

CHAPTER 173

GOVERNMENT - STATE

SENATE BILL 23-013

BY SENATOR(S) Ginal and Cutter, Danielson, Jaquez Lewis, Buckner, Coleman, Exum, Fields, Gonzales, Hansen, Hinrichsen, Marchman, Priola, Roberts, Sullivan, Will, Winter F., Zenzinger, Fenberg;
also REPRESENTATIVE(S) Story, Lynch, Amabile, Boesenecker, Brown, Froelich, Hamrick, Joseph, Kipp, Lieder, Lindstedt, McCormick, McLachlan, Ricks, Valdez, Velasco, Vigil, Weinberg, McCluskie.

AN ACT

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

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

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

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

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-1238 as follows:

24-33.5-1238. Fire investigation fund - created - rules. (1) THE FIRE INVESTIGATION FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, ALL PRIVATE AND PUBLIC MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND, AND MONEY

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.

TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

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

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

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

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

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

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

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

(4) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE SUFFICIENT FUNDS, AS DETERMINED BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT, FROM THE GENERAL FUND TO THE FUND FOR USE BY THE DIVISION TO DEFRAY THE COSTS TO THE DIVISION IN IMPLEMENTING THE PROVISIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

SECTION 3. Appropriation. (1) For the 2023-24 state fiscal year, \$2,764,021 is appropriated to the fire investigation fund created in section 24-33.5-1238 (1), C.R.S. This appropriation is from the general fund. The department of public safety is responsible for the accounting related to this appropriation.

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

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

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

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

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

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

Approved: May 12, 2023