

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0145.01 Megan McCall x4215

SENATE BILL 23-013

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Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

Agriculture, Water & Natural Resources
Appropriations

HOUSE
3rd Reading Unamended
April 29, 2023

HOUSE
Amended 2nd Reading
April 26, 2023

A BILL FOR AN ACT

101 **CONCERNING RESOURCES FOR FIRE INVESTIGATIONS TO ENHANCE**
102 **PUBLIC SAFETY, AND, IN CONNECTION THEREWITH,**
103 **PRIORITIZING FUNDING FOR WILDLAND FIRE INVESTIGATIONS**
104 **AND MAKING AN APPROPRIATION.**

SENATE
3rd Reading Unamended
April 14, 2023

SENATE
Amended 2nd Reading
April 13, 2023

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/>.)

Wildfire Matters Review Committee. The bill directs the director of the division of fire prevention and control (division) within the department of public safety to report on the investigation of wildland fires

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

in the state and creates the fire investigation fund to fund fire investigations. The division must prioritize money in the fund for wildland fire investigations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1203.5,
3 **amend** (3) as follows:

4 **24-33.5-1203.5. Powers and duties of director - report.**
5 (3) Commencing in 2014, the director shall report annually to the
6 wildfire matters review committee created in section 2-3-1602 ~~C.R.S.~~,
7 regarding the current nature and magnitude of the state's wildfire
8 situation; THE NUMBER OF WILDLAND FIRE INVESTIGATIONS THE DIVISION
9 CONDUCTED IN THE PRECEDING CALENDAR YEAR AND THE STATUS OF
10 EACH INVESTIGATION; the status of wildfire preparedness and prescribed
11 burns in the state, including available resources; and the challenges to
12 addressing the state's wildfire threat. The report required by this
13 subsection (3) is exempt from the automatic expiration described in
14 section 24-1-136 (11).

15 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1236 as
16 follows:

17 **24-33.5-1236. Fire investigation fund - created - rules.** (1) THE
18 FIRE INVESTIGATION FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
19 IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY
20 MONEY THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL
21 ASSEMBLY, ALL PRIVATE AND PUBLIC MONEY RECEIVED THROUGH GIFTS,
22 GRANTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE
23 TREASURER AND CREDITED TO THE FUND, AND MONEY TRANSFERRED TO
24 THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE STATE

1 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
2 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

3 (2) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
4 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND TO
5 INVESTIGATE THE CAUSES AND ORIGINS OF FIRES IN THE STATE AND TO:

6 (I) FUND STATE COSTS ASSOCIATED WITH PROVIDING SUPPORT TO
7 LOCAL FIRE DEPARTMENTS IN INVESTIGATING THE CAUSE AND ORIGIN OF
8 FIRES;

9 (II) REIMBURSE FIRE INVESTIGATORS WHO ARE NOT EMPLOYED BY
10 THE DIVISION BUT ARE ACTING UNDER THE DIRECTION AND COORDINATION
11 OF THE DIVISION AT AN ESTABLISHED RATE FOR ASSISTING IN FIRE CAUSE
12 AND ORIGIN INVESTIGATIONS OUTSIDE OF JURISDICTION;

13 (III) ENSURE FIRE ORIGIN AND CAUSE DATA IS ACCURATELY
14 COLLECTED, ANALYZED, AND DISSEMINATED; AND

15 (IV) UTILIZE THE DATA COLLECTED AS SET FORTH IN THIS SECTION
16 TO MORE EFFECTIVELY PREVENT OR MITIGATE FUTURE FIRES.

17 (b) THE DIVISION SHALL PRIORITIZE THE USE OF MONEY FROM THE
18 FUND FOR FIRE INVESTIGATIONS INCLUDING BUT NOT LIMITED TO
19 WILDLAND, STRUCTURAL, VEHICLE, AND OTHER FIRES, SUBJECT TO THE
20 AVAILABILITY OF ADDITIONAL RESOURCES AND MONEY FOR SUCH USE;
21 EXCEPT THAT INVESTIGATION OF ALL WILDLAND FIRES MUST BE FIRST
22 PRIORITIZED FOR USE OF THE MONEY EXPENDED FROM THE FUND.

23 (3) THE DIRECTOR MAY ADOPT RULES AS NECESSARY TO
24 IMPLEMENT THIS SECTION.

25 (4) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
26 SUFFICIENT FUNDS, AS DETERMINED BY THE GENERAL ASSEMBLY IN THE
27 ANNUAL GENERAL APPROPRIATIONS ACT, FROM THE GENERAL FUND TO THE

1 FUND FOR USE BY THE DIVISION TO DEFRAY THE COSTS TO THE DIVISION IN
2 IMPLEMENTING THE PROVISIONS SET FORTH IN SUBSECTION (2) OF THIS
3 SECTION.

4 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal
5 year, \$2,764,021 is appropriated to the fire investigation fund created in
6 section 24-33.5-1236 (1), C.R.S. This appropriation is from the general
7 fund. The department of public safety is responsible for the accounting
8 related to this appropriation.

9 (2) For the FY 2023-24 state fiscal year, \$2,764,021 is
10 appropriated to the department of public safety. This appropriation is
11 from reappropriated funds in the fire investigation fund under subsection
12 (1) of this section. Any money appropriated in this section not expended
13 prior to July 1, 2024, is further appropriated to the department for the
14 2024-25 state fiscal year for the same purpose. To implement this act, the
15 department may use this appropriation as follows:

16 (a) \$109,357 for use by the executive director's office for vehicle
17 lease payments;

18 (b) \$1,152,655 for use by the division of fire prevention and
19 control for personal services, which amount is based on an assumption
20 that the division will require an additional 11.5 FTE;

21 (c) \$702,009 for use by the division of fire prevention and control
22 for operating expenses; and

23 (d) \$800,000 for use by the division of fire prevention and control
24 for local fire investigation reimbursements.

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.