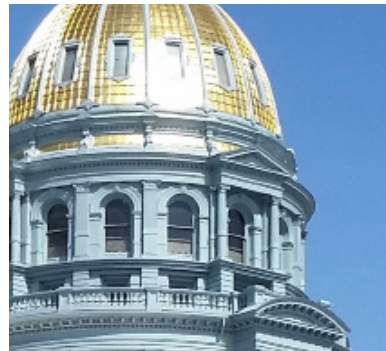


2019

Report to the Colorado General Assembly



Wildfire Matters Review Committee



Prepared by Legislative Council Staff
Research Publication No. 732
December 2019

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Wildfire Matters Review Committee

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December 2019

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December 2019

To Members of the Seventy-second General Assembly:

Submitted herewith is the final report of the Wildfire Matters Review Committee. This committee was created pursuant to Part 16 of Article 3 of Title 2, Colorado Revised Statutes. The purpose of this committee is to oversee and review the prevention, mitigation, and financing of wildfire matters in Colorado.

At its meeting on November 15, 2019, the Legislative Council reviewed the report of this committee. A motion to forward this report and five of the bills therein for consideration in the 2020 session was approved.

Sincerely,

/s/ Senator Leroy Garcia
Chair

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The text of each bill is included as Attachments A through E after the resource materials page.

This report is also available online at:

<https://leg.colorado.gov/committees/wildfire-matters-review-committee/2019-regular-session>

Committee Charge

Pursuant to Section 2-3-1602, C.R.S., the Wildfire Matters Review Committee is charged with reviewing and proposing legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues. Senate Bill 13-082 created the Wildfire Matters Review Committee as an interim committee and Senate Bill 18-039 extended the repeal date of the committee to September 1, 2025.

Committee Activities

The committee held three meetings during the 2019 interim. Briefings and presentations covered a wide range of subjects, including aerial firefighting and wildfire response, forest management and wildfire mitigation, homeowners' insurance in the wildland-urban interface, and economic recovery after wildfires. A scheduled field trip to El Paso County was canceled due to weather conditions. Presentations were made by members of the public and by the following entities:

- Air Pollution Control Division, Colorado Department of Public Health and Environment (CDPHE);
- AlertWildfire;
- Boulder County Sheriff;
- Bureau of Land Management (BLM) Fire and Aviation Program;
- City of Manitou Springs;
- Colorado Counties, Inc.;
- Colorado Municipal League;
- the Division of Fire Prevention and Control (DFPC), Colorado Department of Public Safety;
- the Division of Insurance, Colorado Department of Regulatory Agencies (DORA);
- the Colorado Resiliency Office, Department of Local Affairs (DOLA);
- Colorado Rural Electric Association;
- Colorado Springs Utilities;
- the Colorado State Forest Service (CSFS), Colorado State University;
- Eagle County;
- Jefferson County;
- Nederland Interagency Council for Homeless Encampment (NICHE);
- the Nature Conservancy;
- the Rocky Mountain Insurance Information Association;
- RPM Agency;
- Summit County;
- Town of Estes Park; and
- West Region Wildfire Council.

The following sections discuss the committee's activities during the 2019 interim.

Aerial Firefighting and Wildfire Response

The committee heard from DFPC, AlertWildfire, and the BLM about state and federal efforts to respond to wildfires. DFPC provided information about ongoing research projects, including how drones and unmanned aerial systems are used in firefighting and the effectiveness of using aircraft for firefighting. The BLM explained local partnerships and the distribution of resources, including aircraft. DFPC also explained the role of its firefighters and provided recommendations concerning their eligibility for state employee benefits.

Committee recommendations. As a result of discussions, the committee recommends Bills B and C. Bill B clarifies that a surplus military vehicle is not included in the definition of an off-highway vehicle if a municipality, county, or fire protection district uses the surplus military vehicle for firefighting efforts, including mitigation. Bill C makes benefit changes for Division of Fire Prevention and Control employees in the Department of Public Safety, including insurance for certain heart conditions and cancers, as well as pension benefits.

Forest Management and Wildfire Mitigation

The committee heard from the CSFS and the West Region Wildfire Council about managing the state's forests. The Nature Conservancy, municipal and county representatives, and utilities operating in Colorado also testified to the committee about their mitigation efforts. Two rural electric cooperatives – Sangre de Cristo Electric and Mountain Parks Electric – explained how mitigation is conducted within rights-of-way, as well as how trees are cleared around different types of electric distribution lines. The committee also heard testimony from NICHE about the challenges posed by persons experiencing homelessness who camp in unincorporated forested areas, and how these encampments can increase the risk of wildfire. The committee learned about ongoing efforts and challenges in preparing for and preventing wildfires around the state.

Committee recommendations. As a result of discussions, the committee recommends Bills A, D, and E. Bill A makes changes to the Restoration and Wildfire Mitigation Grant Program, including allowing areas with limited economic resources to receive additional funds, expanding the list of eligible recipients to include fire protection districts and nonprofit organizations engaged in firefighting, and extending the program repeal date from 2022 to 2029. Bill D creates the Wildfire Risk Reduction Through Homeless Outreach program to reduce wildfire risk in the wildland-urban interface. Bill E creates the Wildfire Mitigation Resources and Best Practices Grant program for outreach to landowners to inform them of resources available for wildfire mitigation and best practices. Local governments, special districts, tribal agencies or programs, faith-based organizations, and nonprofit organizations are eligible for grant funding.

Wildfire Technologies

AlertWildfire, a research consortium based in California and Nevada, informed the committee about new technologies available for early detection and wildfire growth, including high definition cameras and a microwave communications network. The Air Pollution Control Division within CDPHE

updated the committee on health impacts from wildfire smoke and methods of protection from these effects. The division also discussed technologies used to detect and forecast wildfire smoke, and provided information about how it disseminates air quality warnings and advisories.

Committee recommendations. The committee requested a bill be drafted to purchase AlertWildfire technology, but the draft bill was not approved by the committee.

Homeowners' Insurance in the Wildland-Urban Interface

The Division of Insurance within DORA discussed its role in assisting homeowners after wildfires and its efforts at educating insurance consumers. The Rocky Mountain Insurance Information Association presented about insurance coverage for wildfires and post-fire floods and the benefits of improving residences to protect against wildfire. An agent from the RPM Agency presented on "hardening the home," discussing the benefits of using fire resistant materials when constructing or renovating houses. The committee also learned about insurance incentives for homeowners to mitigate wildfire risks on their property.

Committee recommendations. As a result of its discussions, the committee recommends Bills A and E, discussed above, to improve wildfire mitigation efforts, which can help property owners obtain affordable insurance. The committee also requested two bills affecting homeowners' insurance be drafted, concerning statewide building codes for wildfire resistant materials and landowner assistance for wildfire mitigation, but the draft bills were not approved by the committee. Additionally, the committee requested the drafting of a bill that would have created a special fire district based on the wildland urban interface and risk of wildfire. The request was rescinded prior to drafting.

Economic Recovery After Wildfires

The committee heard from the Colorado Resiliency Office within DOLA about its work with local entities to aid in the recovery from natural disasters. The office focused on its partnerships with local governments and the federal government, as well as a recent survey of local governments conducted by the University of Colorado-Denver. Commissioners from Eagle, Jefferson, and Summit Counties briefed the committee about the economic impact of disasters, including the Lake Christine and Buffalo wildfires, on their communities.

Summary of Recommendations

As a result of the committee's activities, the committee recommended five bills to the Legislative Council for consideration in the 2020 session. At its meeting on November 15, 2019, the Legislative Council approved the five recommended bills for introduction. The approved bills are described below.

Bill A — Modify Wildfire Risk Mitigation Grant Program

Bill A makes modifications to the Forest Restoration and Wildfire Mitigation Grant Program in the Department of Higher Education (DHE). Under current law, the grant program's share of a project cannot exceed 50 percent of the total cost of a project. The bill allows projects to receive up to 75 percent of costs through the grant program if the project is located in an area with fewer economic resources, thereby reducing the applicant's share to 25 percent. Additionally, the bill:

- directs the Colorado State Forest Service to establish rules to administer the grant and criteria by which a project will satisfy the requirement of being in an area with few economic resources;
- expands the list of eligible recipients to include fire protection districts and nonprofit organizations engaged in firefighting activities; and
- extends the grant program repeal date from September 1, 2022, to September 1, 2029.

Bill B — Surplus Military Vehicle Highway Use if Firefighting

Bill B clarifies that a surplus military vehicle is not included in the definition of an off-highway vehicle if a municipality, county, or fire protection district uses the surplus military vehicle for firefighting efforts, including mitigation.

