

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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
Appropriations

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.

HOUSE
2nd Reading Unamended
February 15, 2023

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.

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.