

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

SB22-206 be amended as follows:

1 Amend printed bill, page 25, after line 22 insert:

2 "SECTION 5. In Colorado Revised Statutes, add 24-33.5-1236
3 and 24-33.5-1237 as follows:

4 **24-33.5-1236. Wildfire resiliency code board - powers and**
5 **duties - rules - cash fund - legislative declaration - definitions.**

6 (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS
7 AND DECLARES THAT:

8 (I) COLORADO'S WILDFIRE RISK HAS CONTINUED TO INCREASE
9 OVER THE YEARS AND MORE COMMUNITIES ARE AT RISK OF WILDFIRES;

10 (II) COLORADO WILDFIRES HAVE GROWN IN INTENSITY,
11 FREQUENCY, AND DEVASTATION SINCE THE YEAR 2000;

12 (III) A COMBINED APPROACH OF STRUCTURE HARDENING AND
13 PARCEL HARDENING, INCLUDING VEGETATION MANAGEMENT, IS
14 NECESSARY TO REDUCE THE RISK OF DAMAGE TO COLORADO
15 COMMUNITIES FROM THE EFFECTS OF WILDFIRES;

16 (IV) THE DIVISION AND THE COLORADO FIRE COMMISSION HAVE
17 ENGAGED IN A STAKEHOLDER-DRIVEN STRATEGIC PLANNING EFFORT TO
18 EVALUATE THE BEST APPROACH TO ENSURE THAT COLORADO'S
19 COMMUNITIES, PROPERTIES, AND STRUCTURES ARE PROTECTED FROM THE
20 EFFECTS OF WILDFIRES AND HAVE RECOMMENDED THE CREATION OF A
21 WILDFIRE RESILIENCY CODE BOARD IN COLORADO; AND

22 (V) ESTABLISHING A CODE BOARD WILL ALLOW THE STATE TO
23 ADOPT AND ENFORCE BEST PRACTICE APPROACHES TO THE HARDENING OF
24 STRUCTURES AND PARCELS THROUGHOUT COLORADO WHILE CONTINUING
25 TO INVOLVE IMPACTED STAKEHOLDERS IN DECISION-MAKING CONCERNING
26 WILDFIRE RESILIENCY CODES.

27 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
28 ESTABLISHING A WILDFIRE RESILIENCY CODE BOARD SERVES THE
29 INTERESTS OF THE STATE AND LOCAL COMMUNITIES IN CONSTRUCTING
30 SAFER AND MORE RESILIENT COMMUNITIES AND REDUCING RISK TO PEOPLE
31 AND PROPERTY.

32 (2) **Board created.** THE WILDFIRE RESILIENCY CODE BOARD,
33 REFERRED TO IN THIS SECTION AND SECTION 24-33.5-1237 AS THE
34 "BOARD", IS CREATED IN THE DIVISION AS A **TYPE 1** ENTITY.

35 (3) **Membership.** (a) THE BOARD CONSISTS OF EIGHT VOTING
36 MEMBERS, WHO MUST BE RESIDENTS OF COLORADO, APPOINTED BY THE
37 EXECUTIVE DIRECTOR AS FOLLOWS:

38 (I) ONE MEMBER REPRESENTING COLORADO BUILDING CODES
39 PROFESSIONALS;

1 (II) ONE MEMBER REPRESENTING COLORADO FIRE MARSHALS;
2 (III) ONE MEMBER REPRESENTING COLORADO FIRE CHIEFS;
3 (IV) ONE MEMBER REPRESENTING HOME BUILDING
4 PROFESSIONALS;
5 (V) ONE MEMBER REPRESENTING COMMERCIAL BUILDING
6 PROFESSIONALS;
7 (VI) ONE MEMBER REPRESENTING COLORADO LAND USE OR
8 COMMUNITY PLANNING PROFESSIONALS;
9 (VII) ONE MEMBER REPRESENTING HAZARD MITIGATION
10 PROFESSIONALS; AND
11 (VIII) ONE MEMBER REPRESENTING COLORADO LOCAL
12 GOVERNMENT.
13 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT AN ALTERNATE FOR
14 EACH VOTING MEMBER. THE ALTERNATE MUST MEET THE SAME
15 QUALIFICATIONS AS THE APPOINTED MEMBER AND IS ALLOWED TO VOTE IF
16 THE APPOINTED MEMBER IS UNAVAILABLE.
17 (c) THE BOARD INCLUDES THE FOLLOWING NONVOTING EX OFFICIO
18 MEMBERS:
19 (I) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE;
20 (II) THE STATE FORESTER OR THE STATE FORESTER'S DESIGNEE;
21 (III) THE DIRECTOR OF THE DIVISION OF HOMELAND SECURITY AND
22 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603, OR THE
23 DIRECTOR'S DESIGNEE; AND
24 (IV) THE DIRECTOR OF THE COLORADO RESILIENCY OFFICE
25 CREATED IN SECTION 24-32-121, OR THE DIRECTOR'S DESIGNEE;
26 (d) THE EXECUTIVE DIRECTOR SHALL MAKE INITIAL APPOINTMENTS
27 NO LATER THAN SEPTEMBER 30, 2022. THE EXECUTIVE DIRECTOR SHALL
28 CONSIDER GEOGRAPHIC REPRESENTATION IN APPOINTING MEMBERS OF THE
29 BOARD.
30 (e) THE TERM OF APPOINTMENTS FOR APPOINTED MEMBERS AND
31 ALTERNATES IS THREE YEARS; EXCEPT THAT THE TERM OF EACH MEMBER
32 INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3)(a)(IV) TO (3)(a)(VI)
33 OF THIS SECTION AND THEIR RESPECTIVE ALTERNATES IS TWO YEARS AND
34 THE TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO
35 SUBSECTIONS (3)(a)(VII) AND (3)(a)(VIII) OF THIS SECTION AND THEIR
36 RESPECTIVE ALTERNATES IS ONE YEAR. A MEMBER MAY BE REAPPOINTED
37 FOR ONE ADDITIONAL TERM, AND AN ALTERNATE MAY BE REAPPOINTED
38 FOR ONE ADDITIONAL TERM AS AN ALTERNATE. A PERSON WHO HAS
39 SERVED AS AN ALTERNATE IS ELIGIBLE TO BE APPOINTED AS A VOTING
40 MEMBER PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION WITHOUT
41 REGARD TO THE NUMBER OF TERMS SERVED AS AN ALTERNATE. THE
42 EXECUTIVE DIRECTOR SHALL FILL ANY VACANCY BY APPOINTMENT FOR
43 THE REMAINDER OF THE UNEXPIRED TERM.

1 (f) EACH MEMBER OF THE BOARD SERVES WITHOUT
2 COMPENSATION, BUT EACH VOTING MEMBER APPOINTED PURSUANT TO
3 SUBSECTION (3)(a) OF THIS SECTION AND EACH ALTERNATE MEMBER
4 APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION IS ENTITLED
5 TO REIMBURSEMENT FOR ACTUAL AND NECESSARY TRAVEL EXPENSES
6 INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES AS A MEMBER OF
7 THE BOARD.

8 (g) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE
9 BOARD.

10 (4) **Powers and duties.** (a) THE MISSION OF THE BOARD IS TO
11 ENSURE THAT COLORADO COMMUNITIES ARE SAFER FROM AND MORE
12 RESILIENT TO WILDFIRES BY REDUCING THE RISK TO PEOPLE AND PROPERTY
13 THROUGH THE ADOPTION AND ENFORCEMENT OF STATEWIDE CODES AND
14 STANDARDS BASED ON BEST PRACTICE APPROACHES TO THE HARDENING
15 OF STRUCTURES AND PARCELS THROUGHOUT COLORADO.

16 (b) IN FURTHERANCE OF ITS MISSION, THE BOARD SHALL:

17 (I) PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS
18 TITLE 24 CONCERNING THE ADOPTION, ENFORCEMENT, AND
19 ADMINISTRATION OF CODES AND STANDARDS FOR THE HARDENING OF
20 STRUCTURES AND PARCELS IN COLORADO. AT A MINIMUM, THE RULES
21 MUST:

22 (A) ADOPT CODES AND STANDARDS, WHICH MUST PROTECT LIFE
23 AND PROPERTY FROM THE EFFECTS OF WILDFIRES BASED ON ESTABLISHED
24 BEST PRACTICES TAKING INTO CONSIDERATION THE FISCAL IMPACTS OF
25 ADOPTING SUCH CODES. THE BOARD SHALL INITIALLY ADOPT CODES AND
26 STANDARDS NO LATER THAN JULY 1, 2024, AND SHALL UPDATE OR
27 SUPPLEMENT THE CODES AND STANDARDS FROM TIME TO TIME AS
28 NECESSARY AND APPROPRIATE.

29 (B) IDENTIFY THE RANGE OF HAZARDS AND THE TYPES OF
30 BUILDINGS, ENTITIES, AND LANDS TO WHICH THE CODES AND STANDARDS
31 ADOPTED PURSUANT TO SUBSECTION (4)(b)(I)(A) OF THIS SECTION APPLY;

32 (C) ESTABLISH PROCEDURES FOR THE ENFORCEMENT OF THE
33 CODES AND STANDARDS ADOPTED PURSUANT TO SUBSECTION (4)(b)(I)(A)
34 OF THIS SECTION, INCLUDING PROCEDURES FOR APPEALS AND HEARINGS IN
35 ACCORDANCE WITH SECTION 24-33.5-1237 (4);

36 (D) ESTABLISH THE DIVISION'S ROLES AND RESPONSIBILITIES
37 RELATED TO ENFORCEMENT IN ACCORDANCE WITH SECTION 24-33.5-1237;

38 (E) ESTABLISH FEES AND CHARGES IN AMOUNTS NECESSARY TO
39 DEFRAID THE ANTICIPATED COSTS OF THE ADMINISTRATION OF THIS
40 SECTION. THE FEES AND CHARGES MAY BE ADJUSTED BY THE BOARD FROM
41 TIME TO TIME AS NECESSARY OR APPROPRIATE AND SHALL BE DEPOSITED
42 IN THE WILDFIRE RESILIENCY CODE BOARD CASH FUND CREATED IN
43 SUBSECTION (8) OF THIS SECTION.

1 (F) ESTABLISH ALL NECESSARY PROCEDURES AND CRITERIA FOR
2 THE INSPECTOR AND PLANS EXAMINER CERTIFICATION PROGRAM
3 ESTABLISHED BY BOARD PURSUANT TO SUBSECTION (4)(b)(II) OF THIS
4 SECTION;

5 (G) ESTABLISH CRITERIA FOR THE SUSPENSION OR REVOCATION OF
6 INSPECTOR AND PLANS EXAMINER CERTIFICATIONS ISSUED IN ACCORDANCE
7 WITH SUBSECTION (4)(b)(I)(F) OF THIS SECTION, WHICH MUST COMPLY
8 WITH THE APPLICABLE REQUIREMENTS OF ARTICLE 4 OF THIS TITLE 24;

9 (H) ESTABLISH THE PROCESS BY WHICH A GOVERNING BODY MAY
10 PETITION THE BOARD FOR A MODIFICATION TO THE CODES AND STANDARDS
11 ADOPTED PURSUANT TO SUBSECTION (4)(b)(I)(A) AND IN ACCORDANCE
12 WITH SECTION 24-33.5-1237 (2); AND

13 (I) ESTABLISH THE CRITERIA AND PROCESS FOR THE BOARD TO
14 DENY OR GRANT AN APPEAL FROM A DECISION BY THE BOARD ON A
15 PETITION FOR MODIFICATION MADE PURSUANT TO THE RULES ADOPTED IN
16 ACCORDANCE WITH SUBSECTION (4)(b)(I)(H) OF THIS SECTION;

17 (II) ESTABLISH A PROGRAM TO CERTIFY INSPECTORS AND PLANS
18 EXAMINERS FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE CODES
19 AND STANDARDS ADOPTED PURSUANT TO SUBSECTION (4)(b)(I)(A) OF THIS
20 SECTION AND IN ACCORDANCE WITH SECTION 24-33.5-1237. THE PROGRAM
21 MUST EVALUATE THE EDUCATION, TRAINING, AND EXPERIENCE OF EACH
22 INSPECTOR OR PLANS EXAMINER, ENSURE THAT EACH INSPECTOR AND
23 PLANS EXAMINER HOLDS A CURRENT NATIONAL CERTIFICATION THAT
24 REQUIRES CONTINUING EDUCATION, AND REQUIRE EACH INSPECTOR OR
25 PLANS EXAMINER TO BE RECERTIFIED EVERY THREE YEARS.

26 (III) SUPPORT GOVERNING BODIES IN ADOPTING MORE STRINGENT
27 CODES THAN THE CODES ADOPTED IN ACCORDANCE WITH SUBSECTION
28 (4)(b)(I)(A) OF THIS SECTION;

29 (IV) CONSIDER PETITIONS FOR MODIFICATION OF THE CODES AND
30 STANDARDS SUBMITTED BY GOVERNING BODIES IN ACCORDANCE WITH
31 SECTION 24-33.5-1237 (2) AND RULES ADOPTED BY THE BOARD PURSUANT
32 TO SUBSECTION (4)(b)(I) OF THIS SECTION; AND

33 (V) CONSIDER APPEALS, CONDUCT HEARINGS, AND ISSUE
34 DECISIONS IN ACCORDANCE WITH SECTION 24-33.5-1237 AND RULES
35 ADOPTED BY THE BOARD PURSUANT TO SUBSECTION (4)(b)(I) OF THIS
36 SECTION.

37 (c) (I) THE BOARD MAY ESTABLISH TASK FORCES COMPOSED OF
38 SUBJECT MATTER EXPERTS TO STUDY AND MAKE RECOMMENDATIONS TO
39 THE BOARD ON SPECIFIC SUBJECT MATTER AREAS WITHIN THE BOARD'S
40 AREA OF STUDY.

41 (II) WHEN ESTABLISHING A TASK FORCE, THE BOARD SHALL SET
42 FORTH THE PURPOSE OF THE TASK FORCE AND ITS MEMBERSHIP, AREA OF
43 STUDY, DUTIES, AND DURATION.

1 (III) THE CHAIR SHALL APPOINT THE MEMBERS OF A TASK FORCE
2 WITH THE ADVICE AND CONSENT OF THE BOARD. THE CHAIR MAY APPOINT
3 INDIVIDUALS WHO ARE NOT MEMBERS OF THE BOARD TO SERVE ON A TASK
4 FORCE. MEMBERS OF A TASK FORCE SERVE FOR THE DURATION OF THE
5 TASK FORCE. MEMBERS OF A TASK FORCE WHO ARE NOT VOTING MEMBERS
6 OF THE BOARD OR ALTERNATE MEMBERS OF THE BOARD APPOINTED
7 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION SERVE WITHOUT
8 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

9 (d) THE BOARD SHALL CONSIDER THE FINAL REPORT OF THE
10 WILDLAND URBAN INTERFACE SUBCOMMITTEE ESTABLISHED BY THE
11 COLORADO FIRE COMMISSION CREATED IN SECTION 24-33.5-1233 AS THE
12 STARTING POINT FOR THE BOARD'S WORK.

13 (5) **Staff support.** THE DIVISION SHALL PROVIDE OFFICE SPACE,
14 EQUIPMENT, AND STAFF SERVICES AS MAY BE NECESSARY TO IMPLEMENT
15 THIS SECTION.

16 (6) **Reports.** ON OR BEFORE SEPTEMBER 30, 2023, AND ON OR
17 BEFORE SEPTEMBER 30 EACH YEAR THEREAFTER, THE BOARD SHALL
18 SUBMIT A WRITTEN REPORT TO THE DIRECTOR OF THE DIVISION ON ITS
19 ACTIVITIES, ACTIONS, AND RECOMMENDATIONS FOR IMPROVEMENT.

20 (7) **Gifts, grants, and donations.** THE BOARD MAY SEEK, ACCEPT,
21 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
22 SOURCES FOR THE PURPOSES OF THIS SECTION AND SECTION 24-33.5-1237.
23 THE BOARD SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS,
24 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
25 THE MONEY TO THE WILDFIRE RESILIENCY CODE BOARD CASH FUND
26 CREATED IN SUBSECTION (8) OF THIS SECTION.

27 (8) **Wildfire resiliency code board cash fund.** (a) THE WILDFIRE
28 RESILIENCY CODE BOARD CASH FUND, REFERRED TO IN THIS SECTION AS
29 THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF
30 MONEY CREDITED TO THE FUND PURSUANT TO THIS SECTION AND SECTION
31 24-33.5-1237 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
32 APPROPRIATE OR TRANSFER TO THE FUND.

33 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
34 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
35 FUND TO THE FUND.

36 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
37 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION AND OF SECTION
38 24-33.5-1237.

39 **24-33.5-1237. Application of wildfire resiliency codes -**
40 **enforcement.** (1) CODES AND STANDARDS ADOPTED BY THE BOARD IN
41 ACCORDANCE WITH SECTION 24-33.5-1236 (4)(b)(I)(A) APPLY TO
42 BUILDING AND PARCEL MAINTENANCE AND HARDENING FOR WILDFIRE
43 RESILIENCE IN THE STATE AS SET FORTH IN THE RULES ADOPTED BY THE

1 BOARD. A GOVERNING BODY MAY ADOPT A CODE THAT IS STRICTER THAN
2 THE CODES AND STANDARDS ADOPTED BY THE BOARD.

3 (2) A GOVERNING BODY MAY PETITION THE BOARD FOR A
4 MODIFICATION OF THE CODES AND STANDARDS ADOPTED BY THE BOARD
5 PURSUANT TO SECTION 24-33.5-1236 (4)(b)(I)(A) WITHIN ITS
6 JURISDICTION, IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE
7 BOARD PURSUANT SECTION 24-33.5-1236 (4)(b)(I)(H). IF THE BOARD
8 GRANTS THE PETITION FOR MODIFICATION, THE MODIFICATION APPLIES
9 ONLY TO THE GOVERNING BODY OR GOVERNING BODIES THAT ARE
10 GRANTED THE MODIFICATION. THE ORDER GRANTING THE PETITION FOR
11 MODIFICATION MUST SPECIFY A DATE ON WHICH THE MODIFICATION
12 EXPIRES. A GOVERNING BODY MUST REAPPLY TO THE BOARD BEFORE THE
13 EXPIRATION DATE TO KEEP THE MODIFICATION IN EFFECT. A GOVERNING
14 BODY MAY APPEAL A DENIAL OF A PETITION TO THE BOARD IN
15 ACCORDANCE WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO
16 SECTION 24-33.5-1236 (4)(b)(I)(I). A DECISION BY THE BOARD TO GRANT
17 OR DENY A PETITION FOR MODIFICATION OF THE CODES AND STANDARDS
18 PURSUANT TO THIS SUBSECTION (2) IS IN THE DISCRETION OF THE BOARD
19 AND IS NOT SUBJECT TO JUDICIAL REVIEW.

20 (3) A GOVERNING BODY MAY INSPECT BUILDINGS AND PARCELS
21 AND EXAMINE PLANS FOR COMPLIANCE WITH THE CODES AND STANDARDS
22 ADOPTED BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(I)(A)
23 USING INSPECTORS AND PLANS EXAMINERS CERTIFIED UNDER THE
24 PROGRAM ADOPTED BY THE BOARD PURSUANT TO SECTION 24-33.5-1236
25 (4)(b)(II). A GOVERNING BODY MAY REFER NOTICES OF DEFICIENCIES
26 FROM AN INSPECTION OR PLAN EXAMINATION TO THE BOARD FOR
27 EVALUATION OR ENFORCEMENT IN ACCORDANCE WITH RULES ADOPTED BY
28 THE BOARD. IF A GOVERNING BODY DOES NOT CONDUCT INSPECTIONS AND
29 EXAMINE PLANS AS AUTHORIZED BY THIS SECTION, THE DIVISION, IN
30 ACCORDANCE WITH THE RULES ADOPTED BY THE BOARD, SHALL EXAMINE
31 PLANS AND CONDUCT INSPECTIONS. THE DIVISION MAY CHARGE A FEE FOR
32 INSPECTIONS AND PLANS EXAMINATIONS AS SET FORTH IN RULES ADOPTED
33 BY THE BOARD.

34 (4) A FINAL WRITTEN DECISION BY AN INSPECTING ENTITY THAT IS
35 BASED ON THE PROVISIONS OF THE CODES OR STANDARDS ADOPTED BY THE
36 BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(I)(A) MAY BE
37 APPEALED TO THE BOARD IN ACCORDANCE WITH RULES ADOPTED BY THE
38 BOARD. THE BOARD SHALL CONDUCT INVESTIGATIONS, GATHER EVIDENCE,
39 AND HOLD HEARINGS ON AN APPEAL IN ACCORDANCE WITH ARTICLE 4 OF
40 THIS TITLE 24 AND RULES ADOPTED BY THE BOARD. THE FINAL WRITTEN
41 DECISION OF THE BOARD ON AN APPEAL IS FINAL AGENCY ACTION FOR
42 PURPOSES OF SECTION 24-4-106.

43 (5) IN CONDUCTING INSPECTIONS, EXAMINING PLANS, AND

1 DECIDING APPEALS, THE BOARD SHALL NOT WAIVE ANY REQUIREMENT OF
2 THE CODES AND STANDARDS ADOPTED PURSUANT TO SECTION
3 24-33.5-1236 (4)(b)(I)(A) UNLESS A MODIFICATION TO THE CODES AND
4 STANDARDS GRANTED BY THE BOARD IN ACCORDANCE WITH SUBSECTION
5 (2) OF THIS SECTION APPLIES.

6 **SECTION 6.** In Colorado Revised Statutes, 24-75-402, **add**
7 (5)(vv) as follows:

8 **24-75-402. Cash funds - limit on uncommitted reserves -**
9 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any
10 provision of this section to the contrary, the following cash funds are
11 excluded from the limitations specified in this section:

12 (vv) THE WILDFIRE RESILIENCY CODE BOARD CASH FUND CREATED
13 IN SECTION 24-33.5-1236 (8)."

14 Renumber succeeding section accordingly.

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