Bill C — Division of Fire Prevention and Control Employee Benefits

Bill C makes benefit changes for Division of Fire Prevention and Control employees in the Department of Public Safety, including insurance for certain heart conditions and cancers, as well as pension benefits.

Bill D — Homeless Outreach Programs to Reduce Wildfire Risk

Bill D creates the Wildfire Risk Reduction Through Homeless Outreach Grant Program in the Department of Local Affairs. The program awards grants to conduct outreach among individuals experiencing homelessness for the purpose of reducing wildfire risks in the wildland-urban interface. The department is directed to convene a working group to identify emerging, promising, and best practices for conducting this type of outreach, and to issue grants consistent with the identified practices.

Bill E — Landowner Assistance Wildfire Mitigation

Bill E creates the Wildfire Mitigation Resources and Best Practices Grant Program in the Department of Local Affairs. Local governments, special districts, tribal agencies or programs, faith-based organizations, and nonprofit organizations are eligible for grant funding to be used to conduct outreach to landowners to inform them of resources available for wildfire mitigation and best practices.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

July 25, 2019

- ◆ Overview and information from the Colorado State Forest Service
- ◆ Overview of the Colorado Resiliency Office
- ◆ Overview of the Bureau of Land Management's Fire and Aviation Program
- ◆ Insurance issues related to wildfire
- ◆ Wildfire mitigation and deforestation
- ◆ Economic impacts and mitigation efforts done by county governments
- ◆ Overview of the interim committee bill request process
- ◆ Public testimony

September 19, 2019

- ◆ Overview and information from the Division of Fire Prevention and Control
- ◆ Early fire detection technology
- ◆ Overview of the West Region Wildfire Council
- ◆ Economic impacts and mitigation efforts done by municipalities
- ◆ Drafting requests for interim committee legislation
- ◆ Public testimony

October 31, 2019

- ◆ Overview and mitigation efforts by utilities
- ◆ Homeowner's insurance in the wildland urban interface
- ◆ Overview and information from CDPHE's Air Pollution Control Division
- ◆ Public testimony
- ◆ Bill draft approval

-Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 1

LLS NO. 20-0377.01 Bob Lackner x4350

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Modify Wildfire Risk Mitigation Grant Program"

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE "FOREST RESTORATION AND**
102 **WILDFIRE RISK MITIGATION ACT".**

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/>.)

Wildfire Matters Review Committee. The bill makes the following modifications to the existing "Forest Restoration and Wildfire Risk Mitigation Act" (act) and, specifically, the grant program funded by the act:

- Currently, grant applicants are required to self-finance 50% of the cost of a project funded by a grant. The bill, in the

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

case of a project that is located in an area with fewer economic resources, lessens this requirement so that grant applicants are required to self-finance 25% of the total cost of the project. The forest service is required to establish by rule the criteria by which a project will satisfy such requirements.

- Adds to the list of projects eligible to receive grant funding ongoing maintenance efforts undertaken by eligible recipients to reduce the threat of large, high-intensity wildfires.
- Adds to the list of recipients eligible to receive grant funding a fire protection district and a nonprofit organization or entity engaged in firefighting activities.
- Requires the forest service to adopt and implement rules as necessary for the effective administration of the grant program.
- Extends the date by which the grant program will be repealed to September 1, 2029.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-31-310, **amend**
3 (3), (4)(f)(II), (4)(g), (4.5)(d), and (9); and **add** (4)(h), (4.5)(f), (4.5)(g),
4 and (8.9) as follows:

5 **23-31-310. Forest restoration and wildfire risk mitigation**
6 **grant program - technical advisory panel - legislative declaration -**
7 **definitions - rules - repeal.** (3) **Grant projects.** The forest service shall
8 issue a statewide request for proposals for cost-share grants for projects
9 that are designed through a collaborative community process. The
10 projects may be entirely on, or on any combination of, private, state,
11 county, or municipal forest lands. The grant share of an individual project
12 cost must not exceed fifty percent of the total cost of the project or exceed
13 one million dollars per project. IN THE CASE OF A PROJECT THAT IS
14 LOCATED IN AN AREA WITH FEWER ECONOMIC RESOURCES, THE GRANT
15 SHARE OF AN INDIVIDUAL PROJECT COST MUST NOT EXCEED SEVENTY-FIVE

1 PERCENT OF THE TOTAL COST OF THE PROJECT OR EXCEED ONE BILLION
2 DOLLARS PER PROJECT. The remaining portion of the project's funding
3 may be in the form of cash, stumpage, or in-kind contribution. THE
4 FOREST SERVICE SHALL ESTABLISH BY RULE THE CRITERIA BY WHICH A
5 PARTICULAR PROJECT WILL SATISFY THE REQUIREMENT OF THIS
6 SUBSECTION (3) THAT IT IS LOCATED IN AN AREA WITH FEWER ECONOMIC
7 RESOURCES, AS APPLICABLE.

8 (4) **Eligibility requirements.** To be eligible to receive funding
9 under this section, a project must:

10 (f) Include an assessment to:

11 (II) Report, upon project completion, to the forest service on the
12 number of acres treated, cost per acre to treat, tonnage of material
13 generated, number of jobs created, and use of any forest products
14 generated; ~~and~~

15 (g) Leverage state funding through in-kind, stumpage, or cash
16 matching contributions; AND

17 (h) IN ADDITION TO ANY OF THE OTHER REQUIREMENTS SPECIFIED
18 IN SUBSECTIONS (4)(a) TO (4)(g) OF THIS SECTION, SUPPORT ONGOING
19 MAINTENANCE EFFORTS BY ELIGIBLE RECIPIENTS TO REDUCE THE THREAT
20 OF LARGE, HIGH-INTENSITY WILDFIRES.

21 (4.5) **Eligible recipients.** Eligible grant recipients include:

22 (d) State agencies, such as the state land board or the division of
23 parks and wildlife, that own lands or property in areas of high risk for
24 catastrophic wildfires; ~~and~~

25 (f) A FIRE PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103
26 (7); AND

27 (g) A NONPROFIT ORGANIZATION OR ENTITY ENGAGED IN

1 FIREFIGHTING ACTIVITIES.

2 (8.9) **Rules.** THE FOREST SERVICE SHALL ADOPT AND IMPLEMENT
3 RULES AS NECESSARY TO FACILITATE THE EFFECTIVE ADMINISTRATION OF
4 THIS SECTION.

5 (9) **Repeal.** This section is repealed, effective ~~September 1, 2022~~
6 SEPTEMBER 1, 2029.

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

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 2

LLS NO. 20-0400.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Surplus Mil Vehicles Highway Use If Firefighting"

A BILL FOR AN ACT

101 **CONCERNING SURPLUS MILITARY VEHICLES, AND, IN CONNECTION**
102 **THEREWITH, EXEMPTING A SURPLUS MILITARY VEHICLE FROM**
103 **THE STATUTORY DEFINITION OF AN "OFF-HIGHWAY VEHICLE"**
104 **IF THE VEHICLE IS USED BY A MUNICIPALITY, COUNTY, OR FIRE**
105 **PROTECTION DISTRICT FOR THE PURPOSE OF ASSISTING**
106 **FIREFIGHTING EFFORTS.**

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/>.)

Wildfire Matters Review Committee. The bill states that a

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Dashes through the words indicate deletions from existing statute.*

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 4

LLS NO. 20-0379.01 Nicole Myers x4326

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Fire Prevention & Control Employee Benefits"

A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF FIREFIGHTERS EMPLOYED BY THE**
102 **DEPARTMENT OF PUBLIC SAFETY IN THE DIVISION OF FIRE**
103 **PREVENTION AND CONTROL IN CERTAIN EMPLOYEE BENEFITS.**

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/>.)

Wildfire Matters Review Committee. Currently, certain employers of firefighters are required to maintain insurance to provide benefits to a firefighter if he or she has a heart and circulatory malfunction in connection with a stressful or strenuous activity related to an emergency response activity. In addition, certain employers of

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Dashes through the words indicate deletions from existing statute.*

firefighters may make contributions into a multiple employer health trust established to provide benefits to volunteer firefighters diagnosed with certain covered cancers.

Beginning July 1, 2020, the bill adds the division of fire prevention and control in the department of public safety (division) to the definition of "employer" for the purpose of providing benefits for a heart and circulatory malfunction and to the definition of "employer" for the purpose of providing benefits for certain covered cancers.

In addition, beginning July 1, 2020, the bill expands the definition of "state trooper" for purposes of the public employees' retirement association to include all current and future employees of the division that are classified as a firefighter I through firefighter VII class titles.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-5-301, **amend** (1)
3 as follows:

4 **29-5-301. Definitions.** As used in this part 3, unless the context
5 otherwise requires:

6 (1) "Employer" means a municipality, special district, fire
7 authority, or county improvement district that employs one or more
8 firefighters. BEGINNING JULY 1, 2020, "EMPLOYER" ALSO MEANS THE
9 DIVISION OF FIRE PREVENTION AND CONTROL CREATED IN SECTION
10 24-33.5-1201. "Employer" does not include a power authority created
11 pursuant to section 29-1-204 or a municipally owned utility.

12 **SECTION 2.** In Colorado Revised Statutes, 29-5-402, **amend** (3)
13 as follows:

14 **29-5-402. Definitions.** As used in this part 4, unless the context
15 otherwise requires:

16 (3) "Employer" means a municipality, special district, fire
17 authority, or county improvement district that employs one or more
18 firefighters, part-time firefighters, or volunteer firefighters. BEGINNING
19 JULY 1, 2020, "EMPLOYER" ALSO MEANS THE DIVISION OF FIRE

1 PREVENTION AND CONTROL CREATED IN SECTION
2 24-33.5-1201."Employer" does not include a power authority created
3 pursuant to section 29-1-204 or a municipally owned utility.

4 **SECTION 3.** In Colorado Revised Statutes, 24-51-101, **amend**
5 (46) as follows:

6 **24-51-101. Definitions.** As used in this article 51, unless the
7 context otherwise requires and except as otherwise defined in part 17 of
8 this article 51:

9 (46) "State trooper" means an employee of the Colorado state
10 patrol, Colorado bureau of investigation, or successors to these agencies,
11 who is vested with the powers of peace officers as provided for in section
12 24-33.5-409. In addition, for members who were not members, inactive
13 members, or retirees on December 31, 2019, "state trooper" includes a
14 county sheriff, undersheriff, deputy sheriff, noncertified deputy sheriff,
15 or detention officer hired by a local government division employer on or
16 after January 1, 2020, and a corrections officer classified as I through IV
17 hired by a state division employer on or after January 1, 2020. BEGINNING
18 JULY 1, 2020, "STATE TROOPER" ALSO INCLUDES AN EMPLOYEE OF THE
19 DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
20 PUBLIC SAFETY WHO IS CLASSIFIED IN THE FIREFIGHTER I THROUGH
21 FIREFIGHTER VII CLASS TITLES.

22 **SECTION 4. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety. <{*A safety clause is*
25 *required for a July 1, 2020, start date.*>

surplus military vehicle is not an "off-highway vehicle" if it is used by a municipality, county, or fire protection district for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-6-102, **amend**
3 (11.5)(b) as follows:

4 **42-6-102. Definitions.** As used in this part 1, unless the context
5 otherwise requires:

6 (11.5) (b) (I) EXCEPT AS DESCRIBED IN SUBSECTION (11.5)(b)(II)
7 OF THIS SECTION, "off-highway vehicle" includes vehicles commonly
8 known as all-terrain vehicles, snowmobiles, and surplus military vehicles
9 but does not include:

10 ~~(I)~~ (A) Toy vehicles;

11 ~~(II)~~ (B) Vehicles designed and used primarily for travel on, over,
12 or in the water;

13 ~~(III)~~ (C) Historical military vehicles;

14 ~~(IV)~~ (D) Golf carts or golf cars;

15 ~~(V)~~ (E) Vehicles designed and used to carry persons with
16 disabilities;

17 ~~(VI)~~ (F) Vehicles designed and used specifically for agricultural,
18 logging, or mining purposes; or

19 ~~(VII)~~ (G) Motor vehicles.

20 (II) "OFF-HIGHWAY VEHICLE" DOES NOT INCLUDE A SURPLUS
21 MILITARY VEHICLE THAT IS USED BY A MUNICIPALITY, COUNTY, OR FIRE
22 PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103 (7), FOR THE
23 PURPOSE OF ASSISTING WITH FIREFIGHTING EFFORTS, INCLUDING
24 MITIGATING THE RISK OF WILDFIRES.

1 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-101, **amend**
2 (3) introductory portion, (3)(f), and (3)(g); and **add** (3)(h) as follows:

3 **33-14.5-101. Definitions.** As used in this article 14.5, unless the
4 context otherwise requires:

5 (3) "Off-highway vehicle" means any self-propelled vehicle that
6 is designed to travel on wheels or tracks in contact with the ground,
7 designed primarily for use off of the public highways, and generally and
8 commonly used to transport persons for recreational purposes. EXCEPT AS
9 DESCRIBED IN SUBSECTION (3)(h) OF THIS SECTION, "off-highway vehicle"
10 includes surplus military vehicles as defined in section 42-6-102.

11 "Off-highway vehicle" does not include the following:

12 (f) Vehicles designed and used specifically for agricultural,
13 logging, or mining purposes; ~~or~~

14 (g) Vehicles registered pursuant to article 3 of title 42; ~~C.R.S.~~ OR

15 (h) A SURPLUS MILITARY VEHICLE, AS DEFINED IN SECTION
16 42-6-102 (20.5), THAT IS USED BY A MUNICIPALITY, COUNTY, OR FIRE
17 PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103 (7), FOR THE
18 PURPOSE OF ASSISTING WITH FIREFIGHTING EFFORTS, INCLUDING
19 MITIGATING THE RISK OF WILDFIRES.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 5

LLS NO. 20-0380.01 Megan Waples x4348

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Homeless Outreach Programs To Reduce Wildfire Risk"

A BILL FOR AN ACT

101 **CONCERNING PROGRAMS TO REDUCE WILDFIRE RISK THROUGH**
102 **OUTREACH TO PEOPLE EXPERIENCING HOMELESSNESS.**

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/>.)

Wildfire Matters Review Committee. The bill requires the division of housing within the department of local affairs (division) to create a working group to identify emerging, promising, and best practices related to homeless outreach for the purpose of reducing wildfire risk in the wildland-urban interface. The bill also establishes the reducing wildfire risk through homeless outreach grant program within

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

the division. Grant recipients can use grant money to conduct outreach among individuals experiencing homelessness to reduce wildfire risk consistent with the emerging, promising, and best practices the working group identifies. The grant program prioritizes applications that take a collaborative approach and are founded in local knowledge and expertise.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-726 as
3 follows:

4 **24-32-726. Reducing wildfire risk through homeless outreach**
5 **- working group - promising and best practices - grant program -**

6 **creation - report.** (1) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE
7 DATE OF THIS SECTION, THE DIVISION SHALL CONVENE A WORKING GROUP
8 TO IDENTIFY AND MAKE FINDINGS REGARDING EMERGING, PROMISING, AND
9 BEST PRACTICES FOR CONDUCTING OUTREACH TO PEOPLE EXPERIENCING
10 HOMELESSNESS FOR THE PURPOSE OF REDUCING WILDFIRE RISKS IN THE
11 WILDLAND-URBAN INTERFACE. THE WORKING GROUP MUST INCLUDE
12 STAKEHOLDERS FROM STATE AND LOCAL GOVERNMENT AND COMMUNITY
13 ORGANIZATIONS WITH RELEVANT INTERESTS, EXPERIENCE, AND
14 EXPERTISE, AND MUST INCLUDE REPRESENTATIVES FROM THE
15 DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF PUBLIC
16 SAFETY. THE DIVISION SHALL MAKE THE FINDINGS OF THE WORKING GROUP
17 AVAILABLE TO THE PUBLIC.

18 (2) THERE IS HEREBY CREATED IN THE DIVISION THE REDUCING
19 WILDFIRE RISK THROUGH HOMELESS OUTREACH GRANT PROGRAM,
20 REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM". GRANT
21 RECIPIENTS MAY USE THE MONEY TO CONDUCT OUTREACH AMONG
22 INDIVIDUALS EXPERIENCING HOMELESSNESS FOR THE PURPOSE OF
23 REDUCING WILDFIRE RISKS IN THE WILDLAND-URBAN INTERFACE

1 CONSISTENT WITH THE EMERGING, PROMISING, AND BEST PRACTICES
2 IDENTIFIED BY THE WORKING GROUP IN ACCORDANCE WITH SUBSECTION
3 (1) OF THIS SECTION.

4 (3) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
5 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
6 PROVIDED IN THIS SECTION. THE DIVISION SHALL DEVELOP AND PUBLISH
7 POLICIES AND PROCEDURES TO IMPLEMENT THE GRANT PROGRAM IN
8 ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND
9 PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS,
10 THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE PROGRAM
11 EVALUATION AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.

