

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 23-139

BY SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Baisley, Buckner, Cutter, Exum, Gardner, Ginal, Hansen, Hinrichsen, Jaquez Lewis, Liston, Lundeen, Marchman, Moreno, Pelton B., Pelton R., Priola, Rich, Roberts, Rodriguez, Simpson, Smallwood, Sullivan, Will, Winter F., Fenberg; also REPRESENTATIVE(S) Sirota and Bockenfeld, Bird, Brown, English, Epps, Froelich, Garcia, Jodeh, Lindsay, Lindstedt, Lynch, McLachlan, Michaelson Jenet, Ortiz, Ricks, Snyder, Story, Velasco, Weinberg, Young, McCluskie.

CONCERNING THE APPROPRIATION OF MONEY FROM THE SEVERANCE TAX OPERATIONAL FUND TO THE WILDFIRE MITIGATION CAPACITY DEVELOPMENT FUND, 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, 39-29-109.3, **amend** (1)(g)(II); and **add** (1)(g)(IV) and (1)(g)(V) as follows:

**39-29-109.3. Severance tax operational fund - core reserve - grant program reserve - definitions - repeal.** (1) The executive director of the department of natural resources shall submit with the department's

*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.*

budget request for each fiscal year a list and description of the programs the executive director recommends to be funded from the severance tax operational fund created in section 39-29-109 (2)(b), referred to in this section as the "operational fund". The general assembly may appropriate money from the total money available in the operational fund to fund recommended programs as follows:

(g) If the general assembly appropriates less than one hundred percent of the money available in the operational fund for the purposes set forth in subsections (1)(a) to (1)(f) of this section, then the general assembly may additionally appropriate:

(II) Up to four million six thousand five dollars from the operational fund to the division of parks and wildlife aquatic nuisance species fund created in section 33-10.5-108 (1); ~~and~~

(IV) FOR THE 2022-23 STATE FISCAL YEAR, UP TO TEN MILLION DOLLARS TO THE WILDFIRE MITIGATION CAPACITY DEVELOPMENT FUND CREATED IN SECTION 24-33-117 (1); AND

(V) FOR THE 2023-24 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, UP TO FIVE MILLION DOLLARS TO THE WILDFIRE MITIGATION CAPACITY DEVELOPMENT FUND CREATED IN SECTION 24-33-117 (1).

**SECTION 2.** In Colorado Revised Statutes, 24-33-117, **amend** (1) as follows:

**24-33-117. Wildfire mitigation capacity development fund - established - financing - legislative intent - repeal.** (1) The wildfire mitigation capacity development fund is hereby created in the state treasury. The fund consists of money transferred to the fund pursuant to subsection (5) of this section, MONEY APPROPRIATED TO THE FUND PURSUANT TO SECTION 39-29-109.3 (1)(g)(IV) AND (1)(g)(V), and any other money that the general assembly may appropriate or transfer to the fund.

**SECTION 3. Appropriation.** For the 2022-23 state fiscal year, \$10,000,000 is appropriated to the wildfire mitigation capacity development fund created in section 24-33-117 (1), C.R.S. This appropriation is from the severance tax operational fund created in section 39-29-109 (2)(b)(I),

C.R.S. The department of natural resources is responsible for the accounting related to this appropriation.

**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.

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO