

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0364.01 Megan McCall x4215

HOUSE BILL 23-1075

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A BILL FOR AN ACT

101 **CONCERNING EVACUATION AND CLEARANCE TIME MODELING IN**
102 **WILDFIRE RISK AREAS OF THE STATE, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Section 1 of the bill directs the office of emergency management (office) to provide resources and technical assistance to an eligible entity to conduct evacuation and clearance time modeling and to publish the results to an interactive website. An eligible entity includes a fire department, governing body of a political subdivision, local or

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.

SENATE
3rd Reading Unamended
April 27, 2023

SENATE
2nd Reading Unamended
April 26, 2023

HOUSE
3rd Reading Unamended
April 11, 2023

HOUSE
Amended 2nd Reading
April 10, 2023

interjurisdictional emergency management agency, or homeowners' association that is located in or provides services to a wildfire risk area. The office is required to conduct an outreach and education campaign to advise eligible agencies of the program.

On and after July 1, 2026, each local and interjurisdictional emergency management agency that has jurisdiction in a wildfire risk area must perform evacuation and clearance time modeling and include the information in the emergency management plan for its area.

Section 2 requires that, beginning on January 1, 2024, for proposed developments of a certain size, a developer must perform evacuation and clearance time modeling for the proposed development and submit the information to the local government that will consider the application for a development permit for approval. A local government cannot approve an application for a development permit submitted on or after that date unless the application includes the evacuation and clearance time modeling and the local government determines that it is adequate for the proposed development.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-718 as
3 follows:

4 **24-33.5-718. Evacuation and clearance time modeling study -**
5 **definitions - report - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "DEVELOPER" MEANS ANY PERSON, FIRM, PARTNERSHIP, JOINT
8 VENTURE, ASSOCIATION, OR CORPORATION PARTICIPATING AS OWNER,
9 PROMOTER, DEVELOPER, OR SALES AGENT IN THE PLANNING, PLATTING,
10 DEVELOPMENT, PROMOTION, SALE, OR LEASE OF A DEVELOPMENT.

11 (b) "DEVELOPMENT" MEANS A RESIDENTIAL OR MIXED-USE
12 DEVELOPMENT THAT WILL HAVE TEN OR MORE SINGLE FAMILY HOMES OR
13 MULTIFAMILY UNITS.

14 (c) "STATE FOREST SERVICE" MEANS THE COLORADO STATE
15 FOREST SERVICE IDENTIFIED IN SECTION 23-31-302 AND THE DIVISION OF
16 FORESTRY CREATED IN SECTION 24-33-104.

1 (d) "WILDFIRE RISK AREA" MEANS AN AREA DESIGNATED AS HIGH
2 RISK OR HIGHEST RISK FOR WILDFIRE BY THE STATE FOREST SERVICE IN ITS
3 MOST RECENT PUBLICLY AVAILABLE STATEWIDE WILDFIRE RISK
4 ASSESSMENT MAP OR TOOL.

5 (2) (a) THE OFFICE OF EMERGENCY MANAGEMENT SHALL STUDY
6 THE EFFICACY AND FEASIBILITY OF LOCAL OR INTERJURISDICTIONAL
7 EMERGENCY MANAGEMENT AGENCIES WITH JURISDICTION IN A WILDFIRE
8 RISK AREA INTEGRATING EVACUATION AND CLEARANCE TIME MODELING
9 INTO THE EMERGENCY MANAGEMENT PLAN THAT IS REQUIRED BY SECTION
10 24-33.5-707 (8) FOR ITS AREA.

11 (b) THE STUDY, AT A MINIMUM, MUST:

12 (I) IDENTIFY AND ASSESS THE AVAILABILITY OF TECHNOLOGY TO
13 ASSIST WITH EVACUATION AND CLEARANCE TIME MODELING;

14 (II) EVALUATE THE FEASIBILITY OF REQUIRING DEVELOPERS TO
15 PERFORM EVACUATION AND CLEARANCE TIME MODELING FOR PROPOSED
16 DEVELOPMENTS IN A WILDFIRE RISK AREA; AND

17 (III) BE COMPLETED ON OR BEFORE DECEMBER 1, 2023.

18 (3) THE OFFICE OF EMERGENCY MANAGEMENT MAY COLLABORATE
19 WITH THE DEPARTMENT OF LOCAL AFFAIRS, THE DIVISION OF FIRE
20 PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, AND
21 OTHER STATE OR LOCAL AGENCIES IN UNDERTAKING THE STUDY REQUIRED
22 BY SUBSECTION (2)(a) OF THIS SECTION.

23 (4) THE OFFICE OF EMERGENCY MANAGEMENT SHALL REPORT THE
24 STUDY FINDINGS TO THE SENATE AGRICULTURE AND NATURAL RESOURCES
25 COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, WATER,
26 AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES
27 DURING THE 2024 LEGISLATIVE SESSION.

1 (5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2024.

2 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
3 \$45,000 is appropriated to the department of public safety for use by the
4 division of homeland security and emergency management. This
5 appropriation is from the general fund. To implement this act, the division
6 may use this appropriation for program administration related to the
7 office of emergency management.

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