

CHAPTER 287

GOVERNMENT - STATE

SENATE BILL 21-166

BY SENATOR(S) Rankin and Fenberg, Buckner, Cooke, Donovan, Fields, Ginal, Gonzales, Hisey, Jaquez Lewis, Lee, Liston, Moreno, Pettersen, Priola, Simpson, Smallwood, Story, Winter, Woodward, Garcia;
also REPRESENTATIVE(S) McCluskie and Will, Amabile, Bennett, Bird, Bockenfeld, Boesenecker, Carver, Cutter, Duran, Esgar, Exum, Geitner, Gray, Herod, Hooton, Jodeh, Kipp, Lontine, Lynch, McKean, McLachlan, Mullica, Ortiz, Pelton, Pico, Ricks, Roberts, Sandridge, Snyder, Titone, Valdez A., Valdez D., Van Winkle, Woodrow, Woog, Young.

AN ACT

CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE COLORADO FIRE COMMISSION, 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, **amend** 29-5-105 as follows:

29-5-105. Assignment of emergency response personnel for temporary duty - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY RESPONDER" MEANS A COUNTY IMPROVEMENT DISTRICT PROVIDING FIRE PROTECTION SERVICES OR ANY OTHER COUNTY DEPARTMENT OR AGENCY THAT PROVIDES FIRE OR EMERGENCY MEDICAL SERVICES, MUNICIPAL FIRE DEPARTMENTS, FIRE PROTECTION DISTRICTS, METROPOLITAN DISTRICTS PROVIDING FIRE PROTECTION SERVICES, FIRE AUTHORITIES, HAZARDOUS MATERIALS AUTHORITIES, VOLUNTEER FIRE DEPARTMENTS RECOGNIZED UNDER THE "VOLUNTEER FIRE DEPARTMENT ORGANIZATION ACT", SECTION 24-33.5-1208.5, AND ANY AMBULANCE SERVICE OPERATED BY A SUBDIVISION OF STATE GOVERNMENT.

(b) "EMERGENCY RESPONDER PERSONNEL" MEANS PAID OR VOLUNTEER PERSONNEL OF AN EMERGENCY RESPONDER.

(2) ~~The chief of the fire department of any town, city, city and county, or fire protection district~~ OR EXECUTIVE OFFICER OF AN EMERGENCY RESPONDER ~~may, in~~

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.

his or her discretion and upon a request ~~therefor~~ MADE by the chief of ~~any fire department of any other town, city, city and county, or fire protection district,~~ assign members of his or her department or companies thereof, together with such OR EXECUTIVE OFFICER OF ANY OTHER EMERGENCY RESPONDER, ASSIGN SUCH PERSONNEL AND equipment as ~~the fire chief~~ HE OR SHE determines to be proper, to perform temporary ~~fire fighting or other~~ EMERGENCY SERVICES duties under the direction and control of the requesting ~~fire chief~~ EMERGENCY RESPONDER; except that the assigning fire chief OR EXECUTIVE OFFICER may require that such ~~firefighters, fire companies,~~ EMERGENCY RESPONDER PERSONNEL and equipment shall be under the immediate direction and control of a superior officer of the assigning ~~fire department~~ EMERGENCY RESPONDER, which superior officer shall be, during such temporary assignment, under the direction and control of the requesting fire chief OR EXECUTIVE OFFICER. Nothing contained in ~~sections 29-5-103 to 29-5-110 shall be construed to limit~~ THIS SECTION AND SECTIONS 29-5-107 TO 29-5-110 LIMITS the power of ~~any town, city, or city and county or fire protection district~~ THE GOVERNING BODY OF ANY EMERGENCY RESPONDER to prohibit or limit by ordinance or regulation the exercise by a fire chief OR EXECUTIVE OFFICER of the discretion granted in ~~sections 29-5-103 to 29-5-110~~ THIS SECTION AND SECTIONS 29-5-107 TO 29-5-110.

SECTION 2. In Colorado Revised Statutes, **amend** 29-5-107 as follows:

29-5-107. Request for temporary assignment of emergency response personnel - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY INCIDENT" MEANS A NATURAL OR MANMADE EMERGENCY INCIDENT THAT OVERWHELMS OR HAS THE POTENTIAL TO OVERWHELM LOCAL RESOURCES, WHICH INCIDENTS INCLUDE, WITHOUT LIMITATION, WILDLAND FIRES, FIRES OCCURRING IN WILDLAND-URBAN INTERFACE AREAS, STRUCTURAL FIRES, TORNADOES, FLOODS, EXPLOSIONS, WEAPONS OF MASS DESTRUCTION, MASS CASUALTY, HAZARDOUS MATERIALS INCIDENTS, TECHNICAL RESCUE AND EXTRICATION, EMERGENCY MEDICAL TRANSPORT, AND EMERGENCY MEDICAL SERVICES.

