff to determine the most appropriate management strategy for each wildland fire. The bill repeals the requirement that the division and the sheriff use unified command when a wildland fire has been transferred to the division.

Management strategy for hazardous substance incident response. In addition, current law requires that unified command be used in the response to a hazardous substance incident, which does not allow responding agencies to determine the most appropriate response to and management of such an incident. The bill repeals the requirement that unified command be used in a hazardous substance incident.

Use of the current incident command system for wildland fire management. Current law requires a sheriff to appoint a local incident management team to provide command and control to manage a wildland fire. However, a sheriff, the fire department, or the state may instead assign an incident commander or a non-local incident management team to manage the fire. The bill repeals the requirement that a sheriff appoint

a local incident management team and instead requires the sheriff to appoint an incident commander for a wildland fire. In addition, the bill specifies that the agency that has jurisdiction over any wildland fire in the state is required to manage the fire using the incident command system as currently defined in law.

References to the state emergency operations plan in wildland fire response and suppression statutes. Current law specifies that the division is the lead state agency for wildland fire suppression as identified in the Colorado state emergency operations plan (SEOP) and in accordance with the Colorado state forest service statute. However, the SEOP can only be activated by an executive order and does not apply to the majority of wildland fire operations or the majority of assistance and support that the division provides to local agencies. In addition, the reference to the state forest service is no longer accurate. The bill repeals references to the SEOP and the state forest service in the statute designating the division as the lead state agency for wildland fire response and suppression.

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

SECTION 1. In Colorado Revised Statutes, 24-77-104, amend
(7) as follows:

24-77-104. State emergency reserve - cash fund - creation -
declaration of emergency - reimbursement of emergency reserve
expenditures - definition. (7) (a) Beginning July 1, 2021, if any money
in a fund that is designated by the general assembly as part of the state
emergency reserve is expended and the state subsequently receives a
reimbursement for the expenditure, then the state treasurer shall deposit
the reimbursement into the fund that was the original source of the
money. This subsection (7) applies regardless of whether the expenditure
is made directly from the fund or if it is transferred from the fund to the
disaster emergency fund, created in section 24-33.5-706 (2)(a), or any
other fund, or if the expenditure is of money in the fund that was
previously reimbursed before being spent again.

(b) AS USED IN THIS SUBSECTION (7), "REIMBURSEMENT" MEANS

1 A REPAYMENT OF EXPENDITURES FOR WHICH THE STATE PREVIOUSLY
2 DESIGNATED EMERGENCY MONEY. FEDERAL COST SHARE PROVIDED
3 THROUGH A FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLIC
4 ASSISTANCE GRANT PURSUANT TO THE FEDERAL "ROBERT T. STAFFORD
5 DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT", AS AMENDED, 42
6 U.S.C. SEC. 5121 ET SEQ., IS NOT A "REIMBURSEMENT" FOR THE PURPOSES
7 OF THIS SUBSECTION (7).

8 **SECTION 2.** In Colorado Revised Statutes, 29-22-102, **amend**
9 (1) as follows:

10 **29-22-102. Hazardous substance incidents - response**
11 **authorities - designation - definition.** (1) It is the purpose of this
12 section to provide for the designation of emergency response authorities
13 for hazardous substance incidents. Every emergency response authority
14 designated in or pursuant to this section is responsible for providing and
15 maintaining the capability for emergency response to a hazardous
16 substance incident occurring within its jurisdiction. An emergency
17 response authority may provide and maintain the capability for such
18 response directly or through mutual aid or other agreements, including an
19 agreement with a private entity to support the emergency response
20 authority, responding fire departments, or other government agencies.
21 Subject to the provisions of local or regional response agreements for
22 hazardous substance incidents, the first emergency response authority, or
23 its public agency designee through mutual aid or otherwise, to arrive at
24 the scene of the incident, regardless of whether the incident occurs within
25 its jurisdiction, is responsible for the emergency response as incident
26 commander until such time as the emergency response authority that has
27 jurisdiction over the incident site has arrived. ~~after which unified~~

1 ~~command shall be followed until the emergency response has concluded.~~

2 As used in this section, "emergency response to a hazardous substance
3 incident" means taking the initial emergency action necessary to minimize
4 the effects or threat of adverse effects of a hazardous substance incident
5 on human health or the environment.

6 **SECTION 3.** In Colorado Revised Statutes, 29-22.5-102, **add**
7 (1.5) as follows:

8 **29-22.5-102. Definitions.** As used in this article 22.5, unless the
9 context otherwise requires:

10 (1.5) "FIRE DEPARTMENT" HAS THE SAME MEANING AS SET FORTH
11 IN SECTION 24-33.5-1202 (3.9).

12 **SECTION 4.** In Colorado Revised Statutes, 29-22.5-103, **amend**
13 (1)(a), (1)(b), (2), (3)(a), and (3)(c); and **add** (5) as follows:

14 **29-22.5-103. Wildland fires - general authority and**
15 **responsibilities.** (1) (a) The chief of the fire department ~~in each fire~~
16 ~~protection district in the state~~ is responsible for the management of
17 wildland fires that occur within the JURISDICTIONAL boundaries of ~~his or~~
18 ~~her district~~ THE CHIEF'S DEPARTMENT and that are within the capability of
19 the fire ~~district~~ DEPARTMENT to control or extinguish in accordance with
20 the provisions of section 32-1-1002 (3)(a). ~~C.R.S.~~

21 (b) The fire chief may utilize mutual aid agreements ~~and unified~~
22 ~~command~~ with neighboring fire ~~protection districts~~ DEPARTMENTS to
23 suppress and control fires that cross or threaten to cross ~~the boundaries of~~
24 ~~the district~~ JURISDICTIONAL BOUNDARIES.

25 (2) (a) The sheriff is the fire warden of the county and is
26 responsible for the planning for, and the coordination of, efforts to
27 suppress wildfires occurring in the unincorporated area of the county

1 outside the boundaries of a fire ~~protection district~~ DEPARTMENT or that
2 exceed the capabilities of the fire ~~protection district~~ DEPARTMENT to
3 control or extinguish in accordance with the provisions of section
4 30-10-513. ~~C.R.S.~~

5 (b) In the case of a wildfire that exceeds the capabilities of the fire
6 ~~protection district~~ DEPARTMENT to control or extinguish and that requires
7 mutual aid and outside resources, the sheriff shall appoint a ~~local incident~~
8 ~~management team~~ AN INCIDENT COMMANDER to provide the command
9 and control infrastructure required to manage the fire. The sheriff shall
10 assume financial responsibility for fire fighting efforts on behalf of the
11 county and the authority for the ordering and monitoring of resources.

12 (c) In the case of a wildfire that exceeds the capability of the
13 county to control or extinguish, the sheriff ~~shall be~~ IS responsible for
14 seeking the assistance of the state, by requesting assistance from the
15 division. The sheriff and the director shall enter into an agreement
16 concerning the transfer of authority and responsibility for fire suppression
17 and the retention of responsibilities. ~~under a unified command structure.~~

18 (3) (a) The division ~~shall be~~ IS the lead state agency for wildland
19 fire RESPONSE AND suppression. ~~as identified in the Colorado state~~
20 ~~emergency operations plan and in accordance with the provisions of~~
21 ~~section 23-31-301, C.R.S.~~

22 (c) In case of a wildland fire that exceeds the capability of the
23 county to control or extinguish, the division may assist the sheriff in
24 controlling or extinguishing such fires, and may assume command of such
25 incidents with the concurrence of the sheriff. ~~under a unified command~~
26 ~~structure.~~

27 (5) THE AGENCY THAT HAS JURISDICTION OVER ANY WILDLAND

1 FIRE IN THE STATE SHALL MANAGE THE FIRE USING THE INCIDENT
2 COMMAND SYSTEM.

3 **SECTION 5.** In Colorado Revised Statutes, 29-22.5-104, **amend**
4 (1) introductory portion as follows:

5 **29-22.5-104. County wildfire preparedness plan.** (1) The
6 sheriff of each county may develop and update as necessary a wildfire
7 preparedness plan for the unincorporated area of the county in
8 cooperation with any fire district OR DEPARTMENT with jurisdiction over
9 such unincorporated area. Any such plan shall:

10 **SECTION 6.** In Colorado Revised Statutes, **amend** 30-10-512 as
11 follows:

12 **30-10-512. Sheriff to act as fire warden.** Subject to the
13 provisions of ~~the community wildfire protection plan prepared by the~~
14 ~~county in accordance with section 30-15-401.7,~~ ANY RELEVANT PLANS OR
15 AGREEMENTS, the sheriff of every county, in addition to other duties, shall
16 act as fire warden of ~~his or her~~ THE SHERIFF'S respective county and is
17 responsible for the coordination of fire suppression efforts in case of
18 prairie, forest, or wildland fires or wildfires occurring in the
19 unincorporated area of the county outside the boundaries of a fire
20 ~~protection district~~ DEPARTMENT or that exceed the capabilities of the fire
21 ~~protection district~~ DEPARTMENT to control or extinguish.

22 **SECTION 7.** In Colorado Revised Statutes, 30-10-513, **amend**
23 (1); and **add** (5) and (6) as follows:

24 **30-10-513. Duties of sheriff - coordination of fire suppression**
25 **efforts for forest, prairie, or wildland fire - expenses - definition.**
26 (1) (a) Subject to the provisions of ~~the community wildfire protection~~
27 ~~plan prepared by the county in accordance with section 30-15-401.7,~~ ANY

1 RELEVANT PLANS OR AGREEMENTS, it is the duty of the sheriff to assume
2 the responsibility for coordinating fire suppression efforts in case of any
3 prairie, forest, or wildland fire or wildfire occurring in the unincorporated
4 area of the county outside the boundaries of a fire ~~protection district~~
5 DEPARTMENT or that exceed the capabilities of the fire ~~protection district~~
6 DEPARTMENT to control or extinguish.

7 (b) In the case of a prairie, forest, or wildland fire occurring
8 within the JURISDICTIONAL boundaries of one or more fire ~~protection~~
9 ~~districts~~ DEPARTMENTS that does not exceed the capabilities of the fire
10 ~~protection district~~ DEPARTMENT to control or extinguish, the sheriff OR
11 THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
12 PUBLIC SAFETY may assist the chief of the fire ~~protection district~~
13 DEPARTMENT in controlling or extinguishing such fire, and, in connection
14 with such assistance, the sheriff may solicit such additional assistance
15 from such persons as the sheriff and the fire chief deem necessary. The
16 sheriff may assume command of such incidents with the concurrence of
17 the fire chief.

18 (c) In the case of a prairie, forest, or wildland fire that exceeds the
19 capabilities of the fire ~~protection district~~ DEPARTMENT to control or
20 extinguish and that requires mutual aid and outside resources, the sheriff
21 shall appoint ~~a local incident management team~~ AN INCIDENT
22 COMMANDER to provide the command and control infrastructure required
23 to manage the fire. The sheriff shall assume financial responsibility for
24 fire fighting efforts on behalf of the county and the authority for the
25 ordering and monitoring of resources.

26 (d) When a wildfire exceeds the capability of the county to control
27 or extinguish, the sheriff shall be responsible for seeking the assistance

1 of the state by requesting assistance from the division of fire prevention
2 and control in the department of public safety. The sheriff and the director
3 of the division of fire prevention and control shall enter into an agreement
4 concerning the transfer of authority and responsibility for fire suppression
5 and the retention of responsibilities. ~~under a unified command structure.~~

6 (5) THE AGENCY THAT HAS JURISDICTION OVER ANY WILDLAND
7 FIRE IN THE STATE SHALL MANAGE THE FIRE USING THE INCIDENT
8 COMMAND SYSTEM AS DEFINED IN SECTION 29-22.5-102 (3).

9 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES, "FIRE DEPARTMENT" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 24-33.5-1202 (3.9).

12 **SECTION 8.** In Colorado Revised Statutes, 32-1-1002, **amend**
13 (3)(a) as follows:

14 **32-1-1002. Fire protection districts - additional powers and**
15 **duties.** (3) (a) The chief of the fire department in each fire protection
16 district in the state of Colorado, by virtue of ~~such~~ THE office ~~so~~ held by
17 ~~him or her~~ THE CHIEF, shall have authority over the supervision of all fires
18 within the district; except that responsibility for coordinating fire
19 suppression efforts in case of any prairie, forest, or wildland fire that
20 exceeds the capabilities of the district to control or extinguish shall be
21 transferred to the county sheriff in accordance with section 30-10-513,
22 ~~C.R.S.~~, subject to the duties and obligations imposed by this subsection
23 (3) and subject to the provisions of ~~the community wildfire protection~~
24 ~~plan prepared by the county in accordance with section 30-15-401.7,~~
25 ~~C.R.S.~~ ANY RELEVANT PLANS OR AGREEMENTS. The chief ~~shall be~~ IS
26 vested with ~~such~~ THE other express authority ~~as is~~ contained in this
27 subsection (3), including commanding the fire department of such district.

1 **SECTION 9. 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; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.