12 (4) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY MUST BE AN
13 AGENCY OF LOCAL GOVERNMENT, A SPECIAL DISTRICT, A TRIBAL AGENCY
14 OR PROGRAM, OR A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT
15 IS REGISTERED AND IN GOOD STANDING WITH THE COLORADO SECRETARY
16 OF STATE'S OFFICE. APPLICANTS MUST MEET ANY OTHER CRITERIA
17 SPECIFIED IN THE DIVISION'S POLICIES AND PROCEDURES.

18 (5) (a) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED
19 PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE DIVISION SHALL
20 CONSIDER THE FOLLOWING CRITERIA:

21 (I) THE APPLICANT'S DEMONSTRATED ABILITY OR PAST RECORD OF
22 USING THE EMERGING, PROMISING, AND BEST PRACTICES IDENTIFIED BY
23 THE WORKING GROUP IN ACCORDANCE WITH SUBSECTION (1) OF THIS
24 SECTION;

25 (II) THE APPLICANT'S LOCAL EXPERIENCE, EXPERTISE, AND
26 CAPACITY IN THE AREA THE APPLICANT PLANS TO SERVE; AND

27 (III) THE APPLICANT'S PLAN TO COLLABORATE WITH OTHER LOCAL

1 ORGANIZATIONS, GOVERNMENT AGENCIES, AND SERVICE PROVIDERS IN
2 THE AREA THE APPLICANT PLANS TO SERVE.

3 (b) THE DIVISION SHALL PRIORITIZE APPLICATIONS THAT ADOPT A
4 COLLABORATIVE APPROACH FOUNDED ON LOCAL KNOWLEDGE AND
5 EXPERTISE.

6 (6) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
7 NOVEMBER 1 EACH YEAR OF THE GRANT PROGRAM, THE EXECUTIVE
8 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL AWARD GRANTS
9 AS PROVIDED IN THIS SECTION. GRANTS ARE AWARDED AT THE SOLE
10 DISCRETION OF THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS
11 SECTION.

12 (7) ON OR BEFORE SEPTEMBER 1, 2021, AND ON OR BEFORE
13 SEPTEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT OF LOCAL
14 AFFAIRS SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS REVIEW
15 COMMITTEE, OR ANY SUCCESSOR COMMITTEE, ON THE GRANT PROGRAM.
16 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING
17 REQUIREMENT CONTINUES UNTIL THE GRANT PROGRAM REPEALS
18 PURSUANT TO SUBSECTION (9) OF THIS SECTION.

19 (8) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
20 MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF LOCAL AFFAIRS
21 TO IMPLEMENT THE GRANT PROGRAM. THE DEPARTMENT OF LOCAL
22 AFFAIRS MAY USE UP TO FIVE PERCENT OF THE MONEY ANNUALLY
23 APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE DIRECT AND
24 INDIRECT COSTS THAT THE DIVISION INCURS TO ADMINISTER THE GRANT
25 PROGRAM.

26 **SECTION 2. Appropriation.** For the 2020-21 state fiscal year,
27 \$100,000 is appropriated to the department of local affairs for use by the

1 division of housing. This appropriation is from the general fund. To
2 implement this act, the division may use this appropriation for the
3 reducing wildfire risk through homeless outreach grant program.

4 **SECTION 3. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 9

LLS NO. 20-0382.01 Pierce Lively x2059

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Assistance Landowner Wildfire Mitigation"

A BILL FOR AN ACT

101 **CONCERNING WILDFIRE MITIGATION ASSISTANCE FOR LANDOWNERS.**

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/>.)

Wildfire Matters Review Committee. The bill establishes the wildfire mitigation resources and best practices grant program (grant program) within the division of housing in the department of local affairs. Grant recipients use grant money to conduct outreach among landowners to inform them of resources available for wildfire mitigation and best practices for wildfire mitigation. The grant program only awards grants to applicants conducting outreach to landowners in high wildfire hazard areas and prioritizes applications based on the potential impact of the

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

applicant's proposed outreach.

The bill also extends the increased wildfire mitigation income tax deduction that allows a landowner to claim 100%, rather than 50%, of the costs they incur in performing wildfire mitigation measures.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-726 as
3 follows:

4 **24-32-726. Wildfire mitigation resources and best practices**
5 **grant program - creation - report - repeal.** (1) THERE IS HEREBY
6 CREATED IN THE DIVISION THE WILDFIRE MITIGATION RESOURCES AND
7 BEST PRACTICES GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE
8 "GRANT PROGRAM". GRANT RECIPIENTS MAY USE THE MONEY TO CONDUCT
9 OUTREACH AMONG LANDOWNERS TO INFORM THEM OF RESOURCES
10 AVAILABLE FOR WILDFIRE MITIGATION AND BEST PRACTICES FOR WILDFIRE
11 MITIGATION.

12 (2) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
13 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
14 PROVIDED IN THIS SECTION. THE DIVISION SHALL DEVELOP AND PUBLISH
15 POLICIES AND PROCEDURES TO IMPLEMENT THE GRANT PROGRAM IN
16 ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND
17 PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS,
18 THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE GRANT
19 PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT
20 RECIPIENTS.

21 (3) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY MUST BE AN
22 AGENCY OF LOCAL GOVERNMENT, A SPECIAL DISTRICT, A TRIBAL AGENCY
23 OR PROGRAM, A FAITH-BASED ORGANIZATION, OR A NONPROFIT OR

1 NOT-FOR-PROFIT ORGANIZATION THAT IS REGISTERED AND IN GOOD
2 STANDING WITH THE SECRETARY OF STATE'S OFFICE. APPLICANTS MUST
3 MEET ANY OTHER CRITERIA SPECIFIED IN THE DIVISION'S POLICIES AND
4 PROCEDURES.

5 (4) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED
6 PURSUANT TO THIS SECTION. THE DIVISION SHALL ONLY AWARD GRANTS
7 TO APPLICANTS PROPOSING TO CONDUCT OUTREACH AMONG LANDOWNERS
8 IN HIGH WILDFIRE HAZARD AREAS AND SHALL CONSIDER THE POTENTIAL
9 IMPACT OF THE APPLICANTS' PROPOSED OUTREACH WHEN AWARDING
10 GRANTS.

11 (5) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
12 JANUARY 1 AND EACH YEAR THEREAFTER FOR THE DURATION OF THE
13 GRANT PROGRAM, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
14 LOCAL AFFAIRS SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION.
15 GRANTS ARE AWARDED AT THE SOLE DISCRETION OF THE EXECUTIVE
16 DIRECTOR IN ACCORDANCE WITH THIS SECTION.

17 (6) ON OR BEFORE SEPTEMBER 1, 2021, AND ON OR BEFORE
18 SEPTEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT OF LOCAL
19 AFFAIRS SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS REVIEW
20 COMMITTEE, OR ANY SUCCESSOR COMMITTEE, ON THE GRANT PROGRAM.
21 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING
22 REQUIREMENT CONTINUES UNTIL THE GRANT PROGRAM REPEALS
23 PURSUANT TO SUBSECTION (8) OF THIS SECTION.

24 (7) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
25 MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF LOCAL AFFAIRS
26 TO IMPLEMENT THE GRANT PROGRAM. THE DIVISION MAY USE A PORTION
27 OF THE MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO

1 PAY THE DIRECT AND INDIRECT COSTS THAT THE DIVISION INCURS TO
2 ADMINISTER THE GRANT PROGRAM.

3 (8) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2025.

4 **SECTION 2.** In Colorado Revised Statutes, 39-22-104, **amend**
5 (4)(n.5)(I)(A.5) and (4)(n.5)(IV) as follows:

6 **39-22-104. Income tax imposed on individuals, estates, and**
7 **trusts - single rate - legislative declaration - definitions - repeal.**

8 (4) There shall be subtracted from federal taxable income:

9 (n.5) (I) (A.5) For income tax years commencing on or after
10 January 1, 2017, but prior to January 1, 2020, AND FOR INCOME TAX
11 YEARS COMMENCING ON OR AFTER JANUARY 1, 2021, BUT PRIOR TO
12 JANUARY 1, 2024, an amount equal to one hundred percent of a
13 landowner's costs incurred in performing wildfire mitigation measures in
14 that income tax year on his or her property located within the state; except
15 that the amount of the deduction claimed in an income tax year shall not
16 exceed two thousand five hundred dollars or the total amount of the
17 landowner's federal taxable income for the income tax year for which the
18 deduction is claimed, whichever is less.

19 (IV) This ~~paragraph (n.5)~~ SUBSECTION (4)(n.5) is repealed,
20 effective ~~January 1, 2026~~ DECEMBER 31, 2027.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.