

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0453.01 Megan McCall x4215

SENATE BILL 23-166

---

SENATE SPONSORSHIP

Cutter and Exum,

HOUSE SPONSORSHIP

Froelich and Velasco,

---

Senate Committees

Local Government & Housing

House Committees

---

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF A WILDFIRE RESILIENCY CODE  
102 BOARD, AND, IN CONNECTION THEREWITH, REQUIRING THE  
103 WILDFIRE RESILIENCY CODE BOARD TO ADOPT MODEL CODES  
104 AND REQUIRING GOVERNING BODIES WITH JURISDICTION IN AN  
105 AREA WITHIN THE WILDLAND-URBAN INTERFACE TO ADOPT  
106 CODES THAT MEET OR EXCEED THE STANDARDS SET FORTH IN  
107 THE MODEL CODES.

---

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>.)*

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.*

The bill establishes a wildfire resiliency code board (board) in the division of fire prevention and control (division) within the department of public safety (department) for the purposes of ensuring community safety from and more resiliency to wildfires by reducing the risk of wildfires to people and property through the adoption of statewide codes and standards. The board consists of 21 appointed voting members with specific government or industry qualifications and 3 non-voting members. The board is required to promulgate rules concerning the adoption and administration of codes and standards for the hardening of structures and parcels in the wildland-urban interface in Colorado, including rules that:

- Define the wildland-urban interface and identify areas of the state that are within it;
- Adopt minimum codes and standards based on best practices to reduce the risk to life and property from the effects of wildfires;
- Identify hazards and types of buildings, entities, and defensible space around structures to which the codes apply; and
- Establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification.

The bill also creates the wildfire resiliency code board cash fund and continuously appropriates the money in the fund to the department to implement the provisions of the bill.

The bill requires a governing body with jurisdiction in an area within the wildland-urban interface to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the board. Enforcement of the codes is done in accordance with the rules and regulations for code enforcement adopted by the governing body. If the governing body does not have rules and regulations for code enforcement, the governing body may request support from the division to enforce the code.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-1236  
3 and 24-33.5-1237 as follows:

4 **24-33.5-1236. Wildfire resiliency code board - powers and**  
5 **duties - rules - cash fund - legislative declaration - definitions.**

1     **(1) Legislative declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS  
2     AND DECLARES THAT:

3             (I) COLORADO'S WILDFIRE RISK HAS CONTINUED TO INCREASE  
4     OVER THE YEARS AND MORE COMMUNITIES ARE AT RISK OF WILDFIRES;

5             (II) COLORADO WILDFIRES HAVE GROWN IN INTENSITY,  
6     FREQUENCY, AND DEVASTATION SINCE THE YEAR 2000;

7             (III) A COMBINED APPROACH OF STRUCTURE HARDENING AND  
8     MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO STRUCTURES IS  
9     NECESSARY TO REDUCE THE RISK OF DAMAGE TO COLORADO  
10    COMMUNITIES FROM THE EFFECTS OF WILDFIRES. THIS INCLUDES THE LOSS  
11    OF LIFE, HOMES, BUSINESSES, AND OTHER STRUCTURES AND THE LOSS OF  
12    JOBS AND ECONOMIC VITALITY.

13            (IV) THE DIVISION AND THE COLORADO FIRE COMMISSION HAVE  
14    ENGAGED IN A STAKEHOLDER-DRIVEN STRATEGIC PLANNING EFFORT TO  
15    EVALUATE THE BEST APPROACH TO ENSURE THAT COLORADO'S  
16    COMMUNITIES, PROPERTIES, AND STRUCTURES ARE PROTECTED FROM THE  
17    EFFECTS OF WILDFIRES AND HAVE RECOMMENDED THE CREATION OF A  
18    WILDFIRE RESILIENCY CODE BOARD IN COLORADO; AND

19            (V) ESTABLISHING A CODE BOARD WILL ALLOW THE STATE TO  
20    ADOPT AND ENFORCE BEST PRACTICE APPROACHES TO HARDENING  
21    STRUCTURES AND MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO  
22    STRUCTURES THROUGHOUT COLORADO WHILE CONTINUING TO INVOLVE  
23    IMPACTED STAKEHOLDERS IN DECISION-MAKING CONCERNING WILDFIRE  
24    RESILIENCY CODES.

25            (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT  
26    ESTABLISHING A WILDFIRE RESILIENCY CODE BOARD SERVES THE  
27    INTERESTS OF THE STATE AND LOCAL COMMUNITIES IN CONSTRUCTING

1 SAFER AND MORE RESILIENT COMMUNITIES AND REDUCING RISK TO PEOPLE  
2 AND PROPERTY.

3 (2) **Board created.** THE WILDFIRE RESILIENCY CODE BOARD,  
4 REFERRED TO IN THIS SECTION AS THE "BOARD", IS CREATED IN THE  
5 DIVISION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. EXCEPT  
6 AS OTHERWISE PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, THE  
7 BOARD EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS  
8 UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR.

9 (3) **Membership.** (a) THE BOARD CONSISTS OF TWENTY-ONE  
10 VOTING MEMBERS WHO MUST BE RESIDENTS OF COLORADO, APPOINTED AS  
11 FOLLOWS:

12 (I) THREE MEMBERS REPRESENTING COLORADO BUILDING CODES  
13 PROFESSIONALS, INCLUDING:

14 (A) ONE REPRESENTING RURAL COMMUNITIES, APPOINTED BY THE  
15 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

16 (B) ONE REPRESENTING URBAN COMMUNITIES, APPOINTED BY THE  
17 PRESIDENT OF THE SENATE; AND

18 (C) ONE REPRESENTING THE STATE AT LARGE, APPOINTED BY THE  
19 EXECUTIVE DIRECTOR;

20 (II) THREE MEMBERS, EACH OF WHOM EITHER IS A FIRE MARSHAL,  
21 FIRE CHIEF, OR FIRE ENGINEER, EACH APPOINTED BY THE EXECUTIVE  
22 DIRECTOR;

23 (III) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION  
24 FOR HOME BUILDING PROFESSIONALS, APPOINTED BY THE MINORITY  
25 LEADER OF THE SENATE;

26 (IV) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION  
27 FOR COMMERCIAL BUILDING PROFESSIONALS, APPOINTED BY THE SPEAKER

1 OF THE HOUSE OF REPRESENTATIVES;

2 (V) ONE MEMBER REPRESENTING COLORADO LAND USE OR  
3 COMMUNITY PLANNING PROFESSIONALS, APPOINTED BY THE EXECUTIVE  
4 DIRECTOR;

5 (VI) ONE MEMBER REPRESENTING HAZARD MITIGATION  
6 PROFESSIONALS, APPOINTED BY THE EXECUTIVE DIRECTOR;

7 (VII) SIX MEMBERS REPRESENTING COLORADO LOCAL  
8 GOVERNMENTS, INCLUDING:

9 (A) ONE MUNICIPAL REPRESENTATIVE REPRESENTING RURAL  
10 COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE  
11 OF REPRESENTATIVES, AND ONE COUNTY REPRESENTATIVE REPRESENTING  
12 RURAL COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE  
13 SENATE;

14 (B) ONE MUNICIPAL REPRESENTATIVE REPRESENTING URBAN  
15 COMMUNITIES WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
16 REPRESENTATIVES AND ONE COUNTY REPRESENTATIVE REPRESENTING  
17 URBAN COMMUNITIES WHO IS APPOINTED BY THE PRESIDENT OF THE  
18 SENATE; AND

19 (C) ONE MUNICIPAL AND ONE COUNTY REPRESENTATIVE  
20 REPRESENTING THE STATE AT LARGE, EACH APPOINTED BY THE EXECUTIVE  
21 DIRECTOR;

22 (VIII) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF  
23 PROPERTY AND CASUALTY COMPANIES, APPOINTED BY THE MINORITY  
24 LEADER OF THE HOUSE OF REPRESENTATIVES;

25 (IX) ONE MEMBER REPRESENTING THE BUILDING TRADES,  
26 APPOINTED BY THE EXECUTIVE DIRECTOR;

27 (X) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF

1 NONPROFIT UTILITIES, APPOINTED BY THE PRESIDENT OF THE SENATE;

2 (XI) ONE MEMBER REPRESENTING AN INVESTOR-OWNED UTILITY,  
3 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

4 (XII) ONE MEMBER REPRESENTING A NONPROFIT HOME BUILDER  
5 FOR AFFORDABLE HOME OWNERSHIP THAT SERVES POPULATIONS WITH  
6 INCOMES UNDER EIGHTY PERCENT OF AN AREA'S MEDIAN INCOME,  
7 APPOINTED BY THE EXECUTIVE DIRECTOR.

8 (b) THE BOARD INCLUDES THE FOLLOWING NONVOTING EX OFFICIO  
9 MEMBERS:

10 (I) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE;

11 (II) THE STATE FORESTER OR THE STATE FORESTER'S DESIGNEE;

12 AND

13 (III) THE DIRECTOR OF THE COLORADO RESILIENCY OFFICE  
14 CREATED IN SECTION 24-32-121 OR THE DIRECTOR'S DESIGNEE.

15 (c) INITIAL APPOINTMENTS MUST BE MADE NO LATER THAN  
16 SEPTEMBER 30, 2023. IN ADDITION TO THE REQUIREMENTS SET FORTH IN  
17 SUBSECTION (3)(a) OF THIS SECTION, AND NOTWITHSTANDING THE  
18 REQUIREMENTS SET FORTH IN SUBSECTION (3)(g) OF THIS SECTION,  
19 INDIVIDUALS INITIALLY APPOINTED TO THE BOARD MUST RESIDE OR WORK  
20 WITHIN AN AREA OF THE STATE THAT IS AT HIGH RISK FOR WILDFIRE AS  
21 DETERMINED WITH INPUT FROM THE COLORADO STATE FOREST SERVICE,  
22 AND SUBSEQUENTLY APPOINTED MEMBERS MUST RESIDE OR WORK IN  
23 AREAS OF THE STATE WITHIN THE WILDLAND-URBAN INTERFACE AS  
24 DEFINED BY THE BOARD PURSUANT TO SUBSECTION (4)(b)(I) OF THIS  
25 SECTION.

26 (d) THE TERM OF APPOINTMENTS FOR APPOINTED MEMBERS IS  
27 THREE YEARS; EXCEPT THAT THE TERMS SHALL BE STAGGERED SO THAT NO

1 MORE THAN SIX MEMBERS' TERMS EXPIRE IN ONE YEAR. A MEMBER MAY  
2 BE REAPPOINTED FOR ONE ADDITIONAL TERM. IN THE EVENT OF A  
3 VACANCY, THE EXECUTIVE DIRECTOR SHALL APPOINT A NEW MEMBER FOR  
4 THE REMAINDER OF THE UNEXPIRED TERM. A MEMBER APPOINTED TO FILL  
5 A VACANCY MUST MEET THE QUALIFICATIONS FOR THE VACANT POSITION.

6 (e) EACH MEMBER OF THE BOARD SERVES WITHOUT  
7 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FROM THE WILDFIRE  
8 RESILIENCY CODE BOARD CASH FUND CREATED IN SUBSECTION (8) OF THIS  
9 SECTION FOR ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN  
10 THE PERFORMANCE OF THE MEMBER'S DUTIES AS A MEMBER OF THE  
11 BOARD.

12 (f) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE  
13 BOARD.

14 (g) IN ADDITION TO THE REQUIREMENTS OF THIS SUBSECTION (3),  
15 WHEN MAKING APPOINTMENTS TO THE BOARD, REASONABLE EFFORTS  
16 MUST BE MADE TO APPOINT MEMBERS WHO REFLECT THE GEOGRAPHIC AND  
17 DEMOGRAPHIC DIVERSITY OF THE ENTIRE STATE.

18 (4) **Powers and duties.** (a) THE MISSION OF THE BOARD IS TO  
19 ENSURE THAT COLORADO COMMUNITIES ARE SAFER FROM AND MORE  
20 RESILIENT TO WILDFIRES BY REDUCING THE RISK TO PEOPLE AND PROPERTY  
21 THROUGH THE ADOPTION OF STATEWIDE CODES AND STANDARDS BASED  
22 ON BEST PRACTICE APPROACHES TO HARDENING STRUCTURES AND  
23 MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO STRUCTURES IN  
24 THE WILDLAND-URBAN INTERFACE IN COLORADO.

25 (b) IN FURTHERANCE OF ITS MISSION, THE BOARD SHALL  
26 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24  
27 CONCERNING THE ADOPTION OF CODES AND STANDARDS FOR HARDENING

1 STRUCTURES AND MITIGATING VEGETATION ON EMPTY LOTS ADJACENT TO  
2 STRUCTURES IN THE WILDLAND-URBAN INTERFACE IN COLORADO.  
3 NOTWITHSTANDING SECTION 24-1-105 (1)(c) OR ANY OTHER LAW TO THE  
4 CONTRARY, THE RULES PROMULGATED BY THE BOARD ARE NOT SUBJECT  
5 TO APPROVAL OR MODIFICATION BY THE DIRECTOR OR THE EXECUTIVE  
6 DIRECTOR. AT A MINIMUM, THE RULES MUST:

7 (I) DEFINE THE WILDLAND-URBAN INTERFACE AND IDENTIFY THE  
8 AREAS OF COLORADO THAT ARE INCLUDED WITHIN IT; EXCEPT THAT,  
9 NOTWITHSTANDING THE AREA THAT THE BOARD IDENTIFIES AS INCLUDED  
10 WITHIN THE WILDLAND-URBAN INTERFACE, ANY THIRTY-FIVE ACRE  
11 PARCEL WITH ONLY ONE RESIDENTIAL STRUCTURE ON IT THAT DOES NOT  
12 ABUT A RESIDENTIAL OR COMMERCIAL AREA IS EXEMPT FROM ADHERENCE  
13 TO THE CODES. IN DEFINING COLORADO'S WILDLAND-URBAN INTERFACE,  
14 THE BOARD MAY CONSIDER BEST PRACTICES INCLUDING BUT NOT LIMITED  
15 TO PRACTICES OF OTHER STATES AND THE FEDERAL GOVERNMENT;  
16 REGIONAL DIFFERENCES AND RISKS WITHIN THE STATE; ENVIRONMENTAL,  
17 HEALTH, AND SAFETY IMPACTS; EXISTING MODEL CODES; AND INDIVIDUAL  
18 RISK PROFILES IDENTIFIED BY THE COLORADO STATE FOREST SERVICE. THE  
19 DEFINITION OF THE WILDLAND-URBAN INTERFACE SHALL BE UPDATED  
20 ONCE EVERY THREE YEARS.

21 (II) ADOPT MINIMUM CODES AND STANDARDS, REFERRED TO IN  
22 THIS SECTION AS THE "CODES", THAT MUST:

23 (A) BE BASED ON BEST PRACTICES TO REDUCE THE RISK TO LIFE  
24 AND PROPERTY FROM THE EFFECTS OF WILDFIRES;

25 (B) TAKE INTO CONSIDERATION THE FISCAL IMPACTS OF ADOPTING  
26 SUCH CODES, INCLUDING BUT NOT LIMITED TO COST IMPACTS FOR CITIES,  
27 COUNTIES, AND PROPERTY OWNERS RELATED TO CONSTRUCTION COSTS,



1 INSURANCE COVERAGE, AND REDUCTION OF RISK FOR DAMAGE OR LOSS OF  
2 STRUCTURES FROM FIRES, AND TAKE INTO CONSIDERATION REGIONAL RISK  
3 PROFILES WITHIN THE STATE, ENVIRONMENTAL IMPACTS, AND HEALTH AND  
4 SAFETY IMPACTS;

5 (C) APPLY TO PERMITTING AND INSPECTIONS FOR NEW  
6 CONSTRUCTION OF STRUCTURES OR DEFENSIBLE SPACE AROUND  
7 STRUCTURES AND FOR CONSTRUCTION THAT SUBSTANTIALLY REMODELS  
8 A STRUCTURE OR THE DEFENSIBLE SPACE AROUND THE STRUCTURE. AS  
9 USED IN THIS SUBSECTION (4)(b)(II)(C), "SUBSTANTIALLY REMODELS"  
10 MUST BE DEFINED IN THE BOARD'S RULES AND MUST INCLUDE INCREASING  
11 THE FOOTPRINT OF A STRUCTURE BY TWENTY-FIVE PERCENT, INCLUDING  
12 ADDING ATTACHMENTS TO THE STRUCTURE, OR, FOR CONSTRUCTION  
13 INVOLVING THE EXTERIOR OF A STRUCTURE, OR ATTACHMENTS TO IT, IF  
14 TWENTY-FIVE PERCENT OF THE EXTERIOR OR THE ATTACHMENT IS  
15 AFFECTED BY THE CONSTRUCTION. THE CODES SHALL NOT APPLY TO  
16 INTERIOR ALTERATIONS OF EXISTING STRUCTURES.

17 (D) BE INITIALLY ADOPTED BY THE BOARD NO LATER THAN JULY  
18 1, 2025, AND MAY BE UPDATED OR SUPPLEMENTED BY THE BOARD NOT  
19 MORE THAN ONCE EVERY THREE YEARS;

20 (III) IDENTIFY THE RANGE OF HAZARDS AND THE TYPES OF  
21 BUILDINGS, ENTITIES, AND DEFENSIBLE SPACE AROUND STRUCTURES  
22 WITHIN THE WILDLAND-URBAN INTERFACE TO WHICH THE CODES APPLY;

23 (IV) ESTABLISH THE PROCESS BY WHICH A GOVERNING BODY MAY  
24 PETITION THE BOARD FOR A MODIFICATION TO THE CODES IN ACCORDANCE  
25 WITH SECTION 24-33.5-1237 (3);

26 (V) ESTABLISH THE CRITERIA AND PROCESS FOR THE BOARD TO  
27 DENY OR GRANT AN APPEAL FROM A DECISION BY THE BOARD ON A

1 PETITION FOR MODIFICATION MADE PURSUANT TO THE RULES ADOPTED IN  
2 ACCORDANCE WITH SUBSECTION (4)(b)(IV) OF THIS SECTION; AND

3 (VI) ESTABLISH CRITERIA AND PARAMETERS CONSISTENT WITH  
4 SECTIONS 24-65.1-105 AND 29-20-108 FOR EXPEDITED CONSIDERATION OR  
5 APPROVAL OF AN EXEMPTION BY A GOVERNING BODY FROM LOCAL  
6 PERMITTING REQUIREMENTS AND THE CODE FOR ACTIVITIES OR  
7 INVESTMENTS RELATED TO REPAIR, REPLACEMENT, OR HARDENING OF  
8 EXISTING UTILITY INFRASTRUCTURE PRIMARILY WITHIN EXISTING  
9 TRANSMISSION ROUTES THAT MITIGATE WILDFIRE RISK.

10 (c) IN ADDITION TO PROMULGATING THE RULES REQUIRED BY  
11 SUBSECTION (4)(b) OF THIS SECTION, THE BOARD SHALL:

12 (I) WHEN PROMULGATING RULES PURSUANT TO SUBSECTION (4)(b)  
13 OF THIS SECTION, COLLABORATE WITH:

14 (A) THE DIVISION OF INSURANCE CREATED IN SECTION 10-1-103  
15 (1);

16 (B) THE DEPARTMENT OF LOCAL AFFAIRS; AND

17 (C) THE ENERGY CODE BOARD ESTABLISHED IN SECTION  
18 24-38.5-401 (2).

19 (II) CONSIDER OPPORTUNITIES TO INCENTIVIZE AND SUPPORT  
20 GOVERNING BODIES IN ADOPTING MORE STRINGENT CODES THAN THE  
21 CODES ADOPTED IN ACCORDANCE WITH SUBSECTION (4)(b)(II) OF THIS  
22 SECTION;

23 (III) RECEIVE PETITIONS FOR MODIFICATION OF THE CODES AND  
24 STANDARDS SUBMITTED BY GOVERNING BODIES IN ACCORDANCE WITH  
25 SECTION 24-33.5-1237 (3) AND RULES ADOPTED BY THE BOARD PURSUANT  
26 TO SUBSECTION (4)(b) OF THIS SECTION; AND

27 (IV) REVIEW APPEALS, CONDUCT HEARINGS, AND ISSUE DECISIONS

1 IN ACCORDANCE WITH SECTION 24-33.5-1237 AND RULES ADOPTED BY THE  
2 BOARD PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

3 (d) PROPERTIES WITH A CERTIFICATE OF OCCUPANCY ARE NOT  
4 REQUIRED TO BE IN COMPLIANCE WITH THE CODES PRIOR TO THE SALE OR  
5 TRANSFER OF A PROPERTY.

6 (e) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND IN  
7 SECTION 24-33.5-1237, THE BOARD IS NOT AUTHORIZED TO MAKE OR  
8 ADOPT LAND USE POLICIES.

9 (f) THE BOARD SHALL HOLD HEARINGS TO ALLOW FOR STATEWIDE  
10 PUBLIC INPUT AND SHALL PROACTIVELY SOLICIT PUBLIC FEEDBACK WHEN  
11 PROMULGATING RULES PURSUANT TO THIS SECTION.

12 (5) **Staff support.** THE DIVISION AND THE COLORADO FIRE  
13 COMMISSION SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF  
14 SERVICES AS NECESSARY TO IMPLEMENT THIS SECTION. THE DIVISION  
15 SHALL PROVIDE ASSISTANCE TO THE BOARD IN MAINTAINING A PUBLICLY  
16 ACCESSIBLE WEBSITE THAT MUST CONTAIN CURRENT INFORMATION ON  
17 ACTIONS TAKEN BY THE BOARD AND CURRENT INFORMATION ABOUT THE  
18 CODES.

19 (6) **Reports.** (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),  
20 ON OR BEFORE SEPTEMBER 30, 2024, AND ON OR BEFORE SEPTEMBER 30  
21 EACH YEAR THEREAFTER, THE BOARD SHALL SUBMIT A WRITTEN REPORT  
22 TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION  
23 2-3-1602 AND THE DIRECTOR ON ITS ACTIVITIES, ACTIONS, AND  
24 RECOMMENDATIONS FOR IMPROVEMENT.

25 (b) THE REPORT REQUIRED BY SUBSECTION (6)(a) OF THIS SECTION  
26 MUST INCLUDE INFORMATION CONCERNING:

27 (I) DEFINITIONS ADOPTED BY THE BOARD;

1 (II) PERFORMANCE METRICS ADOPTED AND USED BY THE BOARD;

2 AND

3 (III) COMPLIANCE WITH THE CODES ADOPTED BY THE BOARD,

4 INCLUDING:

5 (A) A LIST OF GOVERNING BODIES THAT HAVE ADOPTED A CODE  
6 THAT MEETS THE MINIMUM STANDARDS SET FORTH IN THE CODES;

7 (B) A LIST OF GOVERNING BODIES THAT HAVE ADOPTED A CODE  
8 THAT EXCEEDS THE MINIMUM STANDARDS SET FORTH IN THE CODES;

9 (C) A LIST OF ANY GOVERNING BODIES THAT THE BOARD BELIEVES  
10 TO NOT BE IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN  
11 SECTION 24-33.5-1237 (2)(a);

12 (D) A LIST OF ANY GOVERNING BODIES THAT HAVE APPROVED  
13 MODIFICATIONS TO THE GOVERNING BODY'S CODE BY THE BOARD AND A  
14 DESCRIPTION OF THE APPROVED MODIFICATIONS; AND

15 (E) A LIST OF ANY GOVERNING BODIES THAT HAVE APPLIED TO THE  
16 BOARD FOR A MODIFICATION TO THE GOVERNING BODY'S CODE, A  
17 DESCRIPTION OF EACH PROPOSED MODIFICATION, AND THE STATUS OF THE  
18 APPEAL.

19 (7) **Gifts, grants, and donations.** THE BOARD MAY SEEK, ACCEPT,  
20 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC  
21 SOURCES FOR THE PURPOSES OF THIS SECTION AND SECTION 24-33.5-1237.  
22 THE BOARD SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS,  
23 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT  
24 THE MONEY TO THE WILDFIRE RESILIENCY CODE BOARD CASH FUND  
25 CREATED IN SUBSECTION (8) OF THIS SECTION.

26 (8) **Wildfire resiliency code board cash fund.** (a) THE WILDFIRE  
27 RESILIENCY CODE BOARD CASH FUND, REFERRED TO IN THIS SUBSECTION

1 (8) AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND  
2 CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO  
3 SUBSECTION (8)(d) OF THIS SECTION, MONEY CREDITED TO THE FUND  
4 PURSUANT TO THIS SECTION, MONEY CREDITED TO THE FUND PURSUANT TO  
5 SECTION 24-33.5-1237 (2)(d), AND ANY OTHER MONEY THAT THE  
6 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

7 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
8 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
9 FUND TO THE FUND.

10 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
11 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION AND OF SECTION  
12 24-33.5-1237.

13 (d) ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER TWO  
14 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE  
15 FUND.

16 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
17 REQUIRES, "GOVERNING BODY" HAS THE SAME MEANING AS SET FORTH IN  
18 SECTION 24-33.5-1237 (1)(d).

19 **24-33.5-1237. Application of wildfire resiliency codes -**  
20 **enforcement - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

22 (a) "BOARD" MEANS THE WILDFIRE RESILIENCY CODE BOARD  
23 CREATED IN SECTION 24-33.5-1236 (2).

24 (b) "CODES" MEANS THE MINIMUM CODES AND STANDARDS  
25 ADOPTED BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(II).

26 (c) "CODE BOARD CASH FUND" MEANS THE WILDFIRE RESILIENCY  
27 CODE BOARD CASH FUND CREATED IN SECTION 24-33.5-1236 (8).

1 (d) "GOVERNING BODY" MEANS:  
2 (I) THE CITY COUNCIL, TOWN COUNCIL, BOARD OF TRUSTEES, OR  
3 OTHER GOVERNING BODY OF A CITY, TOWN, OR CITY AND COUNTY;  
4 (II) THE BOARD OF DIRECTORS OF A FIRE PROTECTION DISTRICT  
5 ORGANIZED PURSUANT TO PART 1 OF ARTICLE 1 OF TITLE 32;  
6 (III) THE GOVERNING BODY OF AN IMPROVEMENT DISTRICT THAT  
7 PROVIDES FIRE PROTECTION SERVICES ORGANIZED PURSUANT TO PART 5 OF  
8 ARTICLE 20 OF TITLE 30; OR  
9 (IV) THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO  
10 THE AREA WITHIN A COUNTY THAT IS OUTSIDE THE CORPORATE LIMITS OF  
11 A CITY OR TOWN AND OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION  
12 DISTRICT.  
13 (e) "WILDLAND-URBAN INTERFACE" HAS THE SAME MEANING AS  
14 SET FORTH BY THE BOARD IN ITS RULES PURSUANT TO SECTION  
15 24-33.5-1236 (4)(b)(I).  
16 (2)(a) A GOVERNING BODY WITH JURISDICTION IN AN AREA WITHIN  
17 THE WILDLAND-URBAN INTERFACE SHALL ADOPT A CODE THAT MEETS OR  
18 EXCEEDS THE MINIMUM STANDARDS SET FORTH IN THE CODES.  
19 (b) ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION  
20 (2)(a) OF THIS SECTION SHALL BE IN ACCORDANCE WITH THE RULES AND  
21 REGULATIONS FOR CODE ENFORCEMENT BY THE GOVERNING BODY. THE  
22 PERIOD TO COMPLY WITH AN ADOPTED CODE SHALL BE IN ACCORDANCE  
23 WITH THE RULES AND REGULATIONS OF THE GOVERNING BODY OR WITHIN  
24 SIX MONTHS OF THE DATE THE CODE IS ADOPTED BY THE GOVERNING  
25 BODY, WHICHEVER IS SOONER.  
26 (c) THE BOARD MAY REVIEW A GOVERNING BODY'S CODES  
27 ADOPTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND A

1 GOVERNING BODY'S APPLICATION OF THE ADOPTED CODES TO DETERMINE  
2 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. GOVERNING  
3 BODIES SHALL COOPERATE WITH THE BOARD AND BE RESPONSIVE TO ANY  
4 REQUESTS FOR INFORMATION FROM THE BOARD MADE PURSUANT TO THE  
5 BOARD'S REVIEW SET FORTH IN THIS SUBSECTION (2)(c).

6 (d) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, IF A  
7 GOVERNING BODY DOES NOT HAVE RULES AND REGULATIONS IN PLACE FOR  
8 THE ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION (2)(a)  
9 OF THIS SECTION, THE GOVERNING BODY MAY REQUEST SUPPORT FROM THE  
10 DIVISION IN CONDUCTING INSPECTIONS AND ENFORCING THE CODE  
11 PURSUANT TO THE DIVISION'S PROCEDURES SET FORTH IN SECTION  
12 24-33.5-1213; EXCEPT THAT ANY CIVIL PENALTY COLLECTED PURSUANT  
13 TO SECTION 24-33.5-1213 (4) SHALL BE DEPOSITED IN THE CODE BOARD  
14 CASH FUND. THE DIVISION MAY CHARGE A REASONABLE FEE FOR  
15 CONDUCTING INSPECTIONS AND ENFORCING THE CODE, AND MONEY FROM  
16 THE FEE SHALL BE DEPOSITED IN THE CODE BOARD CASH FUND.

17 (3) A GOVERNING BODY MAY PETITION THE BOARD FOR A  
18 MODIFICATION OF THE CODES WITHIN ITS JURISDICTION IN ACCORDANCE  
19 WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO SECTION  
20 24-33.5-1236 (4)(b)(IV). IF THE BOARD GRANTS THE PETITION FOR  
21 MODIFICATION, THE MODIFICATION APPLIES ONLY WITHIN THE  
22 JURISDICTION THAT IS GRANTED THE MODIFICATION. THE ORDER  
23 GRANTING THE PETITION FOR MODIFICATION MUST SPECIFY A DATE ON  
24 WHICH THE MODIFICATION EXPIRES, AND THE GOVERNING BODY MUST  
25 PETITION THE BOARD BEFORE THE EXPIRATION DATE TO KEEP THE  
26 MODIFICATION IN EFFECT. A GOVERNING BODY MAY APPEAL A DENIAL OF  
27 A PETITION TO THE BOARD IN ACCORDANCE WITH PROCEDURES ADOPTED

1 BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(V).

2 (4) THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION  
3 40-2-101 SHALL CONSIDER APPLICATION OF THE CODES WHEN CARRYING  
4 OUT THE PUBLIC UTILITIES LAW; CARRYING OUT AND IMPLEMENTING ITS  
5 POLICIES, PROCEDURES, AND DECISIONS; AND MEETING ANY  
6 REQUIREMENTS UNDER ITS JURISDICTION.

7 **SECTION 2.** In Colorado Revised Statutes, 24-75-402, **amend**  
8 (5)(yy) and (5)(zz); and **add** (5)(aaa) as follows:

9 **24-75-402. Cash funds - limit on uncommitted reserves -**  
10 **reduction in the amount of fees - exclusions - definitions.**

11 (5) Notwithstanding any provision of this section to the contrary, the  
12 following cash funds are excluded from the limitations specified in this  
13 section:

14 (yy) The disability support fund created in section 24-30-2205.5  
15 (1); ~~and~~

16 (zz) The responsible gaming grant program cash fund created in  
17 section 44-30-1702 (8); AND

18 (aaa) THE WILDFIRE RESILIENCY CODE BOARD CASH FUND CREATED  
19 IN SECTION 24-33.5-1236 (8).

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