



Report to the Colorado General Assembly

Wildfire Matters Review Committee

Prepared by

*The Colorado Legislative Council
Research Publication No. 649
February 2015*

Wildfire Matters Review Committee

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February 2015

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December 2014

To Members of the Sixty-ninth General Assembly:

Submitted herewith is the final report of the Wildfire Matters Review Committee. This committee was created pursuant to Senate Bill 13-082. The purpose of this committee is to review and propose legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues.

At its meeting on October 15, 2014, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2015 session was approved.

Sincerely,

/s/ Representative Mark Ferrandino
Chairman

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This report is also available on line at:

<http://www.state.co.us/gov/lcs/wildifremattersreviewcommittee>

Committee Charge

Pursuant to Senate Bill 13-082, 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. In addition, the bill transferred to the committee any remaining powers, duties, and responsibilities delegated to the Lower North Fork Wildfire Commission by House Bill 12-1352. In passing SB 13-082, the General Assembly intended for the Wildfire Matters Review Committee to be a permanent interim committee through which the General Assembly reviews state policies and resources addressing wildfire prevention and mitigation and the successful implementation and execution of such policies; the committee sunsets on July 1, 2018. Committee members serve two-year terms, and the committee must meet at least once per interim.

Committee Activities

The committee met four times during August and September 2014. At all four meetings, the committee heard presentations from, and engaged in discussion with, representatives of various entities involved in wildfire prevention, mitigation, and response. These presentations and discussions covered a wide range of topics associated with wildfires, including efforts undertaken by the General Assembly to address wildfire issues in recent years; wildfire aviation response capabilities and aviation activities undertaken in 2014; forest health; homeowner's insurance in the wildland-urban interface; funding needs for various wildfire mitigation and response initiatives, including federal funding; the status of the timber industry; prescribed burning; wildfire behavior predictability; stakeholder legislative recommendations; communications during emergencies; and wildfire preparedness efforts undertaken by local governments. Entities represented before the committee included:

- the Divisions of Fire Prevention and Control and Homeland Security and Emergency Management within the Department of Public Safety;
- the Department of Natural Resources;
- Colorado State Fire Chiefs;
- the United States Forest Service;
- the Colorado State Forest Service;
- the Division of Insurance within the Department of Regulatory Agencies;
- the National Center for Atmospheric Research;
- the State Land Board;
- Colorado Counties, Inc.;
- the Colorado Municipal League;
- local governments;
- emergency first responders; and
- the Nature Conservancy.

The committee heard public testimony at all four of its meetings, and spent time during meetings undertaking organizational activities and considering draft legislation. Six bills and one joint resolution were drafted at the request of the committee, which ultimately approved five bills and the resolution. Topics covered and recommendations made by the committee are discussed below.

Forest Health

Fuel reduction in forested areas. The committee continued to focus on opportunities for decreasing the dangerous build-up of fuel in Colorado's forests, particularly in the wildland-urban interface, where a growing population lives alongside densely forested tracts of land that are often not mitigated for wildfire-risk purposes. Several witnesses stressed the importance of fuel load reduction to forest fire management, and Michael Lester, Colorado State Forester, provided an overview of the timber industry in the state. On several occasions, the committee returned to the theme of the timber industry as a partner in helping to reduce forest fuel loads. Representatives from Colorado Counties, Inc., and the Colorado Municipal League briefed the committee on efforts undertaken at the local government level to reduce forest fuels through such practices as slash pile burning, prescribed burning, thinning and chipping, and marketing forest products. These discussions, along with stakeholder recommendations, resulted in two bills. Bill A continues the Wildfire Risk Reduction Grant Program, which provides funding opportunities for projects implementing hazardous forest fuel reduction treatment. Bill B creates the Woody Biomass Grant Program, which promotes the use of woody biomass as a fuel source for public buildings.

The committee rejected one bill drafted for its consideration concerning changing an existing tax deduction for landowners who perform wildfire mitigation measures into a tax credit. The bill would have allowed a landowner to claim a tax credit of 25 percent of costs incurred in performing these measures, not to exceed \$2,500. A similar bill was recommended by the committee in 2013, but the resulting legislation, House Bill 14-1009, was lost in the Senate.

Issues regarding prescribed burns. The committee received testimony from a panel on prescribed burn activities. The panel included Michael Lester; Paige Lewis, Forest Health Program Director for The Nature Conservancy; and Paul Cooke, Director of the Division of Fire Prevention and Control (DFPC) within the Department of Public Safety (DPS). The panel members discussed the practice of prescribed burns as a tool for wildfire mitigation. The Nature Conservancy recommended that state employees who are officially certified to conduct prescribed burn activities and who are acting within the scope of their duties be immune from the liability under existing law. This recommendation was incorporated into Bill C, which clarified that state employees conducting a prescribed burn activity would be covered under existing sovereign immunity laws. Bill C, as recommended by the Wildfire Matters Review Committee, failed at the Legislative Council meeting.

Federal support for wildfire suppression. Various witnesses and committee members expressed concern regarding the federal government's role in wildfire suppression. The committee discussed the mitigation of federal land, aerial fleet support for wildfire suppression efforts, and federal funding for mitigation programs. Representatives from the U.S. Forest Service appeared before the committee to address these concerns. In response to the concerns expressed, Resolution A asks the federal government to create a separate fire suppression line item in the federal budget due to changes in funding and asks the federal government to purchase and deploy additional aerial equipment to be used for wildfire suppression.

Fiscal Issues

Property tax relief. The committee received testimony from Esther van Mourik, Senior Staff Attorney with the Office of Legislative Legal Services (OLLS), concerning rule review of updated provisions in the Assessors' Reference Library Manuals produced by the Department of Local Affairs, Division of Property Taxation. Specifically, the OLLS found that the property tax administrator does not have the authority to provide for continued agricultural classification of land after its productive capacity is destroyed in a natural disaster, such as a wildland fire. Bill E provides this authority.

Emergency Response

Volunteer fire departments. A number of volunteer fire departments in Colorado operate without governmental organization and authority. Of the state's approximately 40 nonprofit volunteer fire departments, many rely on contracts or other funding from local governments. Because these volunteer fire departments are not recognized in statute as part of the state's fire service, they are often ineligible for grants, training, and other assistance. The Governor's Wildland and Prescribed Fire Advisory Commission recommends the creation of a statutory framework that will enable nonprofit volunteer fire departments to receive grants and participate in other aspects of the fire service. Bill D creates a statutory framework consistent with this recommendation.

Recommendations to the House and Senate agriculture committees. To satisfy a statutory requirement that the committee consider the merits of creating a wildland and prescribed fire advisory commission to assist the director of the DFPC in performing his or her duties, at its September 10 meeting, the committee discussed the merits of creating such an advisory commission.¹ The committee also discussed the role of the current Governor's Wildland and Prescribed Fire Advisory Commission, which was created by executive order in 2013 to fulfill a similar advisory role to the director of the DFPC.² The committee elected not to recommend creating a statutory commission at this time, and recommended to the House and Senate agriculture committees that the director of the DFPC work with the Wildfire Matters Review Committee to address the following concerns with respect to the Governor's commission:

- representation from the Western Slope and/or San Luis Valley;
- a travel allowance or other compensation for members participating from remote parts of the state;
- inclusion of additional individuals with a science background in the commission's representation;
- full voting representation for the State Forester; and
- representation by air quality regulators (e.g., the Colorado Department of Public Health and Environment).

¹Section 2-3-1602 (1.5), C.R.S.

²Executive Order B 2013-001

Local Wildfire Issues

Local strategies for emergency response, recovery, and resiliency were presented by representatives of the Colorado State Fire Chiefs, the Colorado Municipal League, and Colorado Counties Inc., along with representatives from individual counties and fire protection districts. The Colorado State Fire Chiefs advised the committee on the maintenance of the statewide interoperable radio system, state aviation resources, encouraging homeowner mitigation in the wildland-urban interface, and funding needs for both state and local firefighting agencies. The Colorado State Fire Chiefs also reported on recent efforts to engage in multiagency mobilization exercises, including simulating logistical requirements for large wildfire incidents. Other items of concern to local agencies include access to grants for wildfire mitigation and forest health and the potential conflict of water regulations with wildfire recovery efforts that capture debris in temporary stormwater facilities.

Requested Budget Actions

The Wildfire Matters Review Committee received several suggestions from various stakeholders on preparations for mitigation and response that have state budget ramifications. The Wildfire Matters Review Committee requested in a letter that the Joint Budget Committee consider making the following actions priorities in the formulation of the FY 2015-16 budget:

- appropriating \$11.7 million to sustain the Colorado Firefighting Aerial Corps (CFAC) in the DFPC;
- creating a placeholder and expanding funding for statewide radio communications if requested by the DPS following the completion of the needs assessment required by Senate Bill 14-127; and
- appropriating \$2.5 million for three additional Type 3 Incident Management Teams (IMTs), to augment current capabilities across the state.

The Wildfire Matters Review Committee received testimony and discussed each of these funding requests.

Summary of Recommendations

As a result of the committee's activities, five bills and one resolution were recommended to the Legislative Council for consideration in the 2015 session. At its meeting on October 15, 2014, the Legislative Council approved four bills and the resolution for introduction.

Bill A — Continue Funding Wildfire Risk Reduction Grants

In 2013, the General Assembly created the Wildfire Risk Reduction Grant Program to fund competitive grants for projects implementing hazardous forest fuel reduction treatments. The program, administered by the Department of Natural Resources, received an initial funding transfer of \$9.8 million from the General Fund. Bill A transfers an additional \$9.8 million in General Fund moneys to the program, effective July 1, 2015, and makes certain technical changes to the program.

Bill B — Public Building Woody Biomass Energy Grant Program

Bill B creates the Public Woody Biomass Energy Grant Program to be administered by the Department of Natural Resources, and transfers \$1 million annually to the program for five years beginning July 1, 2015. Under the program, the department awards grants to public entities to use woody biomass as a fuel source for biomass energy systems in public buildings when the grant allows the public building to be cost-effective in comparison to other fuels or the executive director of the department reasonably believes the grant will provide other substantial benefits specified in rules promulgated by the executive director. The bill outlines some of the rules to be promulgated, including the criteria to be considered in determining the special benefits that a particular grant may provide.

Bill D — Volunteer Fire Department Organization

Bill D creates a framework for the organization of nonprofit, nongovernmental volunteer fire departments and provides for the participation of these departments in programs and grants administered by the Division of Fire Prevention and Control in the Department of Public Safety. To be recognized as a volunteer fire department under the bill, the department must be incorporated as a nonprofit corporation and enter into an agreement to provide firefighting and related services to local or state officials responsible for fire protection.

Bill E — Agricultural Land Destroyed by Natural Cause

Bill E specifies that if agricultural land is destroyed by a natural cause on or after January 1, 2012, the land will retain its agricultural classification for a rehabilitation period consisting of the year of destruction and the next four property tax years. During the rehabilitation period, the bill specifies that the owner must make progress toward restoring agricultural use or, in the case of forest land, must comply with an approved forest management plan.

Resolution A — Request Federal Wildland Fire Suppression Support

Resolution A requests action from the federal government concerning wildfire suppression and mitigation. The request asks the federal government to create a separate fire suppression line item in the federal budget due to changes in federal funding for fire mitigation. Additionally, the resolution asks the federal government to purchase additional aerial firefighting equipment to be used for wildfire suppression in Colorado and other states.

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:

<http://www.colorado.gov/lcs/WildfireMattersReviewCommittee>

Meeting Date and Topics Discussed

August 8, 2014

- ◆ Update on 2014 wildfire-related legislation
- ◆ Presentation by Colorado State Fire Chiefs: update and preliminary recommendations
- ◆ Update on the implementation of the Wildfire Risk Reduction Grant Program (Senate Bill 13-269)
- ◆ Presentation by the Division of Fire Prevention and Control
- ◆ Update on the implementation of Senate Bill 14-127 (Statewide Radio Systems New Subcommittee & Report)
- ◆ Update on homeowner's insurance in the wildland-urban interface
- ◆ Presentation by the Colorado State Forest Service
- ◆ Public testimony

August 25, 2014

- ◆ Update from the Division of Fire Prevention and Control
- ◆ Wildfire issues at the local level
- ◆ Presentation by Colorado State Fire Chiefs: legislative recommendations
- ◆ Coupled weather wildland fire behavior prediction technology
- ◆ Presentation of House Bill 14-1210 report: state and county arrangements for addressing wildfires on state trust lands
- ◆ Panel: prescribed burning
- ◆ Wildland and Prescribed Fire Advisory Committee legislative recommendations
- ◆ Federal perspective on fire management and forest health
- ◆ Public testimony

September 10, 2014

- ◆ Update on multi-mission aircraft and the Colorado Wildfire Information Management System (CO-WIMS)
- ◆ Discussion about creation of the Colorado Wildland and Prescribed Fire Advisory Commission pursuant to Senate Bill 14-164
- ◆ Committee discussion on potential recommendations to the Joint Budget Committee and the federal government
- ◆ Discussion of the Waldo Canyon Fire
- ◆ Interim committee legislation process
- ◆ Requests for drafting of committee legislation
- ◆ Public testimony

September 26, 2014

- ◆ Wildfire preparedness activities undertaken at the local level
- ◆ Public testimony concerning draft legislation
- ◆ Consideration of and final action on draft committee legislation

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 14-0194.01 Kate Meyer x4348

HOUSE BILL

HOUSE SPONSORSHIP

(None),

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR CERTAIN LOCAL GOVERNMENTAL
102 ENTITIES TO CAUSE THE REMOVAL OF TREES THAT POSE FIRE
103 HAZARDS.

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://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. Currently, a county or municipality may act within its general police powers to remove, or compel the removal of, weeds and brush from lands within its jurisdiction. The bill includes trees within this power but conditions the

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

removal of trees on a finding that such removal is necessary to mitigate a fire hazard.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-15-401, **amend**
3 (1) (a) (I.5) (A) and (1) (a) (I.5) (C) as follows:

4 **30-15-401. General regulations - definitions.** (1) In addition to
5 those powers granted by sections 30-11-101 and 30-11-107 and by parts
6 1, 2, and 3 of this article, the board of county commissioners has the
7 power to adopt ordinances for control or licensing of those matters of
8 purely local concern that are described in the following enumerated
9 powers:

10 (a) (I.5) (A) To provide for and compel the removal of TREES,
11 weeds, and brush from lots and tracts of land within the county except
12 agricultural land currently in agricultural use as the term agricultural land
13 is defined in section 39-1-102 (1.6), C.R.S., and from the alleys behind
14 and from the sidewalk areas in front of such property at such time, upon
15 such notice, and in such manner as the board of county commissioners
16 may prescribe by ordinance, including removal performed by the county
17 upon notice to and failure of the property owner to remove such TREES,
18 weeds, and brush, and to assess the reasonable cost thereof, including ten
19 percent for inspection and other incidental costs in connection therewith,
20 upon the property from which such TREES, weeds, AND BRUSH have been
21 removed. Ordinances passed by a board of county commissioners for the
22 removal of TREES, weeds, and brush pursuant to this sub-subparagraph
23 (A) ~~shall~~ MUST include provisions for applying for and exercising an
24 administrative entry and seizure warrant issued by a county or district
25 court having jurisdiction over the property from which TREES, weeds, and

1 brush shall be removed. IN ADDITION, AN ORDINANCE THAT PROVIDES FOR
2 AND COMPELS THE REMOVAL OF TREES PURSUANT TO THIS
3 SUB-SUBPARAGRAPH (A) MUST REQUIRE THAT THE REMOVAL BE BASED ON
4 A REASONABLE DETERMINATION THAT SUCH REMOVAL IS NECESSARY TO
5 MITIGATE A FIRE HAZARD. Any assessment pursuant to this
6 sub-subparagraph (A) shall be a lien against such property until paid and
7 shall have priority based on its date of recording. A county shall not
8 compel the removal of TREES, weeds, and brush pursuant to this
9 sub-subparagraph (A) upon any lot or tract of land within the county
10 during such time that a mortgage or deed of trust secured by the lot or
11 tract of land is being foreclosed upon.

12 (C) A county court or district court having jurisdiction over
13 property from which weeds, TREES, and brush ~~shall~~ WILL be removed
14 pursuant to the ordinances authorized by sub-subparagraph (A) of this
15 subparagraph (I.5) shall issue an administrative entry and seizure warrant
16 for the removal of such weeds, TREES, and brush. Such COURT SHALL
17 ISSUE THE warrant ~~shall be issued~~ upon presentation by a county of
18 ordinance provisions ~~which~~ THAT meet the requirements of
19 sub-subparagraph (A) of this subparagraph (I.5) and a sworn or affirmed
20 affidavit stating the factual basis for such warrant, evidence that the
21 property owner has received notice of the violation and has failed to
22 remove the TREES, weeds, and brush within a reasonable prescribed
23 period of time, a general description of the location of the property which
24 is the subject of the warrant, and the proposed disposal of such TREES,
25 weeds, and brush. Within ten days following the date of issuance of an
26 administrative entry and seizure warrant pursuant to ~~the provisions of this~~
27 sub-subparagraph (C), such warrant shall be executed in accordance with

1 directions by the issuing court, a copy of such issued warrant shall be
2 provided or mailed to the property owner, and proof of the execution of
3 such warrant shall be submitted to the court by the executing authority.

4 **SECTION 2.** In Colorado Revised Statutes, 31-15-401, **amend**
5 (1) (d) (I); and **add** (1) (d) (III) as follows:

6 **31-15-401. General police powers.** (1) In relation to the general
7 police power, the governing bodies of municipalities have the following
8 powers:

9 (d) (I) To provide for and compel the removal of TREES, weeds,
10 brush, and rubbish of all kinds from lots and tracts of land within such
11 municipalities and from the alleys behind and from the sidewalk areas in
12 front of such property at such time, upon such notice, and in such manner
13 as such municipalities prescribe by ordinance, and to assess the whole
14 cost thereof, including five percent for inspection and other incidental
15 costs in connection therewith, upon the lots and tracts of land from which
16 the TREES, weeds, brush, and rubbish are removed. The assessment ~~shall~~
17 ~~be~~ IS a lien against each lot or tract of land until paid and ~~shall have~~ HAS
18 priority over all other liens except general taxes and prior special
19 assessments.

20 (III) AN ORDINANCE THAT PROVIDES FOR AND COMPELS THE
21 REMOVAL OF TREES PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH
22 (d) MUST REQUIRE THAT THE REMOVAL BE BASED ON A REASONABLE
23 DETERMINATION THAT SUCH REMOVAL IS NECESSARY TO MITIGATE A FIRE
24 HAZARD.

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

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 14-0195.01 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF COUNTY GOVERNMENTS TO LIMIT**
102 **CERTAIN FORMS OF FIRE, AND, IN CONNECTION THEREWITH,**
103 **PERMITTING COUNTY GOVERNMENTS TO PROHIBIT**
104 **AGRICULTURAL BURNING DURING PERIODS OF HIGH FIRE**
105 **DANGER AND TO PROHIBIT FIREWORKS ACTIVITY DURING THE**
106 **SUMMER SEASON.**

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://www.leg.state.co.us/billsummaries.>)

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

Wildfire Matters Review Committee. In connection with the existing statutory authority permitting county governments to ban open fires to reduce the danger of wildfires, the bill permits counties to prohibit or restrict the ability of agricultural producers to conduct burning on their own property during periods when red flag warnings or fire weather watches have been issued by the national weather service.

In connection with the existing statutory authority permitting county governments to prohibit or restrict the sale, use, and possession of fireworks, the bill deletes existing statutory language limiting the use of such authority between May 31 and July 5 of each year in times of high fire danger.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-15-401, **amend**
3 (1) (n.5) (I) and (1) (n.7); and **repeal** (1)(n.5)(III) as follows:

4 **30-15-401. General regulations - definitions.** (1) In addition to
5 those powers granted by sections 30-11-101 and 30-11-107 and by parts
6 1, 2, and 3 of this article, the board of county commissioners has the
7 power to adopt ordinances for control or licensing of those matters of
8 purely local concern that are described in the following enumerated
9 powers:

10 (n.5) (I) To ban open fires to a degree and in a manner that the
11 board of county commissioners deems necessary to reduce the danger of
12 wildfires within those portions of the unincorporated areas of the county
13 where the danger of forest or grass fires is found to be high based on
14 competent evidence. THE AUTHORITY GRANTED THE BOARD OF COUNTY
15 COMMISSIONERS BY THIS SUBPARAGRAPH (I) INCLUDES THE POWER TO
16 PROHIBIT OR RESTRICT THE ABILITY OF AGRICULTURAL PRODUCERS TO
17 CONDUCT BURNING ON THEIR OWN PROPERTY DURING PERIODS WHEN RED
18 FLAG WARNINGS OR FIRE WEATHER WATCHES HAVE BEEN ISSUED BY THE
19 NATIONAL WEATHER SERVICE.

1 (III) ~~Nothing in this paragraph (n.5) infringes upon or otherwise~~
2 ~~affects the ability of agricultural producers to conduct burning on their~~
3 ~~property.~~

4 (n.7) To prohibit or restrict the sale, use, and possession of
5 fireworks, including permissible fireworks, as defined in section
6 12-28-101 (3) and (8), C.R.S., for a period no longer than one year within
7 all or any part of the unincorporated areas of the county; ~~except that such~~
8 ~~an ordinance shall not be in effect between May 31 and July 5 of any year~~
9 ~~unless the ordinance includes an express finding of high fire danger,~~
10 ~~based on competent evidence, as defined in paragraph (n.5) of this~~
11 ~~subsection (1);~~

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 14-0196.01 Esther van Mourik x4215

HOUSE BILL

HOUSE SPONSORSHIP

(None),

SENATE SPONSORSHIP

Nicholson,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGING THE WILDFIRE MITIGATION INCOME TAX**
102 **DEDUCTION TO THE WILDFIRE MITIGATION INCOME TAX CREDIT.**

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://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The bill changes the wildfire mitigation income tax deduction to the wildfire mitigation income tax credit. An income tax deduction reduces a taxpayer's taxable income, the amount to which the tax rate is applied. A tax credit reduces a taxpayer's tax liability by taking a dollar-for-dollar reduction in what is

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Capital letters indicate new material to be added to existing statute.
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owed by what the credit allows. The bill allows a landowner a credit of 50% of the costs incurred in performing wildfire mitigation measures, not to exceed \$2,500. Any amount in excess of the landowner's tax liability in the year the credit is first claimed may be carried forward to offset the landowner's future tax liability for 5 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-104, **amend**
3 (4) (n.5) (I) (A) and (4) (n.5) (IV) as follows:

4 **39-22-104. Income tax imposed on individuals, estates, and**
5 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted
6 from federal taxable income:

7 (n.5) (I) (A) For income tax years commencing on or after January
8 1, 2014, but prior to ~~January 1, 2025~~ JANUARY 1, 2015, an amount equal
9 to fifty percent of a landowner's costs incurred in performing wildfire
10 mitigation measures in that income tax year on his or her property located
11 within the state; except that the amount of the deduction claimed in an
12 income tax year shall not exceed two thousand five hundred dollars or the
13 total amount of the landowner's federal taxable income for the income tax
14 year for which the deduction is claimed, whichever is less.

15 (IV) This paragraph (n.5) is repealed, effective ~~January 1, 2026~~
16 JANUARY 1, 2016.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 39-22-536 as
18 follows:

19 **39-22-536. Credit for wildfire mitigation - definitions - repeal.**

20 (1) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1,
21 2015, BUT PRIOR TO JANUARY 1, 2025, THERE SHALL BE ALLOWED A
22 WILDFIRE MITIGATION TAX CREDIT AGAINST THE INCOME TAXES IMPOSED
23 PURSUANT TO THIS ARTICLE. EXCEPT AS PROVIDED IN SUBSECTION (3) OF

1 THIS SECTION, THE AMOUNT OF THE CREDIT IS FIFTY PERCENT OF A
2 LANDOWNER'S COSTS INCURRED IN THAT INCOME TAX YEAR IN
3 PERFORMING WILDFIRE MITIGATION MEASURES ON HIS OR HER PROPERTY
4 LOCATED IN A WILDLAND-URBAN INTERFACE AREA WITHIN THE STATE;
5 EXCEPT THAT THE CREDIT CLAIMED IN AN INCOME TAX YEAR SHALL NOT
6 EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.

7 (2) IF THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION
8 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE
9 TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS
10 BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET
11 AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR MAY BE
12 CARRIED FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS'
13 INCOME TAX LIABILITY FOR A PERIOD NOT TO EXCEED FIVE YEARS AND
14 SHALL BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.
15 ANY CREDIT REMAINING AFTER SAID PERIOD SHALL NOT BE REFUNDED OR
16 CREDITED TO THE TAXPAYER.

17 (3) (a) IN THE CASE OF TWO INDIVIDUALS FILING A JOINT RETURN,
18 THE AMOUNT OF THE CREDIT SHALL NOT EXCEED TWO THOUSAND FIVE
19 HUNDRED DOLLARS IN ANY TAXABLE YEAR. IN THE CASE OF A MARRIED
20 INDIVIDUAL WHO FILES A SEPARATE RETURN, ONLY ONE INDIVIDUAL IN THE
21 MARRIAGE MAY CLAIM THE CREDIT SPECIFIED IN THIS SECTION.

22 (b) IN THE CASE OF REAL PROPERTY OWNED AS TENANTS IN
23 COMMON, THE CREDIT ALLOWED PURSUANT TO THIS SECTION IS ONLY
24 ALLOWED FOR ONE OF THE INDIVIDUALS OF THE OWNERSHIP GROUP.

25 (4) FOR PURPOSES OF THIS SECTION:

26 (a) "COLORADO STATE FOREST SERVICE" MEANS THE COLORADO
27 STATE FOREST SERVICE IDENTIFIED IN SECTION 23-31-302, C.R.S.

1 (b) "COSTS" MEANS ANY ACTUAL OUT-OF-POCKET EXPENSE
2 INCURRED AND PAID BY THE LANDOWNER, DOCUMENTED BY RECEIPT, FOR
3 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE
4 ANY INSPECTION OR CERTIFICATION FEES, IN-KIND CONTRIBUTIONS,
5 DONATIONS, INCENTIVES, OR COST SHARING ASSOCIATED WITH
6 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DO NOT INCLUDE
7 EXPENSES PAID BY THE LANDOWNER FROM ANY GRANTS AWARDED TO THE
8 LANDOWNER FOR PERFORMING WILDFIRE MITIGATION MEASURES.

9 (c) "LANDOWNER" MEANS ANY OWNER OF RECORD OF PRIVATE
10 LAND LOCATED WITHIN THE STATE, INCLUDING ANY EASEMENT,
11 RIGHT-OF-WAY, OR ESTATE IN THE LAND, AND INCLUDES THE HEIRS,
12 SUCCESSORS, AND ASSIGNS OF SUCH LAND, AND SHALL NOT INCLUDE ANY
13 PARTNERSHIP, S CORPORATION, OR OTHER SIMILAR ENTITY THAT OWNS
14 PRIVATE LAND AS AN ENTITY.

15 (d) "WILDFIRE MITIGATION MEASURES" MEANS THE CREATION OF
16 A DEFENSIBLE SPACE AROUND STRUCTURES; THE ESTABLISHMENT OF FUEL
17 BREAKS; THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
18 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILDLAND FIRE; OR
19 THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING AND
20 SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR PRESCRIBED
21 BURNING; SO LONG AS SUCH ACTIVITIES MEET OR EXCEED ANY COLORADO
22 STATE FOREST SERVICE STANDARDS OR ANY OTHER APPLICABLE STATE
23 RULES.

24 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2026.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2014 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 14-0198.02 Thomas Morris x4218

SENATE BILL

SENATE SPONSORSHIP

Nicholson, Tochtrop, Jones

HOUSE SPONSORSHIP

Exum,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING A GRANT PROGRAM TO INCREASE LOCAL FIREFIGHTER**
102 **SAFETY.**

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://www.leg.state.co.us/bills summaries>.)

Wildfire Matters Review Committee. Until July 1, 2013, the wildfire preparedness fund received an annual \$3.25 million transfer from the mineral leasing fund; last year the general assembly substituted a portion of insurance premium taxes as the source of revenues for this fund.

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

Section 1 of the bill directs the state treasurer to annually transfer, for 5 state fiscal years, \$3.25 million from the mineral leasing fund to a newly created local firefighter safety fund.

Section 2:

- Creates the local firefighter safety and disease prevention fund and uses it for a need-based grant program to provide funding or reimbursement to local government governing bodies for equipment and training designed to increase firefighter safety and prevent occupation-related diseases;
- Directs the director of the division of fire safety and control to promulgate rules governing the award of the grants, including consideration of the recommendations of the fire service training, certification, and firefighter safety advisory board and the governing body's other fund-raising efforts; and
- Allows the division to expend up to 3% per year from the fund for its direct and indirect costs in administering the grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 34-63-102, **amend**
3 (5.4) (b) (II) as follows:

4 **34-63-102. Creation of mineral leasing fund - distribution -**
5 **advisory committee - local government permanent fund created -**
6 **definitions - repeal.** (5.4) Except as otherwise provided in subsection
7 (5.5) of this section, on and after July 1, 2008, all moneys other than
8 bonus payments, as defined in paragraph (b) of subsection (5.3) of this
9 section, credited to the mineral leasing fund created in subparagraph (II)
10 of paragraph (a) of subsection (1) of this section shall be distributed on
11 a quarterly basis for quarters beginning on July 1, October 1, January 1,
12 and April 1 of each state fiscal year as follows:

13 (b) (II) Notwithstanding any other provision of this section, in the
14 FIVE fiscal years commencing ON OR AFTER July 1, ~~2012, and July 1,~~
15 ~~2013, unless another source of funding becomes available~~ 2014, the

1 executive director of the department of local affairs shall transfer, prior
2 to any other distribution specified in this paragraph (b), three million two
3 hundred fifty thousand dollars of the moneys available for grant
4 applications pursuant to this paragraph (b) to the state treasurer, who shall
5 credit the moneys to the ~~wildfire preparedness~~ LOCAL FIREFIGHTER
6 SAFETY AND DISEASE PREVENTION fund created in section ~~24-33.5-1227~~
7 24-33.5-1229, C.R.S. The division of fire prevention and control in the
8 department of public safety, created pursuant to section 24-33.5-1201,
9 C.R.S., shall annually report on the use of the moneys transferred
10 pursuant to this subparagraph (II) to the department of local affairs, the
11 office of state planning and budgeting, and the general assembly. This
12 subparagraph (II) is repealed, effective July 1, ~~2016~~ 2020.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1229 as
14 follows:

15 **24-33.5-1229. Local firefighter safety and disease prevention**
16 **fund - creation - grants - rules.** (1) THERE IS HEREBY CREATED IN THE
17 STATE TREASURY THE LOCAL FIREFIGHTER SAFETY AND DISEASE
18 PREVENTION FUND. THE FUND CONSISTS OF ALL MONEYS THAT MAY BE
19 APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, ALL PRIVATE
20 AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS
21 THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE
22 FUND, AND ALL MONEYS TRANSFERRED TO THE FUND PURSUANT TO
23 SECTION 34-63-102 (5.4) (b) (II), C.R.S. THE STATE TREASURER SHALL
24 CREDIT ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE
25 FUND TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY
26 CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES
27 INDICATED IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF

1 EACH FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED
2 TO OR REVERT TO THE GENERAL FUND.

3 (2) THE DIVISION SHALL USE THE MONEYS IN THE FUND TO AWARD
4 NEED-BASED GRANTS TO GOVERNING BODIES TO PROVIDE FUNDING OR
5 REIMBURSEMENT FOR EQUIPMENT AND TRAINING DESIGNED TO INCREASE
6 FIREFIGHTER SAFETY AND PREVENT OCCUPATION-RELATED DISEASES. THE
7 DIVISION MAY EXPEND UP TO THREE PERCENT PER YEAR FROM THE FUND
8 FOR ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE GRANT
9 PROGRAM. THE GENERAL ASSEMBLY INTENDS THAT THE NEED-BASED
10 GRANTS FROM THE FUND ARE IN ADDITION TO, AND DO NOT SUPPLANT,
11 OTHER SOURCES OF FUNDING TO GOVERNING BODIES REGARDING
12 FIREFIGHTING.

13 (3) THE DIRECTOR SHALL PROMULGATE RULES GOVERNING THE
14 AWARD OF GRANTS PURSUANT TO SUBSECTION (2) OF THIS SECTION,
15 INCLUDING CONSIDERATION OF:

16 (a) THE RECOMMENDATIONS OF THE FIRE SERVICE TRAINING,
17 CERTIFICATION, AND FIREFIGHTER SAFETY ADVISORY BOARD, CREATED IN
18 SECTION 24-33.5-1204 (1), CONCERNING AWARD APPLICATIONS;

19 (b) THE FINDINGS OF THE COLORADO FIRE SERVICE NEEDS
20 ASSESSMENT, WHICH THE DIVISION SHALL CONDUCT AT LEAST EVERY
21 OTHER YEAR; AND

22 (c) A GOVERNING BODY'S EFFORTS TO FINANCE EQUIPMENT AND
23 TRAINING DESIGNED TO INCREASE FIREFIGHTER SAFETY OTHER THAN
24 THROUGH AN AWARD OF A GRANT PURSUANT TO THIS SECTION.

25 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1204,
26 **amend** (1) as follows:

27 **24-33.5-1204. Voluntary education and training program -**

1 **voluntary certification of firefighters, first responders, and**
2 **hazardous materials responders - advisory board.** (1) For the
3 purposes of advising the director on the administration of the voluntary
4 fire service education and training program within the division of fire
5 prevention and control, THE LOCAL FIREFIGHTER SAFETY AND DISEASE
6 PREVENTION GRANT PROGRAM CREATED IN SECTION 24-33.5-1229, and the
7 voluntary firefighter, first responder, and hazardous materials responder
8 certification programs, there is hereby created in the division of fire
9 prevention and control the fire service training and certification advisory
10 board, referred to in this part 12 as the "advisory board", to serve as an
11 advisory board to the director.

12 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1205, **add**
13 (5) as follows:

14 **24-33.5-1205. Duties of the director and the advisory board.**

15 (5) THE ADVISORY BOARD HAS THE FOLLOWING DUTIES RELATING TO THE
16 LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION GRANT PROGRAM
17 CREATED IN SECTION 24-33.5-1229:

18 (a) TO ADVISE THE DIRECTOR ON THE PROMULGATION OF RULES
19 GOVERNING THE LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION
20 GRANT PROGRAM; AND

21 (b) TO REVIEW AND CONSIDER APPLICATIONS FOR GRANTS AND
22 MAKE RECOMMENDATIONS TO THE DIRECTOR ON THE AWARD OF GRANTS
23 UNDER THE PROGRAM.

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

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

RESOLUTION A

LLS NO. R14-0234.01 Ashley Zimmerman x2291

SENATE Joint Resolution

SENATE SPONSORSHIP

Jones and Nicholson, Tochtrop

HOUSE SPONSORSHIP

Exum,

Senate Committees

House Committees

COMMITTEE JOINT RESOLUTION

101 **CONCERNING THE GRANITE MOUNTAIN INTERAGENCY HOTSHOT**
102 **FIREFIGHTING CREW, AND, IN CONNECTION THEREWITH,**
103 **HONORING THE SERVICE AND SACRIFICE OF THE 19 MEMBERS OF**
104 **THE CREW WHO LOST THEIR LIVES ON JUNE 30, 2013, WHILE**
105 **BATTLING THE YARNELL HILL FIRE IN ARIZONA.**

1 WHEREAS, The Granite Mountain Interagency Hotshot Crew, of
2 the Prescott, Arizona Fire Department (Granite Mountain Hotshots), was
3 founded as a fuels mitigation crew in 2002, and became the first
4 municipal hotshot crew in the United States; and

5 WHEREAS, Hotshot crews are intensively trained wildland
6 firefighters that are placed in the most rugged terrain on the most active

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Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 and difficult areas of wildfires; and

2 WHEREAS, The Granite Mountain Hotshots are an elite ground
3 firefighting crew, which hailed from diverse backgrounds and worked
4 long hours in extreme environmental conditions while performing
5 physically demanding fireline tasks; and

6 WHEREAS, When large wildfires occur in Colorado and
7 elsewhere, firefighters come from near and far to render assistance. Such
8 was the case with the Granite Mountain Hotshots, who, since becoming
9 qualified as an Interagency Hotshot Crew in 2008, assisted on the
10 following fires in Colorado:

- 11 ● The Coal Creek Fire in the BLM White River District from
12 September 2nd through September 4th, 2011;
- 13 ● The Hay Fire in the BLM White River District from
14 September 4th through September 5th, 2011;
- 15 ● The Karren Place Fire in the BLM White River District
16 from September 5th through September 11th, 2011;
- 17 ● The Reservoir Road Fire in Larimer County from
18 September 13 through September 19, 2010; and

19 WHEREAS, Colorado owes a debt of gratitude to the Granite
20 Mountain Hotshots for their service to the State; and

21 WHEREAS, On June 30, 2013, 19 members of the Granite
22 Mountain Hotshots gave their lives battling the Yarnell Hill Fire in
23 Yavapai County, Arizona; and

24 WHEREAS, The loss of these 19 firefighters makes the Yarnell
25 Hill Fire the worst wildland firefighter fatality incident in the United
26 States in 80 years; and

27 WHEREAS, The 19 members of the Granite Mountain Hotshots
28 who lost their lives are:

- 29 ● Eric Marsh, who was 43 years old and a native of Ashe
30 County, North Carolina, served as the crew's
31 superintendent;
- 32 ● Jesse Steed, who was 36 years old and a native of
33 Cottonwood, Arizona, served as the crew's captain;
- 34 ● Clayton Whitted, who was 28 years old, was a native of

- 1 Prescott, Arizona;
- 2 ● Robert Caldwell, who was 23 years old, was a native of
- 3 Prescott, Arizona, and was the cousin of Grant McKee,
- 4 who also perished battling the Yarnell Hill Fire;
- 5 ● Travis Carter, who was 31 years old, was a native of
- 6 Prescott, Arizona;
- 7 ● Christopher MacKenzie, who was 30 years old, was a
- 8 native of Hemet, California;
- 9 ● Travis Turbyfill, who was 27 years old, was a native of
- 10 Prescott, Arizona;
- 11 ● Andrew Ashcraft, who was 29 years old, was a native of
- 12 Prescott, Arizona;
- 13 ● Joe Thurston, who was 32 years old, was a native of Cedar
- 14 City, Utah;
- 15 ● Wade Parker, who was 22 years old, was a native of Chino
- 16 Valley, Arizona;
- 17 ● Anthony Rose, who was 23 years old, was a native of Zion,
- 18 Illinois;
- 19 ● Garret Zuppiger, who was 27 years old, was a native of
- 20 Phoenix, Arizona;
- 21 ● Scott Norris, who was 28 years old, was a native of
- 22 Prescott, Arizona;
- 23 ● Dustin DeFord, who was 24 years old, was born in
- 24 Baltimore, Maryland and raised in Ekalaka, Montana;
- 25 ● William "Billy" Warneke, who was 25 years old, was a
- 26 native of Hemet, California;
- 27 ● Kevin Woyjeck, who was 21 years old, was a native of Seal
- 28 Beach, California;
- 29 ● John Percin, Jr., who was 24 years old, was a native of
- 30 West Linn, Oregon;
- 31 ● Grant McKee, who was 21 years old, was a native of
- 32 Newport Beach, California, and was the cousin of Robert
- 33 Caldwell, who also perished battling the Yarnell Hill Fire;
- 34 and
- 35 ● Sean Misner, who was 26 years old, was a native of Goleta,
- 36 California; now, therefore,

37 *Be It Resolved by the Senate of the Sixty-ninth General Assembly*

38 *of the State of Colorado, the House of Representatives concurring herein:*

39 That we, the members of the Colorado General Assembly:

1 (1) Commend the bravery and sacrifice made by the fallen heroes
2 of the Prescott Fire Department's Granite Mountain Interagency Hotshot
3 Crew;

4 (2) Extend our deepest condolences and sympathy to the surviving
5 families of these 19 firefighters lost in the line of duty; and

6 (3) Express our appreciation for the service of the Granite
7 Mountain Hotshots to the state of Colorado.

8 *Be It Further Resolved*, That copies of this Joint Resolution be sent
9 to the Prescott, Arizona Fire Chief; Michael Morgan, President of
10 Colorado State Fire Chiefs; and Paul Cooke, Director of the Division of
11 Fire Prevention and Control in the Department of Public Safety.