(b) "EMERGENCY RESPONDER" HAS THE SAME MEANING AS SPECIFIED IN SECTION 29-5-105 (1).

(c) "EMERGENCY RESPONDER PERSONNEL" HAS THE SAME MEANING AS SPECIFIED IN SECTION 29-5-105 (1).

(2) The chief OR EXECUTIVE OFFICER of ~~the fire department of any town, city, city and county, or fire protection district~~ AN EMERGENCY RESPONDER may, when in his or her opinion the same is required by ~~any conflagration, fire, or other such~~ AN emergency INCIDENT, request the chief of ~~the fire department of any other town, city, city and county, or fire protection district~~ OR EXECUTIVE OFFICER of ANOTHER EMERGENCY RESPONDER to assign to him or her ~~firefighters, fire companies,~~ EMERGENCY RESPONDER PERSONNEL and equipment of ~~such other fire department~~ to perform temporary duty within the boundaries of such requesting ~~town, city, city and county, or fire protection district,~~ EMERGENCY RESPONDER under the direction and control of such requesting fire chief OR EXECUTIVE OFFICER and under such

terms and conditions as shall be agreed upon between the requesting and assigning fire chiefs OR EXECUTIVE OFFICERS. Such ~~firefighters~~ EMERGENCY RESPONDER PERSONNEL shall, while so assigned and performing duties subject to the direction and control of the requesting fire chief OR EXECUTIVE OFFICER, have the same power as ~~regular firefighters and fire companies~~ THE EMERGENCY RESPONDER PERSONNEL of the requesting town, city, city and county, or fire protection district EMERGENCY RESPONDER.

SECTION 3. In Colorado Revised Statutes, **amend** 29-5-108 as follows:

29-5-108. Liability of requesting jurisdiction. (1) During the time that a police officer OR deputy sheriff, ~~or firefighter~~, AS APPLICABLE, of a town, city, city and county, county, ~~or fire protection district~~ or of a state institution of higher education employing a peace officer in accordance with article 7.5 of title 24 ~~C.R.S.~~, is assigned to temporary duty within the jurisdiction of another town, city, city and county, county, ~~or fire protection district~~, or of another state institution of higher education employing a peace officer in accordance with article 7.5 of title 24, ~~C.R.S.~~, as provided in ~~sections 29-5-103 to 29-5-107~~ SECTIONS 29-5-103, 29-5-104, AND 29-5-106, any liability that accrues under the provisions of article 10 of title 24, ~~C.R.S.~~, on account of the negligent or otherwise tortious act of the police officer OR deputy sheriff ~~or firefighter~~ while performing the duty ~~shall be~~ IS imposed upon the requesting town, city, city and county, county, ~~fire protection district~~, or state institution of higher education, and not upon the assigning jurisdiction.

(2) ~~During the time that a person from another state is performing firefighting duties within the jurisdiction of a county, municipality, fire protection district, or fire protection authority in this state under an agreement authorized in section 29-1-206.5 (1), any liability that accrues under the provisions of article 10 of title 24, C.R.S., on account of the negligent or otherwise tortious act of the firefighter while performing the duty is imposed upon the county, municipality, fire protection district, or fire protection authority of this state that is a party to the agreement.~~

SECTION 4. In Colorado Revised Statutes, **add** 24-33.5-1235 as follows:

24-33.5-1235. Regional and statewide mutual aid system - powers and duties of division director - rules - legislative declaration - definitions. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) NATURAL AND MANMADE EMERGENCIES THAT OVERWHELM OR HAVE THE POTENTIAL TO OVERWHELM LOCAL FIRE AND EMS RESOURCES POSE A SERIOUS THREAT TO LIFE, PROPERTY, CRITICAL INFRASTRUCTURE, THE ECONOMY, AND THE ENVIRONMENT ACROSS THE STATE;

