

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0130.02 Jason Gelender

HOUSE BILL 09-1031

HOUSE SPONSORSHIP

King S., Lundberg

SENATE SPONSORSHIP

Penry and Gibbs, Kopp

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE STATE MATCH LOCAL**
102 **GOVERNMENT CONTRIBUTIONS TO THE EMERGENCY FIRE FUND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. For the 2009-10 fiscal year and for each succeeding fiscal year, requires the state to make an appropriation from the general fund to the Colorado state forest service in an amount equal to the total amount of voluntary contributions made during the prior fiscal year to the emergency fire fund (fund), which is funded by voluntary contributions from most counties in the state and the Denver water board and used to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

pay for emergency responses to wildfires. Requires the state forester to grant the entire annual appropriation to the fund.

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

2 **SECTION 1.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-309.5. Emergency fire fund - creation - state**
6 **appropriations - transfers to wildfire emergency response fund -**
7 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND
8 DECLARES THAT:

9 (a) IN 1967, SEVERAL COUNTIES ESTABLISHED THE EMERGENCY
10 FIRE FUND AS A FUNDING SOURCE FOR EMERGENCY RESPONSES TO
11 WILDFIRES THAT WOULD OTHERWISE BE BEYOND THE CAPABILITIES OF THE
12 IMPACTED COUNTY OR COUNTIES.

13 (b) SINCE 1967, MOST COUNTIES AND THE DENVER WATER BOARD
14 HAVE MADE FINANCIAL CONTRIBUTIONS TO THE EMERGENCY FIRE FUND,
15 WHICH IS ADMINISTERED BY A TEN-PERSON COMMITTEE COMPOSED OF
16 COUNTY COMMISSIONERS, SHERIFFS, FIRE CHIEFS, AND THE STATE
17 FORESTER. WITH THE APPROVAL OF THE STATE FORESTER, MONEYS ARE
18 EXPENDED FROM THE EMERGENCY FIRE FUND TO PAY FOR EMERGENCY
19 RESPONSES TO WILDFIRES.

20 (c) IN RECENT YEARS, THE AMOUNT OF MONEYS IN THE
21 EMERGENCY FIRE FUND HAS BEEN INSUFFICIENT TO PAY ALL OF THE COSTS
22 OF THE EMERGENCY RESPONSES TO WILDFIRES THAT THE FUND WAS
23 ESTABLISHED TO PAY, AND THE GOVERNOR HAS HAD TO EXPEND STATE
24 DISASTER EMERGENCY MONEYS TO COVER THE UNCOVERED COSTS.

25 (d) IT IS THEREFORE NECESSARY, APPROPRIATE, AND IN THE BEST

1 INTERESTS OF THE PEOPLE OF THE STATE FOR THE STATE TO PROVIDE
2 MATCHING FUNDING FOR THE EMERGENCY FIRE FUND AS SPECIFIED IN THIS
3 SECTION.

4 (2) AS USED IN THIS SECTION, "EMERGENCY FIRE FUND" MEANS THE
5 EMERGENCY FIRE FUND ESTABLISHED IN 1967 THAT IS:

6 (a) FUNDED BY VOLUNTARY CONTRIBUTIONS FROM COUNTIES AND
7 THE DENVER WATER BOARD AND MAY ALSO RECEIVE VOLUNTARY
8 CONTRIBUTIONS FROM OTHER ENTITIES;

9 (b) ADMINISTERED BY A TEN-PERSON COMMITTEE COMPOSED OF
10 COUNTY COMMISSIONERS, SHERIFFS, FIRE CHIEFS, AND THE STATE
11 FORESTER; AND

12 (c) USED, WITH THE APPROVAL OF THE STATE FORESTER, TO FUND
13 EMERGENCY RESPONSES TO WILDFIRES.

14 (3) FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
15 2009, THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE GENERAL
16 FUND TO THE COLORADO STATE FOREST SERVICE AN AMOUNT EQUAL TO
17 THE AGGREGATE AMOUNT OF ALL VOLUNTARY CONTRIBUTIONS MADE TO
18 THE EMERGENCY FIRE FUND BY COUNTIES, THE DENVER WATER BOARD,
19 AND ANY OTHER CONTRIBUTING ENTITIES DURING THE PRIOR FISCAL YEAR.
20 THE STATE FORESTER SHALL GRANT ALL MONEYS APPROPRIATED
21 PURSUANT TO THIS SUBSECTION (3) TO THE EMERGENCY FIRE FUND.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.