

CHAPTER 344

GOVERNMENT - LOCAL

HOUSE BILL 22-1132

BY REPRESENTATIVE(S) Holtorf and Exum, Ortiz, Amabile, Bacon, Bernett, Bird, Boesenecker, Esgar, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lindsay, McCormick, McLachlan, Titone, Valdez A., Valdez D., Will, Young, Caraveo, Cutter, Lynch, Michaelson Jenet, Woodrow;
also SENATOR(S) Liston, Cooke, Gardner, Kirkmeyer, Moreno, Pettersen, Rankin, Story.

AN ACT

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

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

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

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

(2) AS USED IN THIS SECTION:

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

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

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

(C) NONCOMMERCIAL BURNING OF TRASH; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

24-33.5-1231. Local firefighter safety and disease prevention fund - creation - grants - rules - repeal. (4.5) ON THE EFFECTIVE DATE OF THIS SUBSECTION (4.5), THE STATE TREASURER SHALL TRANSFER ONE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND. THE DIVISION SHALL USE THIS MONEY TO AWARD NEED-BASED GRANTS TO VOLUNTEER FIRE DEPARTMENTS PURSUANT TO SUBSECTION (2) OF THIS SECTION. THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE JANUARY 1, 2025.

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

Approved: June 3, 2022