

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 14-223

BY SENATOR(S) Nicholson and Cadman, Carroll, Heath, Steadman, Aguilar, Baumgardner, Crowder, Grantham, Guzman, Herpin, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lundberg, Rivera, Roberts, Scheffel, Schwartz, Tochtrop, Todd, Ulibarri;
also REPRESENTATIVE(S) Gerou and Young, Fields, Gardner, Ginal, McLachlan, Pettersen, Salazar, Schafer, Kraft-Tharp, Melton, Mitsch Bush, Pabon, Rosenthal, Ryden, Stephens, Ferrandino.

CONCERNING THE PAYMENT BY THE STATE OF LEGAL CLAIMS ARISING IN CONNECTION WITH THE LOWER NORTH FORK WILDFIRE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, 24-10-114, **amend** (5) (a) as follows:

24-10-114. Limitations on judgments - recommendation to general assembly - authorization of additional payment - lower north fork wildfire claims - legislative declaration. (5) Notwithstanding the maximum amounts that may be recovered from a public entity set forth in subsection (1) of this section, an amount may be recovered from the state under this article in excess of the maximum amounts only if paragraph (a)

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

or (b) of this subsection (5) applies:

(a) The general assembly acting by bill authorizes payment of all or a portion of any judgment against the state that exceeds the maximum amount. Any claimant may present EITHER proof of judgment OR AN ORDER OF A DISTRICT COURT GRANTING A CLAIMANT'S REQUEST FOR ENTRY OF JUDGMENT IN THE AMOUNT OF AN AWARD OF DAMAGES RECOMMENDED BY A SPECIAL MASTER OR A COMPARABLE ORDER to the general assembly and request payment of that portion of the judgment ~~which~~ OR ORDER THAT exceeds the maximum amount. Any ~~portion of a~~ SUCH judgment OR ORDER approved for payment by the general assembly shall be paid from the general fund.

SECTION 2. Payment to claimants in connection with lower north fork wildfire. (1) Pursuant to section 24-10-114 (5) (a), Colorado Revised Statutes, the general assembly hereby approves payment of the total claims specified in the table contained in subsection (5) of this section. Upon enactment of Senate Bill 14-223 and the satisfaction of the conditions specified in this section, the office of the state controller shall make such payment from the total claims to be paid each claimant specified in the table no later than September 1, 2014.

(2) No insurer has a right of subrogation, assignment, or any other right against the claimant for any payment or any portion of the payment that is approved by the general assembly under this section.

(3) In accepting the payment for such claims authorized to be paid pursuant to subsection (1) of this section, the claimant and any of the claimant's successors, agents, heirs, and assigns, collectively referred to as the "claimant", hereby forever release and discharge the state and any of its officers, employees, and agents from any and all matters, claims, complaints, charges, demands, damages, causes of action, debts, liabilities, controversies, judgements, and suits of every kind and nature whatsoever arising out of the lower north fork wildfire in March 2012, as of the effective date of Senate Bill 14-223, whether foreseen or unforeseen, known or unknown.

(4) Insofar as the compromise and settlement effected by Senate Bill 14-223 addresses all outstanding claims arising out of the lower north fork wildfire in a just and reasonable manner, the general assembly hereby

strongly encourages the department of law to refrain from appealing the orders dated April 25, 2014, and May 7, 2014, regarding homeowners' requests for entry of judgement in the litigation entitled *In re the Lower North Fork Fire Litigation in Jefferson County District Court*, case no. 12 CV 2550.

(5) The total amount of claims to be paid to each claimant is specified in the following table:

Name of Claimant	Total Amount of Claim
Scott Appel, individually and on behalf of the heirs and estate of Ann Appel	\$4,779,480
Joanne Baldwin, individually and her minor children and the Richard and Janet Pierce Family Trust	\$126,793
Dan Brubaker and Patricia Brubaker	\$473,315
John Campbell and Catherine Campbell	\$419,152
Bruce Ellis, Mary Ann Ellis, and Bee Group, Inc.	\$364,439
James M. Fildey and F. Jill Fildey	\$952,473
Douglas Gulick, Kim Olson, for themselves and on behalf of their children, Rhoanabella, Quillan, and Kaleb	\$487,257
Morey Gustafson and Denise Gustafson	\$62,866
Andrew Hoover and Jean Hoover	\$2,560,811
Kenneth Kobs and Susanne Kobs	\$425,923
Maria Kuehster, Christine Kuehster, and Edward Kuehster	\$464,786
Samuel Lucas, Jr., and Linda White, individually and as personal representatives of the estates of Samuel Lucas, Sr., and Linda Moaneti Lucas	\$1,360,895
Coe Meyer	\$775,867
Jack Ogg and Mary Ogg	\$200,965
Dennis and Nancy Pappas	\$1,187,500

Thomas Scanlan, Sharon Scanlan, and Scanlan Associates Ltd.	\$906,761
George and Claire Schmidt	\$184,670
Jon Shirley, Amy Shirley, Sara Shirley, individually and on behalf of her minor children, Joshua and Ashley Warfel	\$1,649,510
James Spoon and Aileen Spoon	\$155,495
Mountain Area Land Trust (MALT)	\$82,295
Robert Stuart	\$569,038
Total of all claims	\$18,190,292

SECTION 3. In Colorado Revised Statutes, 24-75-220 (4), as amended by House Bill 14-1342, add (4) (a) (III.4) as follows:

24-75-220. State education fund - transfers - surplus - legislative declaration. (4) (a) Notwithstanding any provision of law to the contrary, following the release of the preliminary certification by the state controller for the fiscal year 2013-14 as specified in section 24-77-106.5 (1) (b), the director of research of the legislative council shall work with the state controller to determine a preliminary figure representing the estimated general fund surplus designated in accordance with section 24-75-201 (1) for the fiscal year 2013-14. The state controller shall provide such preliminary figure to the state treasurer, the director of the office of state planning and budgeting, and the director of the joint budget committee before September 15, 2014. On September 15, 2014, an amount equal to ninety percent of that preliminary figure is allocated in the following order of priority:

(III.4) THE STATE TREASURER SHALL TRANSFER ONE MILLION DOLLARS TO THE ECONOMIC DEVELOPMENT FUND CREATED IN SECTION 24-46-105 (1);

SECTION 4. Appropriation to the department of human services for the fiscal year beginning July 1, 2013. In Session Laws of Colorado 2013, amend section 2 of chapter 231, (SB 13-266), as section 2 is amended by section 3 of House Bill 14-1238, and as section 2 is further amended by section 17 of House Bill 14-1336, as follows:

Section 2. **Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of ~~\$5,660,072~~ \$1,378,179 and 0.9 FTE, or so much thereof as may be necessary, to be allocated to behavioral health services for the implementation of this act as follows:

(a) ~~\$4,828,419~~ \$600,000 for co-occurring behavioral health services, crisis response system—~~crisis stabilization units, mobile crisis response, respite services, and~~ marketing;

(b) ~~\$758,720~~ \$705,246 for co-occurring behavioral health services, crisis response system—telephone hotlines;

(c) \$67,280 and 0.9 FTE for administration, personal services; and

(d) \$5,653 for administration, operating expenses.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of personnel, for the fiscal year beginning July 1, 2013, the sum of \$7,101,298, or so much thereof as may be necessary, for allocation to the division of human resources, risk management services, risk management program administrative costs, for payment of all or any portion of any judgment against the state that exceeds the maximum amount pursuant to section 24-10-114 (5) (a), Colorado Revised Statutes, as enacted by Senate Bill 14-223, enacted in 2014, related to the implementation of this act. Any moneys appropriated in this section not expended prior to July 1, 2014, are further appropriated to the department for the fiscal year beginning July 1, 2014, for the same purposes.

SECTION 6. Appropriation - adjustments to 2014 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the governor - lieutenant governor - state planning and budgeting for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The general fund appropriation for economic development

programs, economic development commission - general economic incentives and marketing, is decreased by \$1,000,000.

(b) The cash funds appropriation from the Colorado economic development fund created in section 24-46-105 (1), Colorado Revised Statutes, for economic development programs, economic development commission - general economic incentives and marketing, is increased by \$1,000,000. Said sum is conditioned upon the transfer of general fund surplus to the Colorado economic development fund as specified in section 24-75-220 (4) (a), Colorado Revised Statutes, as amended in House Bill 14-1342.

(2) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$589,099.

SECTION 7. 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.

Morgan Carroll
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO