

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 14-0905.02 Kate Meyer x4348

SENATE BILL 14-154

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

HOUSE SPONSORSHIP

Gerou, Duran, May

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The bill:

! For 3 fiscal years, commencing with the 2014-15 fiscal year, reduces by \$95,000 the moneys transferred annually from the operational account of the severance tax trust fund

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.*

(operational account) to the healthy forests and vibrant communities fund and, correspondingly, transfers \$95,000 annually from the operational account to the wildfire preparedness fund (WPF) administered by the division of fire prevention and control (division) in the department of public safety;

! Directs the state treasurer to make a one-time transfer of \$285,000 from the healthy forests and vibrant communities fund to the WPF; and

! Specifies the purposes for which the division may use all of the above-referenced transferred moneys.

Section 3 of the bill exempts the wildfire emergency response fund and the WPF from the statutory limit on uncommitted cash reserves.

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

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

4 **23-31-313. Healthy forests - vibrant communities - funds**
5 **created - repeal. (10) Healthy forests and vibrant communities fund.**
6 (c) Of the moneys transferred to the fund pursuant to section 39-29-109.3
7 (2) (n), C.R.S.:

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

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

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

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

18 **24-33.5-1227. Wildfire preparedness fund - creation - gifts,**

1 **grants, and donations authorized - wildfire preparedness plan -**
2 **report.** (1) (a) There is hereby created in the state treasury the wildfire
3 preparedness fund. The fund consists of all moneys that may be
4 appropriated thereto by the general assembly, all private and public
5 moneys received through gifts, grants, reimbursements, or donations that
6 are transmitted to the state treasurer and credited to the fund, ~~and~~ all
7 moneys transferred to the fund pursuant to section 34-63-102 (5.4) (b)
8 (II), C.R.S., ALL MONEYS TRANSFERRED TO THE FUND FROM THE HEALTHY
9 FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION
10 23-31-313 (10), C.R.S., AND MONEYS TRANSFERRED PURSUANT TO
11 SECTION 39-29-109.3 (2) (n) (I) (C), C.R.S. All interest earned from the
12 investment of moneys in the fund shall be credited to the fund. The
13 moneys in the fund are hereby continuously appropriated for the purposes
14 indicated in this section. Any moneys not expended at the end of the
15 fiscal year shall remain in the fund and shall not be transferred to or revert
16 to the general fund.

17 (b) By executive order or proclamation, the governor may access
18 and designate moneys in the wildfire preparedness fund for wildfire
19 preparedness activities; EXCEPT THAT MONEYS IN THE WILDFIRE
20 PREPAREDNESS FUND THAT HAVE BEEN TRANSFERRED FROM THE HEALTHY
21 FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION
22 23-31-313 (10), C.R.S., AND MONEYS TRANSFERRED PURSUANT TO
23 SECTION 39-29-109.3 (2) (n) (I) (C), C.R.S., MAY BE USED ONLY FOR THE
24 PURPOSES SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS
25 SUBSECTION (1). The division shall implement the directives set forth in
26 such executive order or proclamation. AS SOON AS PRACTICABLE AFTER
27 ISSUING THE EXECUTIVE ORDER OR PROCLAMATION, THE GOVERNOR SHALL

1 NOTIFY THE JOINT BUDGET COMMITTEE OF ANY MONEYS SO ACCESSED AND
2 DESIGNATED.

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

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

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

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

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

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

1 **24-75-402. Cash funds - limit on uncommitted reserves -**
2 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
3 any provision of this section to the contrary, the following cash funds are
4 excluded from the limitations specified in this section:

5 (aa) The emergency fire fund created in section 24-33.5-1220 (2),
6 the wildland fire equipment repair cash fund created in section
7 24-33.5-1220 (3), ~~and~~ the wildland fire cost recovery fund created in
8 section 24-33.5-1220 (4), THE WILDFIRE EMERGENCY RESPONSE FUND
9 CREATED IN SECTION 24-33.5-1226(1), AND THE WILDFIRE PREPAREDNESS
10 FUND CREATED IN SECTION 24-33.5-1227 (1).

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

14 **39-29-109.3. Severance tax operational fund - repeal.**
15 (2) Subject to the requirements of subsections (3) and (4) of this section,
16 if the general assembly chooses not to spend up to one hundred percent
17 of the moneys in the operational fund as specified in subsection (1) of this
18 section, the state treasurer shall transfer the following:

19 (n) (I) For ~~eight~~ THREE fiscal years commencing on or after ~~July~~
20 ~~1, 2009~~ JULY 1, 2014, the state treasurer shall transfer:

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

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

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.