

CHAPTER 313

GOVERNMENT - STATE

SENATE BILL 14-154

BY SENATOR(S) Lambert, Hodge, Steadman, Grantham, Herpin, Kefalas, Kerr, King, Nicholson, Rivera, Roberts, Todd;
also REPRESENTATIVE(S) Gerou, Duran, May, Exum, Ginal, Hullinghorst, Kraft-Tharp, Mitsch Bush, Pettersen, Rosenthal,
Salazar, Schafer, Singer.

AN ACT

CONCERNING FUNDS ADMINISTERED BY THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY.

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

SECTION 1. In Colorado Revised Statutes, 23-31-313, **amend** (10) (c) (I); and **add** (10) (d) as follows:

23-31-313. Healthy forests - vibrant communities - funds created - repeal. (10) **Healthy forests and vibrant communities fund.** (c) Of the moneys transferred to the fund pursuant to section 39-29-109.3 (2) (n), C.R.S.:

(I) ~~Four~~ ~~THREE~~ ~~hundred~~ ~~seventy-five~~ ~~EIGHTY~~ thousand dollars may be expended for purposes specified in subsection (4) of this section;

(d) (I) ON THE EFFECTIVE DATE OF THIS PARAGRAPH (d), THE STATE TREASURER SHALL TRANSFER TWO HUNDRED EIGHTY-FIVE THOUSAND DOLLARS FROM THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND TO THE WILDFIRE PREPAREDNESS FUND CREATED IN SECTION 24-33.5-1227, C.R.S.

(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 2. In Colorado Revised Statutes, 24-33.5-1227, **amend** (1) (a), (1) (b), and (1) (c) as follows:

24-33.5-1227. Wildfire preparedness fund - creation - gifts, grants, and donations authorized - wildfire preparedness plan - report. (1) (a) There is hereby created in the state treasury the wildfire preparedness fund. The fund

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

consists of all moneys that may be appropriated thereto by the general assembly, all private and public moneys received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund, ~~and~~ all moneys transferred to the fund pursuant to section 34-63-102 (5.4) (b) (II), C.R.S., ALL MONEYS TRANSFERRED TO THE FUND FROM THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313 (10), C.R.S., AND MONEYS TRANSFERRED PURSUANT TO SECTION 39-29-109.3 (2) (n) (I) (C), C.R.S. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this section. Any moneys 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.

(b) By executive order or proclamation, the governor may access and designate moneys in the wildfire preparedness fund for wildfire preparedness activities; EXCEPT THAT MONEYS IN THE WILDFIRE PREPAREDNESS FUND THAT HAVE BEEN TRANSFERRED FROM THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313 (10), C.R.S., AND MONEYS TRANSFERRED PURSUANT TO SECTION 39-29-109.3 (2) (n) (I) (C), C.R.S., MAY BE USED ONLY FOR THE PURPOSES SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (1). The division shall implement the directives set forth in such executive order or proclamation. AS SOON AS PRACTICABLE AFTER ISSUING THE EXECUTIVE ORDER OR PROCLAMATION, THE GOVERNOR SHALL NOTIFY THE JOINT BUDGET COMMITTEE OF ANY MONEYS SO ACCESSED AND DESIGNATED.

(c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), the division may use the moneys in the wildfire preparedness fund to provide funding or reimbursement for the purchase of fire shelters by volunteer fire departments in order to comply with applicable federal requirements.

(II) THE DIVISION SHALL USE MONEYS IN THE WILDFIRE PREPAREDNESS FUND TRANSFERRED FROM THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313 (10), C.R.S., AND MONEYS TRANSFERRED PURSUANT TO SECTION 39-29-109.3 (2) (n) (I) (C), C.R.S., TO:

(A) INCREASE UPGRADES TO FIRE ENGINES ACQUIRED THROUGH THE FEDERAL EXCESS PERSONAL PROPERTY PROGRAM THAT ARE ON LOAN TO LOCAL FIRE DEPARTMENTS;

(B) INCREASE TECHNICAL ASSISTANCE IN WILDLAND FIRE PREPAREDNESS TO COUNTIES, MUNICIPALITIES, AND FIRE PROTECTION DISTRICTS; AND

(C) ENSURE, IN CONJUNCTION WITH THE WILDFIRE PREPAREDNESS PLAN DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THAT STATE FIREFIGHTING EQUIPMENT IS FULLY OPERATIONAL AND BOTH AVAILABLE TO AND COORDINATED WITH THE EQUIPMENT CAPACITIES OF FIRE PROTECTION DISTRICTS AND THAT COUNTY, MUNICIPALITY, AND FIRE PROTECTION DISTRICTS PERSONNEL ARE FULLY TRAINED IN THE USE OF SUCH EQUIPMENT.

SECTION 3. In Colorado Revised Statutes, 24-75-402, **amend** (5) (aa) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions - repeal. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(aa) The emergency fire fund created in section 24-33.5-1220 (2), the wildland fire equipment repair cash fund created in section 24-33.5-1220 (3), ~~and~~ the wildland fire cost recovery fund created in section 24-33.5-1220 (4), THE WILDFIRE EMERGENCY RESPONSE FUND CREATED IN SECTION 24-33.5-1226 (1), AND THE WILDFIRE PREPAREDNESS FUND CREATED IN SECTION 24-33.5-1227 (1).

SECTION 4. In Colorado Revised Statutes, 39-29-109.3, **amend** (2) (n) (I) introductory portion and (2) (n) (I) (A); and **add** (2) (n) (I) (C) as follows:

39-29-109.3. Severance tax operational fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational fund as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(n) (I) For ~~eight~~ THREE fiscal years commencing on or after ~~July 1, 2009~~ JULY 1, 2014, the state treasurer shall transfer:

(A) One million ~~four~~ THREE hundred ~~fifty~~ FIFTY-FIVE thousand dollars of the moneys in the account to the healthy forests and vibrant communities fund created in section 23-31-313 (10), C.R.S.

(C) NINETY-FIVE THOUSAND DOLLARS TO THE WILDFIRE PREPAREDNESS FUND CREATED IN SECTION 24-33.5-1227 (1), C.R.S.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2014