

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0742.01 Megan McCall x4215

HOUSE BILL 22-1132

HOUSE SPONSORSHIP

Holtorf and Exum, Ortiz, Amabile, Bacon, Bennett, Bird, Boesenecker, Esgar, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lindsay, McCormick, McLachlan, Titone, Valdez A., Valdez D., Will, Young

SENATE SPONSORSHIP

Liston,

House Committees

Energy & Environment
Appropriations

Senate Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF WILDFIRE MITIGATION SERVICES,**
102 **AND, IN CONNECTION THEREWITH, REGULATING CONTROLLED**
103 **BURNS ON PRIVATE PROPERTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires that a fire department (defined to include a fire protection district as well as a county or municipality) be notified prior to conducting a controlled burn on private property and prohibits a person from conducting a controlled burn under certain conditions. The bill also sets forth civil and criminal penalties for a person who does not provide

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

HOUSE
3rd Reading Unamended
April 29, 2022

HOUSE
Amended 2nd Reading
April 28, 2022

notice prior to conducting a controlled burn or otherwise violates the bill's requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-22.5-105 as
3 follows:

4 **29-22.5-105. Reporting controlled burns - ■ ■ short title -**
5 **definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE "DARCY'S LAST
6 CALL ACT".

7 (2) AS USED IN THIS SECTION:

8 (a) (I) "CONTROLLED BURN" MEANS, FOR PURPOSES OF THIS
9 SECTION ONLY AND AS INTENTIONALLY STARTED ON PRIVATE PROPERTY
10 THAT IS NOT CLASSIFIED AS AGRICULTURAL LAND, AS THAT TERM IS
11 DEFINED IN SECTION 39-1-102 (1.6)(a), THE FOLLOWING TYPES OF
12 BURNING:

13 (A) A BURN USED AS A TECHNIQUE IN FARMING OR LIVESTOCK
14 PRODUCTION OR FOR OTHER PURPOSES TO CLEAR THE LAND OF EXISTING
15 NATIVE VEGETATION OR CROP RESIDUE OR TO KILL WEEDS AND WEED
16 SEEDS;

17 (B) A CONTROLLED DITCH BURN AS SET FORTH IN SECTION
18 24-33.5-1202 (3.4); EXCEPT THAT "CONTROLLED BURN" DOES NOT MEAN
19 A BURN INVOLVING AN IRRIGATION DITCH;

20 (C) NONCOMMERCIAL BURNING OF TRASH; AND

21 (D) OPEN BURNING OF SLASH PILES, AS "OPEN BURNING" AND
22 "SLASH" ARE DEFINED IN SECTION 30-15-401 (1)(n.5)(V).

23 (II) "CONTROLLED BURN" DOES NOT MEAN OPEN BURNING
24 LAWFULLY CONDUCTED IN THE COURSE OF AGRICULTURAL OPERATIONS AS
25 SET FORTH IN SECTION 18-13-109 (2)(b)(I).

1 **(b)** "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE
2 PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND
3 COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR
4 COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION. "FIRE
5 DEPARTMENT" ALSO INCLUDES VOLUNTEER FIRE DEPARTMENTS
6 ORGANIZED UNDER SECTION 24-33.5-1208.5.

7
8 **(3)** BEFORE ANY PERSON CONDUCTS A CONTROLLED BURN, THE
9 PERSON MUST PROVIDE NOTICE OF THE CONTROLLED BURN IN
10 ACCORDANCE WITH LOCAL RULES AND REGULATIONS OR, WHERE NO LOCAL
11 RULES AND REGULATIONS EXIST, TO THE LOCAL DISPATCH CENTER, THE
12 COUNTY SHERIFF, AND WHERE APPLICABLE TO THE FIRE DEPARTMENT
13 PROVIDING SERVICES TO THE AREA WHERE THE PRIVATE PROPERTY IS
14 LOCATED. IN THE NOTICE REQUIRED BY THIS SUBSECTION (3), THE PERSON
15 CONDUCTING THE CONTROLLED BURN MUST PROVIDE THE DATE, TIME, AND
16 LOCATION WHERE THE CONTROLLED BURN WILL BE CONDUCTED, AND
17 CONTACT INFORMATION FOR THE PERSON RESPONSIBLE FOR THE
18 CONTROLLED BURN. THE FIRE DEPARTMENT MAY DETERMINE THAT
19 FIRE DEPARTMENT PERSONNEL MUST BE ON STANDBY AT THE TIME OF THE
20 CONTROLLED BURN FOR IT TO BE CONDUCTED.

21 **(4)** NOTHING IN THIS SECTION EXEMPTS A PERSON FROM
22 COMPLYING WITH ANY OTHER APPLICABLE LOCAL, STATE, OR FEDERAL
23 LAWS.

24 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1231, **add**
25 **(4.5) as follows:**

26 **24-33.5-1231. Local firefighter safety and disease prevention**
27 **fund - creation - grants - rules - repeal. (4.5) ON THE EFFECTIVE DATE**

1 OF THIS SUBSECTION (4.5), THE STATE TREASURER SHALL TRANSFER ONE
2 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.
3 THE DIVISION SHALL USE THIS MONEY TO AWARD NEED-BASED GRANTS TO
4 VOLUNTEER FIRE DEPARTMENTS PURSUANT TO SUBSECTION (2) OF THIS
5 SECTION. THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE JANUARY 1,
6 2025.

7 **SECTION 3. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2022 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.