

**NOTE: The governor signed this measure on 5/15/2014.**

# An Act

SENATE BILL 14-046

BY SENATOR(S) Nicholson, Tochtrop, Jones, Aguilar, Cadman, Heath, Herpin, Hodge, Jahn, Johnston, Kefalas, King, Newell, Rivera, Roberts, Scheffel, Schwartz, Steadman, Todd, Ulibarri, Zenzinger;  
also REPRESENTATIVE(S) Exum, Buckner, Court, Duran, Fields, Fischer, Garcia, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, May, Melton, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Tyler, Vigil, Williams, Young, Ferrandino.

CONCERNING A GRANT PROGRAM TO INCREASE LOCAL FIREFIGHTER SAFETY.

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

**SECTION 1.** In Colorado Revised Statutes, 34-63-102, **amend** (5.4) (b) (II) as follows:

**34-63-102. Creation of mineral leasing fund - distribution - advisory committee - local government permanent fund created - definitions - repeal.** (5.4) Except as otherwise provided in subsection (5.5) of this section, on and after July 1, 2008, all moneys other than bonus payments, as defined in paragraph (b) of subsection (5.3) of this section, credited to the mineral leasing fund created in subparagraph (II) of paragraph (a) of subsection (1) of this section shall be distributed on a

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

quarterly basis for quarters beginning on July 1, October 1, January 1, and April 1 of each state fiscal year as follows:

(b) (II) Notwithstanding any other provision of this section, in the TWO fiscal years commencing ON OR AFTER July 1, ~~2012, and July 1, 2013,~~ unless another source of funding becomes available 2014, the executive director of the department of local affairs shall transfer, prior to any other distribution specified in this paragraph (b), three million two hundred fifty thousand dollars of the moneys available for grant applications pursuant to this paragraph (b) to the state treasurer, who shall credit the moneys to the ~~wildfire preparedness~~ LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION fund created in section ~~24-33.5-1227~~ 24-33.5-1231, C.R.S. The division of fire prevention and control in the department of public safety, created pursuant to section 24-33.5-1201, C.R.S., shall annually report on the use of the moneys transferred pursuant to this subparagraph (II) to the department of local affairs, the office of state planning and budgeting, and the general assembly. This subparagraph (II) is repealed, effective July 1, ~~2016~~ 2017.

**SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1231 as follows:

**24-33.5-1231. Local firefighter safety and disease prevention fund - creation - grants - rules.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION FUND. THE FUND CONSISTS OF ALL MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, 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. THE STATE TREASURER SHALL CREDIT ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES INDICATED IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF EACH FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

(2) THE DIVISION SHALL USE THE MONEYS IN THE FUND TO AWARD NEED-BASED GRANTS TO GOVERNING BODIES TO PROVIDE FUNDING OR

REIMBURSEMENT FOR EQUIPMENT AND TRAINING DESIGNED TO INCREASE FIREFIGHTER SAFETY AND PREVENT OCCUPATION-RELATED DISEASES. THE DIVISION MAY EXPEND UP TO THREE PERCENT PER YEAR FROM THE FUND FOR ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE GRANT PROGRAM. THE GENERAL ASSEMBLY INTENDS THAT THE NEED-BASED GRANTS FROM THE FUND ARE IN ADDITION TO, AND DO NOT SUPPLANT, OTHER SOURCES OF FUNDING TO GOVERNING BODIES REGARDING FIREFIGHTING.

(3) THE DIRECTOR SHALL PROMULGATE RULES GOVERNING THE AWARD OF GRANTS PURSUANT TO SUBSECTION (2) OF THIS SECTION, INCLUDING CONSIDERATION OF:

(a) THE RECOMMENDATIONS OF THE FIRE SERVICE TRAINING, CERTIFICATION, AND FIREFIGHTER SAFETY ADVISORY BOARD, CREATED IN SECTION 24-33.5-1204 (1), CONCERNING THE GRANT APPLICATION PROCESS, FUNDING PRIORITIES, AND THE CRITERIA FOR AWARDED GRANTS;

(b) HOW TO STRUCTURE THE GRANT APPLICATION PROCESS, WHICH MUST INCLUDE A MERIT-BASED, PEER-REVIEW PROCESS WITH GRANT REVIEWERS FROM THE COLORADO STATE FIRE CHIEFS, COLORADO PROFESSIONAL FIRE FIGHTERS ASSOCIATION, AND THE COLORADO STATE FIRE FIGHTERS ASSOCIATION, IN EQUAL REPRESENTATION. THE PEER REVIEWERS SHALL MAKE RECOMMENDATIONS TO THE DIRECTOR ON THE AWARD OF GRANTS UNDER THE PROGRAM.

(c) THE FINDINGS OF THE COLORADO FIRE SERVICE NEEDS ASSESSMENT, WHICH THE DIVISION SHALL CONDUCT AT LEAST EVERY OTHER YEAR; AND

(d) A GOVERNING BODY'S EFFORTS TO FINANCE EQUIPMENT AND TRAINING DESIGNED TO INCREASE FIREFIGHTER SAFETY OTHER THAN THROUGH AN AWARD OF A GRANT PURSUANT TO THIS SECTION.

**SECTION 3.** In Colorado Revised Statutes, 24-33.5-1204, **amend** (1) as follows:

**24-33.5-1204. Voluntary education and training program - voluntary certification of firefighters, first responders, and hazardous materials responders - advisory board.** (1) For the purposes of advising the director on the administration of the voluntary fire service education

and training program within the division of fire prevention and control, THE LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION GRANT PROGRAM CREATED IN SECTION 24-33.5-1231, and the voluntary firefighter, first responder, and hazardous materials responder certification programs, there is hereby created in the division of fire prevention and control the fire service training and certification advisory board, referred to in this part 12 as the "advisory board", to serve as an advisory board to the director.

**SECTION 4.** In Colorado Revised Statutes, 24-33.5-1205, **add** (5) as follows:

**24-33.5-1205. Duties of the director and the advisory board.**

(5) THE ADVISORY BOARD SHALL ADVISE THE DIRECTOR ON THE PROMULGATION OF RULES GOVERNING THE LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION GRANT PROGRAM CREATED IN SECTION 24-33.5-1231.

**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.

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO