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SENATE BILL 25-007

BY SENATOR(S) Cutter and Marchman, Exum, Kipp, Michaelson Jenet, Roberts;
also REPRESENTATIVE(S) Velasco and Weinberg, Boesenecker, Mauro, Bacon, Bird, Brown, Clifford, Duran, Feret, Froelich, Joseph, Lieder, Lindsay, McCormick, Paschal, Smith, Stewart K., Story, Titone, McCluskie.

CONCERNING SUPPORT TO INCREASE PRESCRIBED BURNS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-1240 as follows:

24-33.5-1240. Prescribed fire claims cash fund - rules - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CERTIFIED PRESCRIBED BURN MANAGER" MEANS A CERTIFIED BURNER WHO IS REQUIRED BY SECTION 24-33.5-1217 (3)(a) TO ATTEND A PRESCRIBED BURN OR A PERSON QUALIFIED BY NATIONAL WILDFIRE

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.

COORDINATING GROUP STANDARDS AS A PRESCRIBED BURN BOSS AT THE LEVEL COMMENSURATE WITH THE COMPLEXITY OF THE BURN WHO IS REQUIRED BY SECTION 24-33.5-1217.5 (1)(c) TO BE PRESENT ON THE SITE OF A PRESCRIBED BURN.

(b) "FUND" MEANS THE PRESCRIBED FIRE CLAIMS CASH FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) (a) THE PRESCRIBED FIRE CLAIMS CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY GIFTS, GRANTS, AND DONATIONS THAT MAY BE RECEIVED FOR CREDITING TO THE FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO IMPLEMENT THIS SECTION.

(b) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.

(c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION SHALL EXPEND MONEY FROM THE FUND IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:

(I) THE DIVISION SHALL AUTHORIZE A PAYMENT FROM THE FUND TO A CLAIMANT WHO SUBMITS A CLAIM THAT THE DIVISION HAS CERTIFIED IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION;

(II) THE DIVISION SHALL AUTHORIZE A PAYMENT IN THE AMOUNT CERTIFIED IN THE CLAIM; EXCEPT THAT THE MAXIMUM PAYMENT THAT THE DIVISION MAY AUTHORIZE FOR A CERTIFIED CLAIM ARISING FROM ANY SINGULAR PRESCRIBED BURN IS EQUAL TO THE GREATER OF TWENTY THOUSAND DOLLARS OR TEN PERCENT OF THE AMOUNT OF MONEY IN THE FUND AT THE TIME THE CLAIM IS FILED; AND

(III) THE DIVISION SHALL MAKE EVERY EFFORT TO AUTHORIZE A PAYMENT IN THE AMOUNT CERTIFIED IN THE CLAIM BEFORE ANY OTHER CLAIM RELATED TO THE SAME PRESCRIBED BURN IS PROCESSED BY ANOTHER

INSURER.

(3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY OF MONEY FOR THE DIVISION TO ADMINISTER THE FUND, THE DIVISION SHALL CERTIFY A CLAIM RELATED TO A PRESCRIBED BURN THAT MEETS ALL THE FOLLOWING REQUIREMENTS:

(a) THE CLAIM DEMONSTRATES, IN SUFFICIENT DETAIL, THE COSTS ASSOCIATED WITH SUPPRESSION AND ANY OTHER COSTS OR DAMAGES THAT RESULTED FROM A PRESCRIBED BURN;

(b) THE PRESCRIBED BURN THAT RESULTED IN THE CLAIM WAS CONDUCTED IN FULL COMPLIANCE WITH SECTIONS 24-33.5-1217 AND 24-33.5-1217.5 AND WITH ALL OTHER RULES AND STANDARDS ADOPTED BY THE DIRECTOR IN ACCORDANCE WITH THOSE SECTIONS; AND

(c) (I) BEFORE CONDUCTING THE PRESCRIBED BURN, THE CERTIFIED PRESCRIBED BURN MANAGER REGISTERED THE WRITTEN PRESCRIPTION PLAN REQUIRED BY SECTION 24-33.5-1217.5 (1)(a) WITH THE DIVISION AND PAID AN ADMINISTRATIVE FEE OF ONE HUNDRED DOLLARS OR A GREATER AMOUNT AS ESTABLISHED BY THE DIVISION PURSUANT TO SUBSECTION (3)(c)(II) OF THIS SECTION TO THE DIVISION; AND

(II) THE DIVISION MAY INCREASE THE AMOUNT OF THE ADMINISTRATIVE FEE SET FORTH IN SUBSECTION (3)(c)(I) OF THIS SECTION BASED ON THE COMPLEXITY AND UNIQUE CHARACTERISTICS OF A PRESCRIBED BURN. THE DIRECTOR MAY ADOPT RULES OR GUIDELINES TO SET THE AMOUNT OF THE FEE.

(d) NO MORE THAN SIXTY DAYS HAVE PASSED BETWEEN THE DATE UPON WHICH THE PRESCRIBED BURN WAS COMPLETED, AS DETERMINED BY THE CERTIFIED PRESCRIBED BURN MANAGER, AND THE DATE UPON WHICH THE RESULTING COSTS AND DAMAGES SPECIFIED IN THE CLAIM WERE INCURRED; EXCEPT THAT THE DIRECTOR MAY ADOPT RULES AND GUIDELINES RELATED TO HOLDOVER FIRES AND OTHER UNIQUE FIRE CHARACTERISTICS.

(4) IN ADMINISTERING AND IMPLEMENTING THIS SECTION, THE DIRECTOR:

(a) SHALL COLLABORATE WITH CULTURAL FIRE PRACTITIONERS,

CERTIFIED PRESCRIBED BURN MANAGERS, THE COLORADO PRESCRIBED FIRE COUNCIL, AND OTHER RELEVANT STATE AGENCIES AND FIRE PRACTITIONERS;

(b) MAY ADOPT RULES AND GUIDELINES FOR THE ADMINISTRATION AND IMPLEMENTATION OF THIS SECTION; AND

(c) SHALL POST ANY RULES OR GUIDELINES ADOPTED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION ON THE DIVISION'S PUBLICLY ACCESSIBLE WEBSITE.

(5) UPON ACCEPTING A PAYMENT AUTHORIZED BY THE DIVISION THAT COVERS THE FULL AMOUNT OF COSTS AND DAMAGES CERTIFIED IN THE CLAIM, A CLAIMANT SHALL WAIVE ALL FUTURE CLAIMS RELATED TO THE PRESCRIBED BURN AGAINST THE CERTIFIED PRESCRIBED BURN MANAGER THAT CONDUCTED THE BURN; ANY ORGANIZATION, ENTITY, OR INDIVIDUAL WITH WHOM THE CERTIFIED PRESCRIBED BURN MANAGER WORKED TO CONDUCT THE BURN; ANY INDIVIDUAL OR ENTITY THAT PROVIDED FUNDING FOR THE BURN; AND ANY LANDOWNER ON WHOSE BEHALF THE BURN WAS CONDUCTED. NOTHING IN THIS SECTION PREVENTS A CLAIMANT FROM:

(a) SUBMITTING AN INSURANCE CLAIM RELATED TO COSTS OR DAMAGES THAT RESULTED FROM A BURN THAT WAS NOT CERTIFIED PURSUANT TO SUBSECTION (3) OF THIS SECTION; OR

(b) BRINGING A CLAIM RELATED TO COSTS OR DAMAGES AGAINST A PARTY THAT IS NOT LISTED IN THIS SUBSECTION (5), AS LONG AS THE CLAIM DOES NOT RESULT IN RECOVERY OF COSTS AND DAMAGES THAT ARE RECOVERED PURSUANT TO THIS SECTION.

(6) THE DIVISION MAY CONTRACT WITH A THIRD PARTY TO ADMINISTER, CERTIFY, AND PAY THE CLAIMS.

SECTION 2. In Colorado Revised Statutes, 24-33.5-1202, **amend** (2.3) as follows:

24-33.5-1202. Definitions. As used in this part 12, unless the context otherwise requires:

(2.3) "Certified burner" means an individual who EITHER successfully completes the division's certified burner training and

certification program OR MEETS THE REQUIREMENTS FOR RECIPROCITY DESCRIBED IN SECTION 24-33.5-1217 (2.5) and WHO possesses a valid certification number.

SECTION 3. In Colorado Revised Statutes, 24-33.5-1217, **amend** (2) introductory portion, (2)(b), (2)(e), (2)(f), (5)(a) introductory portion, (5)(a)(II)(A), and (10); and **add** (2)(g) and (2.5) as follows:

24-33.5-1217. Prescribed burning program - training and certification of certified burners - rules - fees. (2) The training and certification standards adopted under this section ~~shall~~ **MUST**:

(b) Establish requirements for certified burners to conduct lawful activities pursuant to authorization under section 18-13-109 (2)(b)(IV), ~~C.R.S.~~, regarding firing of woods or prairie;

(e) Establish training standards for certified burners and utilize all means available to make the certified burner training as accessible as possible; ~~and~~

(f) Clearly identify preexisting fees, permit requirements, liabilities, liability exemptions, and penalties for prescribed burn personnel and landowners, including those specified in sections 25-7-106 (7) and (8) and 25-7-123; ~~C.R.S.~~ **AND**

(g) **ALLOW FOR AN INDIVIDUAL WHO MEETS THE RECIPROCITY REQUIREMENTS DESCRIBED IN SUBSECTION (2.5) OF THIS SECTION TO APPLY FOR AND RECEIVE A STATE CERTIFICATION NUMBER.**

(2.5) (a) **AN INDIVIDUAL WHO MEETS THE RECIPROCITY REQUIREMENTS DESCRIBED IN THIS SUBSECTION (2.5) MAY QUALIFY FOR CERTIFICATION AS A CERTIFIED BURNER.**

(b) **TO RECEIVE A VALID CERTIFICATION NUMBER FROM THE DIVISION, THE INDIVIDUAL MUST:**

(I) **APPLY FOR CERTIFICATION TO THE DIVISION, ACCORDING TO THE RULES AND STANDARDS OF THE DIVISION, INCLUDING THE PAYMENT OF ANY ASSOCIATED FEE; AND**

(II) SUBMIT EVIDENCE TO THE DIVISION, ACCORDING TO THE RULES AND STANDARDS OF THE DIVISION, THAT THE INDIVIDUAL HOLDS A VALID CERTIFICATION FROM A STATE GOVERNMENT OR OTHER ENTITY.

(5) (a) The director, in consultation with the Colorado state forest service described in part 3 of article 31 of title 23 ~~C.R.S.~~, and in accordance with article 4 of this ~~title~~ TITLE 24:

(II) Shall adopt rules and standards:

(A) Pertaining to the training and certification of certified burners, including training components; application processes; qualification for and terms and durations of certification, INCLUDING THROUGH RECIPROCITY; types of certification, if applicable; grounds and processes for renewal, suspension, and revocation of certifications; and training, certification, and renewal fees; and

(10) Notwithstanding any other provision of law:

(a) In performing the duties assigned to ~~him or her~~ THE DIRECTOR under subsections (5) and (6) of this section, the director shall consult with the Colorado state forest service as described in part 3 of article 31 of title 23. ~~C.R.S.~~

(b) The prescribed burning standards adopted by the director pursuant to ~~sub-subparagraph (B) of subparagraph (II) of paragraph (a) of subsection (5)~~ SUBSECTION (5)(a)(II)(B) of this section ~~shall~~ MUST be consistent with existing laws and processes that ban, regulate, or have developed recommendations concerning open burning, including sections 18-13-109, 18-13-109.5, 23-31-312, 23-31-313 (6)(a)(II) and (6)(a)(III), 25-7-106 (7) and (8), 25-7-123, 29-20-105.5, and 30-11-124. ~~C.R.S.~~

(c) Nothing in this section or section 24-33.5-1217.5 or 24-33.5-1217.7 ~~shall be construed to affect~~ AFFECTS the authority of a county government to develop or administer an open burning permit system for the purpose of safely disposing of slash in accordance with the provisions of section 30-15-401 (1)(n.5). ~~C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 40-41-102, **amend** (7)(a)(III); and **add** (7)(a)(IV) as follows:

40-41-102. Definitions. As used in this article 41, unless the context otherwise requires:

(7) (a) "CO-EI costs" means:

(III) Pretax costs that an electric utility has previously incurred related to the commission-approved closure of an electric generating facility occurring before May 30, 2019; AND

(IV) AS APPROVED BY THE COMMISSION, ANY OF THE PRETAX COSTS ASSOCIATED WITH THE IMPLEMENTATION OF AN APPROVED PROGRAM OR PROJECT TO MITIGATE THE EFFECTS OF EXTREME WEATHER, WILDFIRES, CLIMATE CHANGE, OR OTHER HAZARDS, INCLUDING BUT NOT LIMITED TO THE COSTS ASSOCIATED WITH AN ELECTRIC UTILITY'S WILDFIRE MITIGATION PLAN THAT HAS BEEN APPROVED BY THE COMMISSION.

SECTION 5. Appropriation. For the 2025-26 state fiscal year, \$403,025 is appropriated to the department of public safety. This appropriation consists of \$153,025 from the general fund and \$250,000 from the prescribed fire claims cash fund created in section 24-33.5-1240 (2)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$13,049 from the general fund for use by the executive director's office for personal services related to administration, which amount is based on an assumption that the office will require an additional 0.2 FTE;

(b) \$256 from the general fund for use by the executive director's office for operating expenses related to administration;

(c) \$14,400 from the general fund for use by the executive director's office for vehicle lease payments;

(d) \$125,320 from the general fund for use by the division of fire prevention and control for wildland fire management services, which amount is based on an assumption that the division will require an additional 1.0 FTE; and

(e) \$250,000 from the prescribed fire claims cash fund for use by the division of fire prevention and control for prescribed fire claims.

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO