

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 07-0313.01 Thomas Morris

**HOUSE BILL 07-1130**

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**HOUSE SPONSORSHIP**

**Gibbs**, Witwer, Casso, Curry, King, Levy, McFadyen, McNulty, Roberts, Rose, and White

**SENATE SPONSORSHIP**

**Fitz-Gerald**, Isgar, Penry, and Taylor

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE CREATION OF A PILOT PROGRAM TO DEMONSTRATE**  
102     **COMMUNITY-BASED APPROACHES TO FOREST RESTORATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Directs the Colorado state forest service to issue a request for proposals for cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative community process. Limits the state share of an individual project cost to 60% of the total cost of the project, not to exceed \$1 million per project. Allows the remaining portion of the cost to be cash or in-kind services. Authorizes up to \$1 million per year for each of the next 5 years for grants from the

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 of the severance tax trust fund.

Requires projects to be located in an area with an approved community wildfire protection plan as defined by the federal "Healthy Forests Restoration Act of 2003". Defines project objectives.

Creates a technical advisory panel, designated by the executive director of the department of natural resources, to evaluate grant applications and provide recommendations regarding which proposals would best meet the pilot project's objectives. Requires the executive director to submit a report on the pilot program to the governor by July 1, 2011. Repeals the pilot program on July 1, 2012, and subjects the program to sunset review.

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

2           **SECTION 1.** Part 3 of article 30 of title 23, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **23-30-311. Forest restoration - pilot program - definitions -**  
6 **technical advisory panel - repeal.** (1) **Short title.** THIS SECTION SHALL  
7 BE KNOWN AND MAY BE CITED AS THE "COLORADO FOREST RESTORATION  
8 ACT".

9           (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
10 OTHERWISE REQUIRES:

11           (a) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
12 DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 24-1-124,  
13 C.R.S.

14           (b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST  
15 SERVICE IDENTIFIED IN SECTION 23-30-302.

16           (c) "STAKEHOLDER" MEANS COUNTY AND MUNICIPAL  
17 GOVERNMENTS, EDUCATIONAL INSTITUTIONS, LANDOWNERS, AND OTHER  
18 INTERESTED PUBLIC AND PRIVATE ENTITIES.

19           (3) **Forest restoration pilot program.** THE FOREST SERVICE

1 SHALL ISSUE A STATEWIDE REQUEST FOR PROPOSALS FOR COST-SHARE  
2 GRANTS TO STAKEHOLDERS FOR EXPERIMENTAL FOREST RESTORATION  
3 PROJECTS THAT ARE DESIGNED THROUGH A COLLABORATIVE COMMUNITY  
4 PROCESS. THE PROJECTS MAY BE ENTIRELY ON, OR ON ANY COMBINATION  
5 OF, PRIVATE, FEDERAL, STATE, COUNTY, OR MUNICIPAL FOREST LANDS.  
6 THE STATE SHARE OF AN INDIVIDUAL PROJECT COST SHALL NOT EXCEED  
7 SIXTY PERCENT OF THE TOTAL COST OF THE PROJECT OR EXCEED ONE  
8 MILLION DOLLARS PER PROJECT. THE REMAINING PORTION OF THE  
9 PROJECT'S FUNDING MAY BE IN THE FORM OF CASH, STUMPAGE, OR IN-KIND  
10 CONTRIBUTION.

11 (4) **Eligibility requirements.** TO BE ELIGIBLE TO RECEIVE  
12 FUNDING UNDER THIS SECTION, A PROJECT SHALL:

13 (a) BE LOCATED IN AN AREA WITH AN APPROVED COMMUNITY  
14 WILDFIRE PROTECTION PLAN AS DEFINED BY THE FEDERAL "HEALTHY  
15 FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148;

16 (b) ADDRESS ONE OR MORE OF THE FOLLOWING OBJECTIVES:

17 (I) REDUCING THE THREAT OF LARGE, HIGH-INTENSITY WILDFIRES  
18 AND THE NEGATIVE EFFECTS OF EXCESSIVE COMPETITION BETWEEN TREES  
19 BY RESTORING ECOSYSTEM FUNCTIONS, STRUCTURES, AND SPECIES  
20 COMPOSITION, INCLUDING THE REDUCTION OF NONNATIVE SPECIES  
21 POPULATIONS;

22 (II) PRESERVING OLD AND LARGE TREES TO THE EXTENT  
23 CONSISTENT WITH ECOLOGICAL VALUES AND SCIENCE;

24 (III) REPLANTING TREES IN DEFORESTED AREAS IF SUCH AREAS  
25 EXIST IN THE PROPOSED PROJECT AREA; AND

26 (IV) IMPROVING THE USE OF, OR ADD VALUE TO, SMALL DIAMETER  
27 TREES;

1 (c) COMPLY WITH ALL APPLICABLE FEDERAL AND STATE  
2 ENVIRONMENTAL LAWS;

3 (d) INCLUDE A DIVERSE AND BALANCED GROUP OF STAKEHOLDERS  
4 AS WELL AS APPROPRIATE FEDERAL, STATE, COUNTY, AND MUNICIPAL  
5 GOVERNMENT REPRESENTATIVES IN THE DESIGN, IMPLEMENTATION, AND  
6 MONITORING OF THE PROJECT;

7 (e) INCORPORATE CURRENT SCIENTIFIC FOREST RESTORATION  
8 INFORMATION;

9 (f) INCLUDE AN ASSESSMENT TO:

10 (I) IDENTIFY BOTH THE EXISTING ECOLOGICAL CONDITION OF THE  
11 PROPOSED PROJECT AREA AND THE DESIRED FUTURE CONDITION; AND

12 (II) REPORT, UPON PROJECT COMPLETION, TO THE FOREST SERVICE  
13 ON THE POSITIVE OR NEGATIVE IMPACT AND INCLUDING COST  
14 EFFECTIVENESS OF THE PROJECT; AND

15 (g) LEVERAGE STATE FUNDING THROUGH IN-KIND, STUMPAGE, OR  
16 CASH MATCHING CONTRIBUTIONS.

17 (5) **Technical advisory panel.** THE DIRECTOR SHALL CONVENE  
18 A TECHNICAL ADVISORY PANEL TO EVALUATE THE PROPOSALS FOR FOREST  
19 RESTORATION DEMONSTRATION GRANTS AND PROVIDE  
20 RECOMMENDATIONS REGARDING WHICH PROPOSALS WOULD BEST MEET  
21 THE OBJECTIVES OF THIS SECTION. THE PANEL SHALL CONSIDER  
22 ELIGIBILITY CRITERIA ESTABLISHED IN SUBSECTION (4) OF THIS SECTION,  
23 A PROJECT'S EFFECT ON LONG-TERM FOREST MANAGEMENT NUMBER OF  
24 ACRES TREATED FOR STATE DOLLARS SPENT, AND SEEK TO USE A  
25 CONSENSUS-BASED DECISION-MAKING PROCESS TO DEVELOP SUCH  
26 RECOMMENDATIONS. THE PANEL SHALL BE COMPOSED OF SEVEN TO  
27 ELEVEN MEMBERS, TO BE APPOINTED BY THE DIRECTOR AS FOLLOWS:

1 (a) AN OFFICIAL TO REPRESENT THE DEPARTMENT OF NATURAL  
2 RESOURCES;

3 (b) AT LEAST ONE REPRESENTATIVE FROM FEDERAL LAND  
4 MANAGEMENT AGENCIES;

5 (c) AT LEAST TWO INDEPENDENT SCIENTISTS WITH EXPERIENCE IN  
6 FOREST ECOSYSTEM RESTORATION; AND

7 (d) EQUAL REPRESENTATION FROM:

8 (I) CONSERVATION INTERESTS;

9 (II) LOCAL COMMUNITIES; AND

10 (III) COMMODITY INTERESTS.

11 (6) **Proposal selection.** AFTER CONSULTING WITH THE TECHNICAL  
12 ADVISORY PANEL ESTABLISHED IN SUBSECTION (5) OF THIS SECTION, THE  
13 FOREST SERVICE SHALL SELECT THE PROPOSALS THAT WILL RECEIVE  
14 FUNDING THROUGH THIS SECTION.

15 (7) **Report.** NO LATER THAN JULY 1, 2011, THE DIRECTOR SHALL  
16 SUBMIT A REPORT TO THE GOVERNOR, WHICH SHALL INCLUDE AN  
17 ASSESSMENT OF WHETHER, AND TO WHAT EXTENT, PROJECTS AUTHORIZED  
18 PURSUANT TO THIS SECTION HAVE ACHIEVED THE PURPOSES IDENTIFIED IN  
19 THIS SECTION.

20 (8) **Authorization of appropriations.** FOR THE PURPOSES  
21 AUTHORIZED BY THIS SECTION, UP TO ONE MILLION DOLLARS OF THE  
22 UNENCUMBERED BALANCE AVAILABLE IN THE OPERATIONAL ACCOUNT OF  
23 THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109, C.R.S.,  
24 MAY BE EXPENDED IN EACH OF THE FIVE SUCCESSIVE STATE FISCAL YEARS  
25 BEGINNING ON AND AFTER JULY 1, 2007. THE FOREST SERVICE MAY  
26 UTILIZE NO MORE THAN THREE PERCENT OF THESE AMOUNTS AVAILABLE  
27 IN ANY SUCH FISCAL YEAR FOR ITS DIRECT AND INDIRECT COSTS IN

1 ADMINISTERING THE PILOT PROGRAM.

2 (9) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.  
3 PRIOR TO SUCH REPEAL, THE TECHNICAL ADVISORY PANEL SHALL BE  
4 REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

5 **SECTION 2.** 2-3-1203 (3), Colorado Revised Statutes, is  
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7 **2-3-1203. Sunset review of advisory committees.** (3) The  
8 following dates are the dates for which the statutory authorization for the  
9 designated advisory committees is scheduled for repeal:

10 (y) JULY 1, 2012: THE TECHNICAL ADVISORY PANEL CREATED IN  
11 SECTION 23-30-311, C.R.S.

12 **SECTION 3.** 39-29-109, Colorado Revised Statutes, is amended  
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **39-29-109. Severance tax trust fund - created - administration**  
15 **- use of moneys - definitions - repeal.** (9) (a) SUBJECT TO THE END  
16 BALANCE REQUIREMENT OF PARAGRAPH (f) OF SUBSECTION (1.5) OF THIS  
17 SECTION AND THE MAINTENANCE OF A TWO-YEAR RESERVE PURSUANT TO  
18 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF  
19 SUBSECTION (1) OF THIS SECTION, FOR FIVE CONSECUTIVE STATE FISCAL  
20 YEARS BEGINNING WITH THE STATE FISCAL YEAR COMMENCING ON JULY  
21 1, 2007, UP TO ONE MILLION DOLLARS PER YEAR MAY BE EXPENDED FOR  
22 FOREST RESTORATION PURPOSES AUTHORIZED BY SECTION 23-30-311,  
23 C.R.S.

24 (b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2012.

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