

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0522.01 Bob Lackner x4350

SENATE BILL 14-045

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SENATE SPONSORSHIP

Lambert,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE RESPONSIBILITY OF LOCAL OFFICIALS IN  
102 CONNECTION WITH THE MANAGEMENT OF WILDLAND FIRES.

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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.>)*

The bill amends existing statutory provisions specifying the authority and responsibility among state and local officials in the area of wildfire management to specify the following:

- ! In the case of a wildfire that exceeds the capabilities of the fire protection district to control or extinguish, the fire

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.*

chief is responsible for seeking the assistance of the county sheriff.

! In connection with the sheriff's authority as the fire warden of the county, the county sheriff is a principal coordinator of the federal, state, or local response to any wildfire. In such capacity, the sheriff may assume any duty or responsibility regularly assumed by a fire protection district in any unincorporated area within the territorial boundaries of the county if the sheriff determines, in the exercise of his or her discretion, that a wildfire exceeds the capability of the fire protection district to control or extinguish.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 29-22.5-103  
3 as follows:

4 **29-22.5-103. Wildland fires - general authority and**  
5 **responsibilities.** (1) (a) The chief of the fire department in each fire  
6 protection district in the state is responsible for the management of  
7 wildland fires that occur within the boundaries of his or her district and  
8 that are within the capability of the fire district to control or extinguish in  
9 accordance with the provisions of section 32-1-1002 (3) (a), C.R.S.

10 (b) The fire chief may utilize mutual aid agreements and unified  
11 command with neighboring fire protection districts to suppress and  
12 control fires that cross or threaten to cross the boundaries of the district.

13 (c) The fire chief may transfer any duty or responsibility the fire  
14 chief may assume under this section to the county sheriff with the  
15 concurrence of the sheriff.

16 (d) The fire chief shall not seek reimbursement from the county  
17 for expenses incurred by the district for their own apparatus, equipment,  
18 and personnel used in containing or suppressing a wildfire occurring on  
19 private property within the boundaries of the district.

1           (2) (a) The sheriff is the fire warden of the county and is  
2 responsible for the planning for, and the coordination of, efforts to  
3 suppress wildfires occurring in the unincorporated area of the county  
4 outside the boundaries of a fire protection district or that exceed the  
5 capabilities of the fire protection district to control or extinguish in  
6 accordance with the provisions of section 30-10-513, C.R.S.

7           (b) In the case of a wildfire that exceeds the capabilities of the fire  
8 protection district to control or extinguish and that requires mutual aid  
9 and outside resources, the sheriff shall appoint a local incident  
10 management team to provide the command and control infrastructure  
11 required to manage the fire. The sheriff shall assume financial  
12 responsibility for fire fighting efforts on behalf of the county and the  
13 authority for the ordering and monitoring of resources. IN THE CASE OF A  
14 WILDFIRE THAT EXCEEDS THE CAPABILITIES OF THE FIRE PROTECTION  
15 DISTRICT TO CONTROL OR EXTINGUISH, THE FIRE CHIEF IS RESPONSIBLE FOR  
16 SEEKING THE ASSISTANCE OF THE COUNTY SHERIFF.

17           (b.5) IN CONNECTION WITH THE SHERIFF'S AUTHORITY AS THE FIRE  
18 WARDEN OF THE COUNTY, THE COUNTY SHERIFF IS A PRINCIPAL  
19 COORDINATOR OF THE FEDERAL, STATE, OR LOCAL RESPONSE TO ANY  
20 WILDFIRE. IN SUCH CAPACITY, THE SHERIFF MAY ASSUME ANY DUTY OR  
21 RESPONSIBILITY REGULARLY ASSUMED BY A FIRE PROTECTION DISTRICT IN  
22 ANY UNINCORPORATED AREA WITHIN THE TERRITORIAL BOUNDARIES OF  
23 THE COUNTY IF THE SHERIFF DETERMINES, IN THE EXERCISE OF HIS OR HER  
24 DISCRETION, THAT A WILDFIRE EXCEEDS THE CAPABILITY OF THE FIRE  
25 PROTECTION DISTRICT TO CONTROL OR EXTINGUISH.

26           (c) In the case of a wildfire that exceeds the capability of the  
27 county to control or extinguish, the sheriff shall be responsible for

1 seeking the assistance of the state, by requesting assistance from the  
2 division. The sheriff and the director shall enter into an agreement  
3 concerning the transfer of authority and responsibility for fire suppression  
4 and the retention of responsibilities under a unified command structure.

5 (3) (a) The division shall be the lead state agency for wildland fire  
6 suppression as identified in the Colorado state emergency operations plan  
7 and in accordance with the provisions of section 23-31-301, C.R.S.

8 (b) The forest service may provide land management and the  
9 division may provide wildland fire management services to other state  
10 agencies by means of memoranda of understanding or related forms of  
11 cooperative agreements.

12 (c) In case of a wildland fire that exceeds the capability of the  
13 county to control or extinguish, the division may assist the sheriff in  
14 controlling or extinguishing such fires, and may assume command of such  
15 incidents with the concurrence of the sheriff under a unified command  
16 structure.

17 (d) At the request of the sheriff, the division may assist in the  
18 development or modification of the county wildfire preparedness plan.

19 (4) Notwithstanding any other provision of law, and subject to the  
20 provisions of any local or regional mutual aid agreements or plans for  
21 wildland fire response, the first emergency response agency to arrive at  
22 the scene of a wildland fire, regardless of whether the incident occurs  
23 within its jurisdiction, shall act as incident commander and be responsible  
24 for the initial emergency action necessary to control the wildland fire or  
25 to protect life or property until the emergency response agency that has  
26 jurisdiction over the incident site arrives.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.