

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

**INTRODUCED**

LLS NO. 19-0620.01 Bob Lackner x4350

**SENATE BILL 19-037**

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**SENATE SPONSORSHIP**

**Woodward,**

**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 MEASURES TO MITIGATE WILDFIRES, AND, IN**  
102            **CONNECTION THEREWITH, PERMITTING COUNTY PERSONNEL TO**  
103            **ENTER LAND OWNED BY THE FEDERAL OR STATE GOVERNMENT**  
104            **TO REMOVE WILDFIRE FUEL SOURCES AND APPROPRIATING**  
105            **MONEY FOR THE USE OF THE FOREST RESTORATION AND**  
106            **WILDFIRE RISK MITIGATION GRANT PROGRAM.**

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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://leg.colorado.gov>.)*

In connection with any land area that is owned by the federal or

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.

state government that is located either within the territorial boundaries of a county or outside of but within 5 miles of the territorial boundaries of a county, where a supply of wildfire fuel materials exists on the land that is sufficiently concentrated posing a substantial threat of causing or aggravating a wildfire in such area, or where the federal or state government has failed to create a defensible space on such land to reduce the potential for damage from a wildfire, **section 1** of the bill permits the board of county commissioners of any county to use persons employed by the county or to contract with for-profit or not-for-profit organizations or entities to supply persons able to enter the federal or state land for the sole purpose of removing such fuel materials or creating such defensible space.

Under the bill, a person employed by or contracting with the county is not liable for any damages caused by any conduct he or she undertakes in accordance with this authority unless the person's conduct was due to willful misconduct, gross negligence, or bad faith.

**Section 2** appropriates \$10 million for the 2019-20 state fiscal year, from the general fund to the department of higher education for allocation to the Colorado state university system to be used for the forest restoration and wildfire mitigation grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-11-107, **add** (4)  
3 as follows:

4 **30-11-107. Powers of the board.** (4) (a) NOTWITHSTANDING ANY  
5 OTHER PROVISION OF LAW, IN CONNECTION WITH ANY LAND AREA THAT IS  
6 OWNED BY THE FEDERAL OR STATE GOVERNMENT THAT IS LOCATED  
7 EITHER WITHIN THE TERRITORIAL BOUNDARIES OF A COUNTY OR OUTSIDE  
8 OF BUT WITHIN FIVE MILES OF THE TERRITORIAL BOUNDARIES OF A  
9 COUNTY, WHERE A SUPPLY OF WILDFIRE FUEL MATERIALS EXISTS ON THE  
10 LAND THAT IS SUFFICIENTLY CONCENTRATED POSING A SUBSTANTIAL  
11 THREAT OF CAUSING OR AGGRAVATING A WILDFIRE IN SUCH LAND AREA,  
12 OR WHERE THE FEDERAL OR STATE GOVERNMENT HAS FAILED TO CREATE  
13 A DEFENSIBLE SPACE ON SUCH LAND AREA TO REDUCE THE POTENTIAL FOR  
14 DAMAGE FROM A WILDFIRE, THE BOARD OF COUNTY COMMISSIONERS OF

1 ANY COUNTY MAY USE PERSONS EMPLOYED BY THE COUNTY OR MAY  
2 CONTRACT WITH FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATIONS OR  
3 ENTITIES TO SUPPLY PERSONS ABLE TO ENTER SUCH LAND FOR THE SOLE  
4 PURPOSE OF REMOVING SUCH FUEL MATERIALS OR CREATING SUCH  
5 DEFENSIBLE SPACE.

6 (b) ANY PERSON WHO IS EMPLOYED BY OR CONTRACTS WITH A  
7 COUNTY TO PERFORM THE SERVICE DESCRIBED IN SUBSECTION (4)(a) OF  
8 THIS SECTION SHALL NOT BE HELD LIABLE FOR ANY DAMAGES CAUSED BY  
9 ANY CONDUCT HE OR SHE UNDERTAKES IN ACCORDANCE WITH SUBSECTION  
10 (4)(a) OF THIS SECTION UNLESS THE PERSON'S CONDUCT WAS DUE TO  
11 WILLFUL MISCONDUCT, GROSS NEGLIGENCE, OR BAD FAITH.

12 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,  
13 \$10,000,000 is appropriated to the department of higher education for  
14 allocation to the board of governors of the Colorado state university  
15 system to be deposited into the forest restoration and wildfire risk  
16 mitigation grant program cash fund created in section 23-31-310 (8.5),  
17 C.R.S., for the use of the forest restoration and wildfire mitigation grant  
18 program created in section 23-31-310, C.R.S. This appropriation is from  
19 the general fund.

20 **SECTION 3. Act subject to petition - effective date.** This act  
21 takes effect September 1, 2019; except that, if a referendum petition is  
22 filed pursuant to section 1 (3) of article V of the state constitution against  
23 this act or an item, section, or part of this act within the ninety-day period  
24 after final adjournment of the general assembly, then the act, item,  
25 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2020 and, in such case, will take  
2 effect on the date of the official declaration of the vote thereon by the  
3 governor.