(II) A SYSTEMATIC, PROACTIVE APPROACH TO THE INITIAL RESPONSE TO SUCH INCIDENTS, REGARDLESS OF CAUSE, LOCATION, OR COMPLEXITY, IS NEEDED IN ORDER TO PROTECT LIFE, PROPERTY, CRITICAL INFRASTRUCTURE, THE ECONOMY, AND ENVIRONMENT ACROSS THE STATE; AND

(III) IT IS ESSENTIAL TO THE PROPER MANAGEMENT OF SUCH INCIDENTS TO DEVELOP A REGIONAL AND STATEWIDE MUTUAL AID SYSTEM AMONG THE VARIOUS LOCAL FIRE AND EMERGENCY MEDICAL RESPONSE AGENCIES TO ENSURE RAPID

COORDINATED INITIAL RESPONSE.

(b) THE GENERAL ASSEMBLY INTENDS THIS SECTION TO ESTABLISH A REGIONAL AND STATEWIDE MUTUAL AID SYSTEM TO BE ADMINISTERED BY THE DIVISION.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COLORADO COORDINATED REGIONAL MUTUAL AID SYSTEM" OR "CCRMAS" MEANS THE COORDINATED REGIONAL MUTUAL AID SYSTEM CREATED IN SUBSECTION (3) OF THIS SECTION.

(b) "DIVISION OF FIRE PREVENTION AND CONTROL" OR "DFPC" MEANS THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-1201.

(c) "EMERGENCY INCIDENT" MEANS A NATURAL OR MANMADE EMERGENCY INCIDENT THAT OVERWHELMS OR HAS THE POTENTIAL TO OVERWHELM LOCAL FIRE AND EMS RESOURCES, WHICH INCIDENTS INCLUDE, WITHOUT LIMITATION, WILDLAND FIRES, FIRES OCCURRING IN WILDLAND-URBAN INTERFACE AREAS, STRUCTURAL FIRES, TORNADOES, FLOODS, EXPLOSIONS, WEAPONS OF MASS DESTRUCTION, MASS CASUALTY, HAZARDOUS MATERIALS INCIDENTS, TECHNICAL RESCUE AND EXTRICATION, EMERGENCY MEDICAL TRANSPORT, AND EMERGENCY MEDICAL SERVICES.

(d) (I) "EMERGENCY RESPONDER" MEANS A COUNTY IMPROVEMENT DISTRICT PROVIDING FIRE PROTECTION SERVICES OR OTHER COUNTY DEPARTMENTS OR AGENCIES PROVIDING FIRE OR EMERGENCY MEDICAL SERVICES, MUNICIPAL FIRE DEPARTMENTS, FIRE PROTECTION DISTRICTS, METROPOLITAN DISTRICTS PROVIDING FIRE PROTECTION SERVICES, FIRE AUTHORITIES, HAZARDOUS MATERIAL AUTHORITIES, VOLUNTEER FIRE DEPARTMENTS RECOGNIZED UNDER THE "VOLUNTEER FIRE DEPARTMENT ORGANIZATION ACT" IN SECTION 24-33.5-1208.5, HEALTH SERVICES DISTRICTS PROVIDING AMBULANCE SERVICES, AND AMBULANCE DISTRICTS.

(II) "EMERGENCY RESPONDER" ALSO INCLUDES OTHER PUBLIC, PRIVATE, NONPROFIT, OR GOVERNMENT ORGANIZATIONS THAT HAVE BEEN ACCEPTED INTO THE RSMAS BY THE DIRECTOR OF THE DIVISION AND THAT PROVIDE ONE OR MORE OF THE FOLLOWING SERVICES IN THE STATE OF COLORADO: FIRE SUPPRESSION; TECHNICAL RESCUE; EMERGENCY EXTRICATION; HAZARDOUS MATERIALS; OR ALL-HAZARDS EMERGENCY RESPONSE, AMBULANCE, OR EMERGENCY MEDICAL SERVICES.

(e) "EMS" MEANS EMERGENCY MEDICAL SERVICES.

(f) "REGIONAL AND STATEWIDE MUTUAL AID SYSTEM" OR "RSMAS" MEANS A REGIONAL AND STATEWIDE SYSTEM THAT PROVIDES FOR THE COORDINATED INITIAL RESPONSE OF EMERGENCY RESPONDERS TO EMERGENCY INCIDENTS.

(3) THE DIRECTOR OF THE DIVISION SHALL ESTABLISH, IMPLEMENT, AND MAINTAIN THE RSMAS, WHICH AUTHORITY ENCOMPASSES THE FOLLOWING ADDITIONAL POWERS AND DUTIES, WITHOUT LIMITATION:

(a) IMPLEMENTING THE COLORADO COORDINATED REGIONAL MUTUAL AID SYSTEM. THE CCRMAS ESTABLISHES GEOGRAPHIC AREAS WITHIN THE STATE TO BE KNOWN AS DFPC DISTRICTS. EACH DFPC DISTRICT MUST BE OPERATED BY A REGIONAL MUTUAL AID COORDINATOR, WHO SHALL ENSURE THAT A COMPETENT MUTUAL AID PLAN FOR FIRE, EMS, AND EMERGENCY RESPONDERS EXISTS IN EACH DFPC DISTRICT AND WHO SHALL SERVE AS THE POINT OF CONTACT WITHIN THE DFPC DISTRICT AND COORDINATE MUTUAL AID REQUESTS. THE DUTIES OF EACH REGIONAL MUTUAL AID COORDINATOR SHALL INCLUDE WITHOUT LIMITATION:

(I) GATHERING AND PROVIDING INFORMATION FOR A STATEWIDE COMMON OPERATING PICTURE;

(II) COORDINATING, ASSISTING, AND BRIDGING GAPS WITH THE INTERAGENCY DISPATCH SYSTEM;

(III) COORDINATING WITH THE OFFICE OF EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-705 (1) TO ENSURE EFFICIENT AND EFFECTIVE IMPLEMENTATION AND INTEGRATION OF THE MOBILIZATION PLAN REQUIRED BY SECTION 24-33.5-705.4 (3)(a) AND OTHER STATE AND LOCAL EMERGENCY OPERATIONS PLANS, AS APPROPRIATE.

(IV) FACILITATING TRANSITION FROM INITIAL ATTACK AND MUTUAL AID RESPONSE TO EXTENDED ATTACK AND LARGE SCALE RESOURCE MOBILIZATION;

(V) DEVELOPING MUTUAL AID PLANS WHERE NONE EXIST;

(VI) ENSURING AN ACCURATE INVENTORY OF RESOURCES IN THE REGION AND ENSURING THE INVENTORY IS INCLUDED IN THE MOBILIZATION SYSTEM DESCRIBED IN SECTION 24-33.5-705.4;

(VII) ENSURING THE PARTICIPATION OF ALL AGENCIES;

(VIII) EXERCISING EXISTING AND NEWLY DEVELOPED MUTUAL AID PLANS; AND

(IX) ACTIVATING MUTUAL AID PLANS WITHIN A REGION IN RESPONSE TO REQUESTS;

(b) ESTABLISHING, STAFFING, AND MAINTAINING A STATE COORDINATION CENTER, WHICH CENTER IS RESPONSIBLE FOR THE OVERALL COORDINATION OF THE RSMAS AND CCRMAS, INCLUDING THE OVERSIGHT AND COORDINATION WITH THE DFPC DISTRICTS AND THE REGIONAL MUTUAL AID COORDINATORS;

(c) ESTABLISHING THE MECHANISMS BY WHICH AN EMERGENCY RESPONDER CAN ACTIVATE THE RSMAS AND CCRMAS; AND

(d) PROMULGATING RULES FOR THE APPROPRIATE IMPLEMENTATION, OPERATION, AND MAINTENANCE OF THE RSMAS AND CCRMAS.

(4)(a) UNLESS AN EMERGENCY RESPONDER HAS OPTED OUT OF THE RSMAS AND CCRMAS IN ACCORDANCE WITH SUBSECTION (4)(c) OF THIS SECTION, ALL EMERGENCY RESPONDERS ARE PART OF THE RSMAS AND CCRMAS. AN

EMERGENCY RESPONDER IS RELIEVED FROM ANY DUTY TO MAKE ITS EQUIPMENT AND PERSONNEL AVAILABLE IF THE EMERGENCY RESPONDER DETERMINES THAT SUCH EQUIPMENT AND PERSONNEL:

(I) ARE NEEDED WITHIN THE EMERGENCY RESPONDER'S SERVICE AREA;

(II) ARE NOT AVAILABLE BECAUSE OF THEIR PRIOR USE AT ANOTHER LOCATION;
OR

(III) ARE NOT AVAILABLE BECAUSE OF EQUIPMENT MECHANICAL BREAK DOWN, INSUFFICIENT PERSONNEL, OR OTHERWISE.

(b) AN EMERGENCY RESPONDER SHALL DETERMINE WHETHER ANY PERSONNEL AND EQUIPMENT MUST BE PROVIDED AND, IF SO, THE SPECIFIC PERSONNEL AND EQUIPMENT THAT WILL BE PROVIDED.

(c) AN EMERGENCY RESPONDER, INCLUDING AN EMERGENCY RESPONDER THAT THE DIRECTOR OF THE DIVISION HAS PREVIOUSLY ACCEPTED INTO THE RSMAS AND CCRMAS, MAY OPT OUT OF THE RSMAS AND CCRMAS BY SUBMITTING TO THE DIRECTOR OF THE DIVISION WRITTEN NOTICE OF THE EMERGENCY RESPONDER'S INTENT TO OPT OUT OF THE RSMAS AND CCRMAS. AN EMERGENCY RESPONDER THAT OPTS OUT OF THE RSMAS AND CCRMAS IS ONLY ELIGIBLE FOR REIMBURSEMENT TO THE EXTENT AUTHORIZED IN THE RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION.

(d) NOTHING IN THIS SECTION AFFECTS ANY OTHER MUTUAL AID AGREEMENT THAT MAY BE ENTERED INTO BY ONE OR MORE EMERGENCY RESPONDERS.

(e) AN EMERGENCY RESPONDER'S PROVISION OF PERSONNEL UNDER THE RSMAS AND CCRMAS DOES NOT CONSTITUTE A TEMPORARY ASSIGNMENT AND SECTION 29-5-105 AND SECTIONS 29-5-107 TO 29-5-110 DO NOT APPLY TO AN EMERGENCY RESPONDER'S PROVISION OF PERSONNEL UNDER THE RSMAS AND CCRMAS.

(f) NOTWITHSTANDING ANY RULE OR REGULATION ADOPTED BY THE COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT OR ANY FEDERAL OR STATE STATUTE, AN EMERGENCY RESPONDER THAT IS DULY LICENSED TO OPERATE AN AMBULANCE IN A COUNTY WITHIN THE STATE AND IS PROVIDING SUCH AMBULANCE SERVICES PURSUANT TO THE RSMAS AND CCRMAS IS NOT REQUIRED TO BE LICENSED IN ANY COUNTY IN WHICH IT RESPONDS.

(5) THE DIVISION MAY SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCE FOR THE PURPOSE OF THIS SECTION.

SECTION 5. In Colorado Revised Statutes, 24-33.5-705.4, **amend** (3)(a); and **add** (3)(a.3) and (3)(a.5) as follows:

24-33.5-705.4. All-hazards resource mobilization system - creation - plan - duties - reimbursement for expenses incurred by mobilized entities - eligibility - resource mobilization fund - creation - definitions - legislative declaration.

(3) **Powers and duties.** (a) The director, IN CONSULTATION WITH THE DIRECTOR

OF THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-1201 (1)(a), shall develop and maintain a statewide all-hazards resource mobilization plan that sets forth procedures for mobilization, allocation, deployment, coordination, tracking, cost accounting, and demobilization of resources during disasters and other large-scale emergencies and local incidents that require more resources than those available under any existing interjurisdictional or mutual aid agreement. In developing the mobilization plan, the director shall consult with and solicit recommendations from the homeland security and all-hazards senior advisory committee created in section 24-33.5-1614 and other appropriate representatives of state, tribal, and local governmental and private sector emergency management organizations. The director shall ensure that the mobilization plan is consistent with, and incorporated into, the Colorado state comprehensive emergency management program described in section 24-33.5-705 (2) AND THE COLORADO COORDINATED REGIONAL AND STATEWIDE MUTUAL AID SYSTEM CREATED IN SECTION 24-33.5-1235 (3).

(a.3) THE DIRECTOR SHALL ENSURE THAT RESOURCES IN THE COLORADO COORDINATED REGIONAL AND STATEWIDE MUTUAL AID SYSTEM CREATED IN SECTION 24-33.5-1235 (3)(a) ARE INCLUDED IN THE ALL-HAZARDS RESOURCE MOBILIZATION SYSTEM DESCRIBED IN THIS SECTION.

(a.5) THE DIRECTOR SHALL COORDINATE WITH THE STATE COORDINATION CENTER CREATED IN SECTION 24-33.5-1235 (3)(b) TO ENSURE SUFFICIENT AND EFFECTIVE IMPLEMENTATION AND INTEGRATION OF THE RESOURCE MOBILIZATION PLAN REQUIRED BY SUBSECTION (3)(a) OF THIS SECTION AND STATE AND LOCAL EMERGENCY OPERATIONS PLANS, AS APPROPRIATE.

SECTION 6. In Colorado Revised Statutes, 24-33.5-1227, **amend** (1)(a)(I); and **add** (1.5) as follows:

24-33.5-1227. Wildfire preparedness fund - creation - gifts, grants, and donations authorized - wildfire preparedness plan - report. (1) (a) (I) There is hereby created in the state treasury the wildfire preparedness fund. The fund consists of all money that may be appropriated thereto by the general assembly, all private and public money received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund, all money transferred to the fund from the healthy forests and vibrant communities fund created in section 23-31-313 (10), money transferred pursuant to section 39-29-109.3 (2)(n)(I)(C), MONEY TRANSFERRED PURSUANT TO SUBSECTION (1.5)(a) OF THIS SECTION, and money transferred pursuant to subsection (1)(a)(II) of this section. All interest earned from the investment of money in the fund shall be credited to the fund. The money in the fund is hereby continuously appropriated for the purposes indicated in this section. Any money not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(1.5) (a) AT THE END OF ANY STATE FISCAL YEAR COMMENCING WITH THE 2022 STATE FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ANY MONEY IN THE AVIATION RESOURCES LINE OF THE ANNUAL GENERAL APPROPRIATION ACT FOR THAT SAME STATE FISCAL YEAR THAT WOULD OTHERWISE REVERT TO THE GENERAL FUND INTO THE WILDFIRE PREPAREDNESS FUND CREATED IN SUBSECTION (1)(a) OF THIS

SECTION. MONEY TRANSFERRED BY THE STATE TREASURER INTO THE WILDFIRE PREPAREDNESS FUND IN ACCORDANCE WITH THIS SUBSECTION (1.5)(a) MUST BE USED FOR THE PURPOSE OF TRADITIONAL MITIGATION EFFORTS INCLUDING BUT NOT LIMITED TO MAINTAINING STAFF AND NECESSARY EQUIPMENT FOR PRESCRIBED FIRE PROJECTS; MECHANICAL AND OTHER FUELS TREATMENT PROJECTS; PROJECT PLANNING, COORDINATION, AND AGREEMENTS; AND COMMUNITY ASSISTANCE AND PLANNING EFFORTS. AS LONG AS MONEY TRANSFERRED INTO THE WILDFIRE PREPAREDNESS FUND PURSUANT TO THIS SUBSECTION (1.5)(a) IS BEING EXPENDED FOR ONE OF THE PURPOSES SPECIFIED IN THIS SUBSECTION (1.5)(a), THE DIVISION MAY ALLOCATE THE MONEY TO ANY SUCH PURPOSE AS WILL MAXIMIZE THE IMPACT OF SUCH FUNDING AS THE DIVISION MAY DETERMINE IN ITS SOLE DISCRETION.

(b) NOT LESS THAN ONCE EVERY THREE YEARS COMMENCING JANUARY 15, 2025, THE DIVISION SHALL REPORT TO THE JOINT BUDGET COMMITTEE CONCERNING THE AMOUNT OF MONEY TRANSFERRED INTO THE WILDFIRE PREPAREDNESS FUND PURSUANT TO SUBSECTION (1.5)(a) OF THIS SECTION DURING THE PRIOR THREE-YEAR PERIOD, THE AMOUNT EXPENDED BY THE DIVISION FROM THE MONEY TRANSFERRED INTO IT, AND THE PURPOSES FOR WHICH THE MONEY HAS BEEN EXPENDED.

SECTION 7. Appropriation. (1) For the 2021-22 state fiscal year, \$1,108,800 is appropriated to the department of public safety. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$56,555 for use by the executive director's office for vehicle lease payments;

(b) \$42,240 for use by the executive director's office for leased space;

(c) \$934,705 for use by the division of fire prevention and control for wildland fire management services, which amount is based on an assumption that the department will require an additional 6.4 FTE; and

(d) \$75,300 for use by the division of homeland security and emergency management for program administration related to the office of emergency management, which amount is based on an assumption that the department will require an additional 0.9 FTE.

SECTION 8. 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: June 22, 2021