

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 23-0792.01 Alison Killen x4350

**SENATE BILL 23-139**

**SENATE SPONSORSHIP**

**Zenzinger and Kirkmeyer**, Bridges, Baisley, Buckner, Cutter, Exum, Fenberg, Gardner, Ginal, Hansen, Hinrichsen, Jaquez Lewis, Liston, Lundeen, Marchman, Moreno, Pelton B., Pelton R., Priola, Rich, Roberts, Rodriguez, Simpson, Smallwood, Sullivan, Will, Winter F.

**HOUSE SPONSORSHIP**

**Sirota and Bockenfeld**, Bird

**Senate Committees**  
Appropriations

**House Committees**

**A BILL FOR AN ACT**

101 **CONCERNING THE APPROPRIATION OF MONEY FROM THE SEVERANCE**  
102 **TAX OPERATIONAL FUND TO THE WILDFIRE MITIGATION**  
103 **CAPACITY DEVELOPMENT FUND, AND, IN CONNECTION**  
104 **THEREWITH, MAKING AN APPROPRIATION.**

**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://leg.colorado.gov/>.)*

**Joint Budget Committee.** The bill authorizes the general assembly to appropriate up to \$10 million from the severance tax operational fund (operational fund) to the wildfire mitigation capacity

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

SENATE  
3rd Reading Unamended  
February 9, 2023

SENATE  
Amended 2nd Reading  
February 8, 2023

development fund (wildfire fund) for fiscal year 2022-23 and makes a corresponding appropriation. The bill authorizes the general assembly to appropriate up to \$5 million from the operational fund to the wildfire fund beginning in fiscal year 2023-24 and in each fiscal year thereafter. Such appropriations may be made only if less than 100% of the money available in the operational fund is used for current core programs.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-29-109.3, **amend**  
3 (1)(g)(II); and **add** (1)(g)(IV) and (1)(g)(V) as follows:

4 **39-29-109.3. Severance tax operational fund - core reserve -**  
5 **grant program reserve - definitions - repeal.** (1) The executive director  
6 of the department of natural resources shall submit with the department's  
7 budget request for each fiscal year a list and description of the programs  
8 the executive director recommends to be funded from the severance tax  
9 operational fund created in section 39-29-109 (2)(b), referred to in this  
10 section as the "operational fund". The general assembly may appropriate  
11 money from the total money available in the operational fund to fund  
12 recommended programs as follows:

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

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

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

1 (V) FOR THE 2023-24 STATE FISCAL YEAR AND EACH STATE FISCAL  
2 YEAR THEREAFTER, UP TO FIVE MILLION DOLLARS TO THE WILDFIRE  
3 MITIGATION CAPACITY DEVELOPMENT FUND CREATED IN SECTION  
4 24-33-117 (1).

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

7 **24-33-117. Wildfire mitigation capacity development fund -**  
8 **established - financing - legislative intent - repeal.** (1) The wildfire  
9 mitigation capacity development fund is hereby created in the state  
10 treasury. The fund consists of money transferred to the fund pursuant to  
11 subsection (5) of this section, MONEY APPROPRIATED TO THE FUND  
12 PURSUANT TO SECTION 39-29-109.3 (1)(g)(IV) AND (1)(g)(V), and any  
13 other money that the general assembly may appropriate or transfer to the  
14 fund.

15 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,  
16 \$10,000,000 is appropriated to the wildfire mitigation capacity  
17 development fund created in section 24-33-117 (1), C.R.S. This  
18 appropriation is from the severance tax operational fund created in  
19 section 39-29-109 (2)(b)(I), C.R.S. The department of natural resources  
20 is responsible for the accounting related to this appropriation.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety.