

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0742.01 Megan McCall x4215

HOUSE BILL 22-1132

HOUSE SPONSORSHIP

Holtorf, Ortiz

SENATE SPONSORSHIP

Liston,

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF WILDFIRE MITIGATION SERVICES,**
102 **AND, IN CONNECTION THEREWITH, REGULATING CONTROLLED**
103 **BURNS ON PRIVATE PROPERTY.**

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>.)

The bill requires that a fire department (defined to include a fire protection district as well as a county or municipality) be notified prior to conducting a controlled burn on private property and prohibits a person from conducting a controlled burn under certain conditions. The bill also sets forth civil and criminal penalties for a person who does not provide

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.

notice prior to conducting a controlled burn or otherwise violates the bill's requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-22.5-105 as
3 follows:

4 **29-22.5-105. Reporting controlled burns - ■ ■ short title -**
5 **definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE "DARCY'S LAST
6 CALL ACT".

7 (2) AS USED IN THIS SECTION:

8 (a) "CONTROLLED AGRICULTURAL BURN" HAS THE SAME MEANING
9 AS SET FORTH IN SECTION 24-33.5-1202 (3.3).

10 (b) "CONTROLLED BURN" MEANS A CONTROLLED AGRICULTURAL
11 BURN OR A CONTROLLED DITCH BURN THAT IS INTENTIONALLY STARTED
12 ON PRIVATE PROPERTY.

13 (c) "CONTROLLED DITCH BURN" HAS THE SAME MEANING AS SET
14 FORTH IN SECTION 24-33.5-1202 (3.4).

15 (d) "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE
16 PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND
17 COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR
18 COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION. "FIRE
19 DEPARTMENT" ALSO INCLUDES VOLUNTEER FIRE DEPARTMENTS
20 ORGANIZED UNDER SECTION 24-33.5-1208.5.

21 ■
22 (3) BEFORE ANY PERSON CONDUCTS A CONTROLLED BURN, THE
23 PERSON MUST PROVIDE NOTICE OF THE CONTROLLED BURN TO THE FIRE
24 DEPARTMENT PROVIDING SERVICES TO THE AREA WHERE THE PRIVATE
25 PROPERTY IS LOCATED. IN THE NOTICE REQUIRED BY THIS SUBSECTION (3),

1 THE PERSON CONDUCTING THE CONTROLLED BURN MUST PROVIDE THE
2 DATE, TIME, AND LOCATION WHERE THE CONTROLLED BURN WILL BE
3 CONDUCTED, AND CONTACT INFORMATION FOR THE PERSON RESPONSIBLE
4 FOR THE CONTROLLED BURN. THE FIRE DEPARTMENT MAY
5 DETERMINE THAT FIRE DEPARTMENT PERSONNEL MUST BE ON STANDBY AT
6 THE TIME OF THE CONTROLLED BURN FOR IT TO BE CONDUCTED.

7 (4) NOTHING IN THIS SECTION EXEMPTS A PERSON FROM
8 COMPLYING WITH ANY OTHER APPLICABLE LOCAL, STATE, OR FEDERAL
9 LAWS.

10 SECTION 2. In Colorado Revised Statutes, 24-33.5-1207.5,
11 amend (1); and add (3) as follows:

12 24-33.5-1207.5. Fire service education and training fund -
13 created. (1) ALL MONEY TRANSFERRED IN ACCORDANCE WITH
14 SUBSECTION (3)(a) OF THIS SECTION, all moneys MONEY received by the
15 director pursuant to the administration of the fire service education and
16 training programs, and all interest earned on the moneys MONEY shall
17 MUST be deposited in the state treasury in the fire service education and
18 training fund, REFERRED TO IN THIS SECTION AS THE "FUND", which fund
19 is hereby created, and except as otherwise specified in SUBSECTION (3) OF
20 THIS SECTION, the moneys MONEY IN THE FUND shall MUST be used,
21 subject to annual appropriations by the general assembly, for the purposes
22 set forth in this part 12 and shall not be deposited in or transferred to the
23 general fund of the state of Colorado or any other fund.

24 (3) (a) ON THE EFFECTIVE DATE OF THIS SUBSECTION (3), THE
25 STATE TREASURER SHALL TRANSFER SEVEN HUNDRED SIXTY THOUSAND
26 DOLLARS FROM THE GENERAL FUND TO THE FUND. THE DIVISION SHALL
27 USE THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (3)(a) TO

1 PURCHASE A MOBILE DRIVER SIMULATOR UNIT TO BE USED FOR TRAINING
2 PURPOSES CONDUCTED BY THE DIVISION THROUGHOUT THE STATE. THE
3 MOBILE DRIVER SIMULATOR UNIT IS DEDICATED IN THE MEMORY OF
4 CAPTAIN DARCY STALLINGS.

5 (b) ON JULY 1, 2023, AND ON EVERY JULY 1 THEREAFTER, THE
6 STATE TREASURER SHALL TRANSFER ONE HUNDRED EIGHTY-FIVE
7 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND. THE
8 DIVISION SHALL USE THE MONEY TRANSFERRED PURSUANT TO THIS
9 SUBSECTION (3)(b) FOR THE OPERATIONAL COSTS, INCLUDING PERSONNEL
10 COSTS, ASSOCIATED WITH THE USE OF THE MOBILE DRIVER SIMULATOR
11 UNIT.

12 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
13 DIVISION FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (3).

14 **SECTION 3. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2022 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.