

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

REENGROSSED

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

LLS NO. 09-0464.02 Thomas Morris

HOUSE BILL 09-1199

HOUSE SPONSORSHIP

Scanlan, Benefield, Curry, Ferrandino, Gerou, Kerr A., King S., Levy, Massey, Middleton, Nikkel, Roberts

SENATE SPONSORSHIP

Gibbs,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED EFFORTS TO ADDRESS WILDFIRE RISK, AND,**
102 **IN CONNECTION THEREWITH, PROVIDING RESOURCES TO THE**
103 **COLORADO STATE FOREST SERVICE TO AUGMENT ITS**
104 **TECHNICAL OUTREACH CAPABILITIES AND PROVIDE LOANS AND**
105 **GRANTS FOR MARKET-BASED AND FOREST TREATMENT**
106 **SOLUTIONS TO REDUCE WILDFIRE RISK, AND MAKING AN**
107 **APPROPRIATION.**

Bill Summary

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

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.*

HOUSE
3rd Reading Unamended
April 7, 2009

HOUSE
Amended 2nd Reading
April 6, 2009

Enacts the "Colorado Healthy Forests and Vibrant Communities Act of 2009" (act). Directs the Colorado state forest service (forest service) to:

- ! Adopt standards for community wildfire protection plans (CWPPs) adopted by local communities pursuant to the federal "Healthy Forests Restoration Act of 2003" to promote greater consistency among CWPPs and facilitate the adoption of CWPPS by local communities, and to provide technical assistance to such local communities;
- ! Reduce wildfire risks by supporting the implementation of risk mitigation treatments that focus on protecting lives, homes, and essential community infrastructure and by improving inventory and monitoring of forest conditions, including by implementing a cost-share grant program and by hiring additional temporary field capacity;
- ! Support communities and land managers in moving from wildfire risk reduction to long-term ecological restoration;
- ! Support local business development and job creation through the implementation of forest treatments, including by administering a revolving loan fund to support woody biomass utilization, marketing timber products, and supporting the increased use of woody biomass in bio-heating;
- ! Issue a statewide request for proposals for loans to businesses to provide start-up capital for new facilities or equipment to harvest, remove, use, and market beetle-killed or other timber taken from private, federal, state, county, or municipal forest lands as part of a wildfire risk reduction or fuels mitigation treatment; and
- ! Improve outreach and technical assistance by adding full-time temporary staff and GIS capacity to assist with risk assessments and planning and by developing a web-based clearinghouse for technical assistance and funding resources.

Creates the healthy forests and vibrant communities fund (fund). Transfers \$2,950,000 from the operational account of the severance tax trust fund (account) to the fund for purposes of the act. Transfers \$50,000 each year from the account to the wildland-urban interface training fund for training for directors of fire protection districts.

Directs the air quality control commission to work with key regulatory and management entities, including the forest service and representatives of local health departments to identify barriers to the increased use of prescribed fire and recommend solutions to address those barriers.

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

2 **SECTION 1.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-312. Healthy forests - vibrant communities - funds**
6 **created.** (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE
7 CITED AS THE "COLORADO HEALTHY FORESTS AND VIBRANT
8 COMMUNITIES ACT OF 2009".

9 (2) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY
10 DECLARES THAT ADDRESSING THE WILDFIRE RISK IN COLORADO AND THE
11 DEVELOPMENT OF COMMUNITY WILDFIRE PROTECTION PLANS TO BRING
12 TOGETHER FEDERAL, STATE, AND LOCAL INTERESTS, INCLUDING
13 NONGOVERNMENTAL ENTITIES SUCH AS ELECTRIC, GAS, AND WATER
14 UTILITIES, TO ADDRESS WILDFIRE RISK TO LIFE, PROPERTY, AND
15 INFRASTRUCTURE IN COLORADO IS A MATTER OF STATEWIDE CONCERN.

16 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
17 OTHERWISE REQUIRES:

18 (a) "COMMUNITY-BASED COLLABORATIVE PROCESS" MEANS A
19 PROCESS IN WHICH A DIVERSE RANGE OF GOVERNMENTAL AND
20 NONGOVERNMENTAL STAKEHOLDERS, REPRESENTING A WIDE VARIETY OF
21 PERSPECTIVES, ARE MEANINGFULLY ENGAGED IN ANALYZING AND
22 IDENTIFYING FOREST MANAGEMENT NEEDS FOR THEIR COMMUNITY.

23 (b) "COMMUNITY WILDFIRE PROTECTION PLAN" OR "CWPP"
24 MEANS A PLAN THAT MEETS THE DEFINITION OF A COMMUNITY WILDFIRE
25 PROTECTION PLAN IN THE FEDERAL "HEALTHY FORESTS RESTORATION
26 ACT OF 2003", 16 U.S.C. SEC. 6511, INCLUDING THE MINIMUM

1 REQUIREMENTS FOR COLLABORATION WITH LOCAL AND STATE
2 GOVERNMENT REPRESENTATIVES, INCLUDING CONSERVATION DISTRICTS
3 CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., AND COUNTY
4 NOXIOUS WEED PROGRAM ADMINISTRATORS AND CONSULTATION WITH
5 FEDERAL AGENCIES AND OTHER INTERESTED NONGOVERNMENTAL
6 PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER UTILITIES IN THE
7 AFFECTED AREA, AND THE MINIMUM REQUIREMENTS FOR APPROVAL BY
8 REPRESENTATIVES OF LOCAL GOVERNMENT, LOCAL FIRE AUTHORITIES,
9 AND THE FOREST SERVICE.

10 (c) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
11 SERVICE IDENTIFIED IN SECTION 23-31-302.

12 (d) "GIS" MEANS A GEOGRAPHICAL INFORMATION SYSTEM, A
13 SYSTEMATIC INTEGRATION OF COMPUTER HARDWARE, SOFTWARE, AND
14 SPATIAL DATA, FOR CAPTURING, STORING, DISPLAYING, UPDATING,
15 MANIPULATING, AND ANALYZING GEOGRAPHICAL INFORMATION IN ORDER
16 TO SOLVE COMPLEX MANAGEMENT PROBLEMS.

17 (e) "GOOD NEIGHBOR AUTHORITY" MEANS THE AUTHORITY OF THE
18 STATE OF COLORADO PURSUANT TO SECTION 331 OF THE FEDERAL
19 "DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION
20 ACT OF 2001", PUB.L. 106-291, 114 STAT. 922, OR ANY ANALOGOUS
21 SUCCESSOR AUTHORITY.

22 (f) "TEMPORARY FIELD CAPACITY" MEANS FULL-TIME, TEMPORARY
23 FIELD SUPPORT HIRED BY THE FOREST SERVICE TO IMPLEMENT PROJECTS
24 UNTIL SUCH TIME THAT PROGRAM FUNDING IS NO LONGER AVAILABLE.

25 (g) "WILDFIRE RISK MITIGATION" OR "FUEL MITIGATION
26 TREATMENTS" MEANS PREVENTIVE FOREST MANAGEMENT PROJECTS OR
27 ACTIONS, WHICH MEET OR EXCEED FOREST SERVICE STANDARDS OR ANY

1 OTHER APPLICABLE STATE RULES, THAT ARE DESIGNED TO REDUCE THE
2 POTENTIAL FOR UNWANTED IMPACTS CAUSED BY WILDFIRES, INCLUDING:

3 (I) THE CREATION OF A DEFENSIBLE SPACE AROUND STRUCTURES;

4 (II) THE ESTABLISHMENT OF FUEL BREAKS;

5 (III) THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
6 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILDLAND FIRE;

7 (IV) THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING
8 AND SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR
9 PRESCRIBED BURNING; AND

10 (V) OTHER NONEMERGENCY PREVENTIVE ACTIVITIES DESIGNED TO
11 REDUCE THE UNWANTED IMPACTS CAUSED BY WILDFIRES THAT THE
12 FOREST SERVICE MAY DEEM TO BE RISK REDUCTION OR FUEL MITIGATION
13 TREATMENTS.

14 **(4) Community and firefighter planning and preparedness.**

15 TO HELP ENSURE THAT COMMUNITIES AND FIREFIGHTERS HAVE SUFFICIENT
16 RESOURCES, TECHNICAL SUPPORT, AND TRAINING TO ADEQUATELY ASSESS
17 WILDFIRE RISKS, THE FOREST SERVICE SHALL:

18 (a) FACILITATE THE CWPP PROCESS WITH COMMUNITIES AND
19 OTHER ENTITIES SEEKING TO PREPARE A CWPP TO ENSURE THAT STATE
20 AND FEDERAL CWPP STANDARDS ARE MET;

21 (b) WORK WITH CONSERVATION DISTRICTS CREATED PURSUANT TO
22 ARTICLE 70 OF TITLE 35, C.R.S., COUNTY NOXIOUS WEED PROGRAM
23 ADMINISTRATORS AND OTHER STATE, LOCAL, FEDERAL, AND
24 NONGOVERNMENTAL PARTNERS, INCLUDING ANY ELECTRIC, GAS, AND
25 WATER UTILITIES IN THE AFFECTED AREA, TO PROVIDE CWPP STANDARDS
26 FOR COLORADO THAT PROMOTE GREATER CONSISTENCY AMONG CWPPS
27 IN THE STATE AND ENSURE THAT COMMUNITIES ADDRESS COMMUNITY

1 RISKS AND VALUES, IDENTIFY PROTECTION PRIORITIES, ASSESS THEIR
2 ABILITY TO RESPOND TO WILDLAND FIRE, ESTABLISH FUELS TREATMENT
3 PROJECTS, AND IDENTIFY WAYS TO MINIMIZE WILDLAND-URBAN INTERFACE
4 RISK IN THE FUTURE;

5 (c) PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES SEEKING TO
6 PREPARE, UPDATE, OR IMPLEMENT A CWPP AND TRACK THE PROGRESS OF
7 CWPPS AND IMPLEMENTATION PRACTICES THROUGH GIS WEB-BASED
8 APPLICATIONS;

9 (d) PROVIDE TECHNICAL ASSISTANCE TO THE BOARD OF COUNTY
10 COMMISSIONERS OF EACH COUNTY TO DETERMINE WHETHER THERE ARE
11 FIRE HAZARD AREAS WITHIN THE UNINCORPORATED AREAS OF THE COUNTY
12 AND TO ASSIST THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY
13 WITH DEVELOPING CWPPS FOR THOSE AREAS; AND

14 (e) INCREASE UPGRADES ON FEDERAL EXCESS PROPERTY FIRE
15 ENGINES ON LOAN TO LOCAL FIRE DEPARTMENTS; INCREASE TECHNICAL
16 ASSISTANCE IN WILDLAND FIRE PREPAREDNESS TO COUNTIES AND FIRE
17 PROTECTION DISTRICTS; AND, IN CONJUNCTION WITH THE WILDFIRE
18 PREPAREDNESS PLAN CREATED PURSUANT TO SECTION 23-31-309 (3) (a),
19 ENSURE THAT STATE FIRE-FIGHTING EQUIPMENT SUCH AS FIRE ENGINES
20 AND AIR TANKERS, IS FULLY OPERATIONAL AND AVAILABLE TO AND
21 COORDINATED WITH THE EQUIPMENT CAPACITIES OF LOCAL FIRE
22 PROTECTION DISTRICTS, AND THAT PERSONNEL ARE FULLY TRAINED IN ITS
23 USE.

24 (5) **Community wildfire risk mitigation.** TO HELP COMMUNITIES
25 ADDRESS THE URGENT NEED TO REDUCE WILDFIRE RISKS BY SUPPORTING
26 IMPLEMENTATION OF RISK MITIGATION TREATMENTS THAT FOCUS ON
27 PROTECTING LIVES, HOMES, AND ESSENTIAL COMMUNITY

1 INFRASTRUCTURE, AND BY IMPROVING INVENTORY AND MONITORING OF
2 FOREST CONDITIONS, THE FOREST SERVICE SHALL:

3 (a) EXPAND ITS FUELS MITIGATION PROGRAM THROUGH SIXTY
4 PERCENT COST-SHARE GRANTS TO ADDRESS NEEDS EXPRESSED BY
5 LANDOWNERS OR UTILITY EASEMENT OWNERS IN THE WILDLAND-URBAN
6 INTERFACE. IN ORDER TO QUALIFY FOR THESE FUNDS, PROJECTS SHALL BE
7 INCLUDED IN OR PROVIDE FOR IMPLEMENTATION OF AN APPROVED CWPP
8 THAT MEETS THE STANDARDS ESTABLISHED PURSUANT TO PARAGRAPH (b)
9 OF SUBSECTION (4) OF THIS SECTION. IN AWARDING THESE GRANTS, THE
10 FOREST SERVICE SHALL ESTABLISH EVALUATION CRITERIA THAT
11 EMPHASIZES PROJECTS THAT REDUCE RISKS TO THE PUBLIC, FIREFIGHTERS,
12 AND COMMUNITY INFRASTRUCTURE; THAT IMPROVE FOREST HEALTH; AND
13 THAT SUBSTANTIALLY LEVERAGE ADDITIONAL FINANCIAL RESOURCES. IN
14 MAKING GRANT AWARDS, THE FOREST SERVICE SHALL ALSO PRIORITIZE
15 PROJECTS THAT PROVIDE AN OPPORTUNITY TO IMPLEMENT COLORADO'S
16 GOOD NEIGHBOR AUTHORITY OR THAT HAVE BEEN IDENTIFIED THROUGH
17 A COMMUNITY-BASED COLLABORATIVE PROCESS.

18 (b) HIRE ADDITIONAL TEMPORARY FIELD CAPACITY TO SUPPORT
19 THE IMPLEMENTATION AND MONITORING OF FUELS MITIGATION GRANT
20 AWARDS;

21 (c) PROVIDE SUFFICIENT RESOURCES TO CONDUCT ENHANCED
22 AERIAL SURVEYS TO ANNUALLY ASSESS FOREST CONDITIONS, IDENTIFY
23 EMERGING AND EXISTING INSECT AND DISEASE EPIDEMICS, AND MAKE
24 TIMELY MANAGEMENT DECISIONS; AND

25 (d) PROVIDE SUFFICIENT RESOURCES TO ASSESS AND INCORPORATE
26 FOREST PATHOLOGY INFORMATION INTO ANALYSIS OF FOREST CONDITIONS
27 AND TRENDS.

1 **(6) Community watershed restoration.** **(a)** IN ORDER TO
2 SUPPORT COMMUNITIES AND LAND MANAGERS IN MOVING FROM RISK
3 REDUCTION TO LONG-TERM ECOLOGICAL RESTORATION SO THAT THE
4 UNDERLYING CONDITION OF COLORADO'S FORESTS SUPPORTS A VARIETY
5 OF VALUES, PARTICULARLY PUBLIC WATER SUPPLY AND HIGH-QUALITY
6 WILDLIFE HABITAT, THE FOREST SERVICE SHALL:

7 **(I) (A)** HIRE ADDITIONAL TEMPORARY FIELD CAPACITY TO
8 SUPPORT THE IMPLEMENTATION AND MONITORING OF FOREST
9 RESTORATION PILOT PROGRAM GRANTS AWARDED PURSUANT TO SECTION
10 23-31-310;

11 **(B)** IN AWARDING GRANTS PURSUANT TO SECTION 23-31-310, THE
12 FOREST SERVICE SHALL GIVE ADDITIONAL EMPHASIS TO PROJECTS THAT
13 SUBSTANTIALLY LEVERAGE ADDITIONAL FINANCIAL RESOURCES, THAT
14 PROVIDE AN OPPORTUNITY TO IMPLEMENT COLORADO'S GOOD NEIGHBOR
15 AUTHORITY, OR THAT HAVE BEEN IDENTIFIED THROUGH A
16 COMMUNITY-BASED COLLABORATIVE PROCESS.

17 **(II)** FACILITATE AND WORK COLLABORATIVELY WITH
18 LANDOWNERS, LOCAL GOVERNMENTS, INCLUDING CONSERVATION
19 DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., AND
20 COUNTY NOXIOUS WEED PROGRAM ADMINISTRATORS AND OTHER
21 APPROPRIATE PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER
22 UTILITIES IN THE AFFECTED AREA, TO DESIGN AND SAFELY IMPLEMENT
23 PRESCRIBED FIRE PROJECTS AND TO ENCOURAGE INCREASED RESPONSIBLE
24 USE OF PRESCRIBED FIRE AS A TOOL FOR RESTORING HEALTHY FOREST
25 CONDITIONS CONSISTENT WITH PROGRAMS ESTABLISHED PURSUANT TO
26 SECTION 25-7-106 (7) AND (8), C.R.S. THE FOREST SERVICE SHALL
27 EMPHASIZE PROVIDING TRAINING AND TECHNICAL ASSISTANCE FOR

1 LANDOWNERS, LOCAL COMMUNITIES, AND STATE AGENCIES.

2 (b) THE FOREST SERVICE MAY USE UP TO ONE MILLION DOLLARS
3 ANNUALLY UNTIL JULY 1, 2012, FROM THE FOREST RESTORATION PILOT
4 PROGRAM CASH FUND CREATED IN SECTION 23-31-310 (8.5) FOR THE
5 PURPOSE OF COMPLYING WITH THIS SUBSECTION (5).

6 (7) **Enhanced economic opportunities.** IN ORDER TO SUPPORT
7 LOCAL BUSINESS DEVELOPMENT AND JOB CREATION THROUGH THE
8 IMPLEMENTATION OF FOREST TREATMENTS, THE FOREST SERVICE SHALL:

9 (a) ADMINISTER A REVOLVING LOAN FUND TO SUPPORT WOODY
10 BIOMASS UTILIZATION AND THE DEVELOPMENT AND MARKETING OF
11 TRADITIONAL AND NONTRADITIONAL TIMBER PRODUCTS AS SPECIFIED IN
12 SUBSECTION (8) OF THIS SECTION;

13 (b) WORK WITH THE GOVERNOR'S ENERGY OFFICE CREATED IN
14 SECTION 24-38.5-101, C.R.S., AND THE AIR QUALITY CONTROL
15 COMMISSION CREATED IN SECTION 25-7-104, C.R.S., TO SUPPORT THE
16 APPROPRIATELY INCREASED USE OF WOODY BIOMASS IN BIO-HEATING.

17 (8) **Wildfire risk mitigation loan program.** (a) THE FOREST
18 SERVICE SHALL ISSUE A STATEWIDE REQUEST FOR PROPOSALS FOR LOANS
19 TO BUSINESSES TO PROVIDE START-UP CAPITAL FOR NEW FACILITIES OR
20 EQUIPMENT TO HARVEST, REMOVE, USE, AND MARKET BEETLE-KILLED AND
21 OTHER TIMBER TAKEN FROM PRIVATE, FEDERAL, STATE, COUNTY, OR
22 MUNICIPAL FOREST LANDS AS PART OF A WILDFIRE RISK REDUCTION OR
23 FUELS MITIGATION TREATMENT.

24 (b) **Eligibility requirements - applications.** THE FOREST
25 SERVICE SHALL SOLICIT APPLICATIONS FOR AND MAKE LOANS UNDER THIS
26 SECTION. IN DECIDING WHETHER TO MAKE A LOAN, THE FOREST SERVICE
27 SHALL CONSIDER THE EXTENT TO WHICH THE APPLICANT:

- 1 (I) HELPS RETAIN OR EXPAND OTHER LOCAL BUSINESSES;
- 2 (II) HELPS MAINTAIN OR INCREASE THE NUMBER OF JOBS IN THE
- 3 AREA;
- 4 (III) CONTRIBUTES TO THE STABILITY OF RURAL COMMUNITIES;
- 5 (IV) DEMONSTRATES OPERATIONAL EXPERIENCE AND A GOOD
- 6 REPUTATION;
- 7 (V) PROMOTES AND PUBLICIZES THE EFFORTS UNDERTAKEN
- 8 PURSUANT TO THIS SECTION; AND
- 9 (VI) HELPS RECRUIT NEW BUSINESS ACTIVITY IN THE AREA.

10 (c) **Report.** NO LATER THAN JULY 1, 2010, THE STATE FORESTER
11 SHALL SUBMIT A REPORT TO THE GOVERNOR THAT SHALL INCLUDE AN
12 ASSESSMENT OF WHETHER, AND TO WHAT EXTENT, PROJECTS FUNDED BY
13 LOANS UNDER THIS SUBSECTION (8) HAVE ACHIEVED THE PURPOSES
14 IDENTIFIED IN THIS SUBSECTION (8).

15 (d) **Wildfire risk mitigation revolving fund.** THERE IS HEREBY
16 CREATED IN THE STATE TREASURY THE WILDFIRE RISK MITIGATION
17 REVOLVING FUND, WHICH SHALL BE ADMINISTERED BY THE FOREST
18 SERVICE. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED
19 TO THE DEPARTMENT OF HIGHER EDUCATION FOR ALLOCATION TO THE
20 BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR
21 LOANS SPECIFIED IN THIS SUBSECTION (8). ALL MONEYS IN THE FUND AT
22 THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND
23 SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

24 (9) **Improved outreach and technical assistance.** IN ORDER TO
25 ENSURE THAT THE FOREST SERVICE HAS THE CAPACITY TO DELIVER KEY
26 FUNDING AND TECHNICAL ASSISTANCE THAT WILL BE NEEDED TO GUIDE
27 AND SUPPORT IMPLEMENTATION OF WILDFIRE PREPAREDNESS, RISK

1 MITIGATION, WATERSHED RESTORATION, AND ECONOMIC DEVELOPMENT
2 INITIATIVES IN A WAY THAT ADDS VALUE TO THESE EFFORTS AT THE STATE
3 LEVEL AND ACROSS COMMUNITY BOUNDARIES, THE FOREST SERVICE
4 SHALL:

5 (a) SECURE FULL-TIME TEMPORARY STAFF FOR DEVELOPING,
6 REVISING, AND IMPLEMENTING CWPPs; DEVELOPING AND IMPLEMENTING
7 RISK MITIGATION AND WATERSHED RESTORATION PLANS; STRENGTHENING
8 THE RESPONSIBLE USE OF PRESCRIBED FIRE; AND SUPPORTING
9 ECONOMICALLY BENEFICIAL USES OF WOODY BIOMASS;

10 (b) SECURE SUFFICIENT GIS CAPACITY TO ASSIST WITH WILDFIRE,
11 INSECT, AND DISEASE RISK ASSESSMENTS, AS WELL AS LANDSCAPE-SCALE
12 PRIORITIZATION AND PLANNING; AND EMPHASIZE MAKING DATA
13 AVAILABLE TO AND USABLE BY LOCAL ENTITIES AND OTHER INTERESTED
14 PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER UTILITIES IN THE
15 AFFECTED AREA; AND

16 (c) DEVELOP A WEB-BASED CLEARINGHOUSE FOR TECHNICAL
17 ASSISTANCE AND FUNDING RESOURCES RELEVANT TO THE INITIATIVES
18 ESTABLISHED IN THIS SECTION.

19 (10) **Healthy forests and vibrant communities fund.** (a) THERE
20 IS HEREBY CREATED IN THE STATE TREASURY THE HEALTHY FORESTS AND
21 VIBRANT COMMUNITIES FUND. THE FUND SHALL CONSIST OF ALL MONEYS
22 THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY, ALL
23 PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS,
24 REIMBURSEMENTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE
25 TREASURER AND CREDITED TO THE FUND, AND ALL MONEYS TRANSFERRED
26 TO THE FUND PURSUANT TO SECTION 39-29-109.3 (2) (n), C.R.S. ALL
27 INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND SHALL

1 BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY
2 CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SPECIFIED IN THIS
3 SUBSECTION (10) AND SHALL REMAIN AVAILABLE UNTIL EXPENDED. ANY
4 MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN
5 IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE
6 GENERAL FUND.

7 (b) BY EXECUTIVE ORDER OR PROCLAMATION, THE GOVERNOR
8 MAY ACCESS AND DESIGNATE MONEYS IN THE HEALTHY FORESTS AND
9 VIBRANT COMMUNITIES FUND FOR HEALTHY FORESTS AND VIBRANT
10 COMMUNITIES ACTIVITIES, SUBJECT TO PARAGRAPH (c) OF THIS
11 SUBSECTION (10). THE STATE FOREST SERVICE SHALL IMPLEMENT THE
12 DIRECTIVES SET FORTH IN SUCH EXECUTIVE ORDER OR PROCLAMATION.

13 (c) OF THE MONEYS TRANSFERRED TO THE FUND PURSUANT TO
14 SECTION 39-29-109.3 (2) (n), C.R.S.:

15 (I) FIVE HUNDRED THOUSAND DOLLARS MAY BE EXPENDED FOR
16 PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION;

17 (II) TWO HUNDRED FIFTY THOUSAND DOLLARS MAY BE EXPENDED
18 FOR PURPOSES SPECIFIED IN SUBSECTION (5) OF THIS SECTION;

19 (III) ONE HUNDRED THOUSAND DOLLARS MAY BE EXPENDED
20 FOR PURPOSES SPECIFIED IN SUBSECTION (6) OF THIS SECTION;

21 (IV) EIGHTY THOUSAND DOLLARS MAY BE EXPENDED FOR
22 PURPOSES SPECIFIED IN SUBSECTION (7) OF THIS SECTION;

23 (V) THREE HUNDRED TWENTY THOUSAND DOLLARS MAY BE
24 EXPENDED FOR PURPOSES SPECIFIED IN SUBSECTION (8) OF THIS SECTION;

25 AND

26 (VI) SEVEN HUNDRED THOUSAND DOLLARS MAY BE EXPENDED FOR
27 PURPOSES SPECIFIED IN SUBSECTION (9) OF THIS SECTION.

1 **(11) Reporting.** NO LATER THAN JANUARY 1, 2011, THE STATE
2 FORESTER SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF
3 THE GENERAL ASSEMBLY, THE AGRICULTURE, LIVESTOCK, AND NATURAL
4 RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE
5 AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR
6 ANY SUCCESSOR COMMITTEES, ON THE USE OF MONEYS IN THE HEALTHY
7 FORESTS AND VIBRANT COMMUNITIES FUND.

8 **(12)** NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
9 THE FOREST SERVICE'S DUTIES PURSUANT TO THIS SECTION SHALL BE
10 REDUCED PRO RATA WITH ANY REDUCTION IN THE FUNDING SPECIFIED IN
11 THIS SECTION.

12 **(13)** IN CARRYING OUT PROJECTS PURSUANT TO THIS SECTION, THE
13 FOREST SERVICE SHALL, WHENEVER FEASIBLE, CONTRACT WITH THE
14 COLORADO YOUTH CORPS ASSOCIATION OR AN ACCREDITED COLORADO
15 YOUTH CORPS TO PROVIDE LABOR. FOR PURPOSES OF THIS SUBSECTION
16 **(13)**, "ACCREDITED COLORADO YOUTH CORPS" MEANS A YOUTH CORPS
17 ORGANIZATION THAT IS ACCREDITED BY THE COLORADO YOUTH CORPS
18 ASSOCIATION.

19 **SECTION 2.** 39-29-109.3 (2), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **39-29-109.3. Operational account of the severance tax trust**
22 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
23 of this section, if the general assembly chooses not to spend up to one
24 hundred percent of the moneys in the operational account as specified in
25 subsection (1) of this section, the state treasurer shall transfer the
26 following:

27

1 (n) (I) FOR THREE FISCAL YEARS COMMENCING ON OR AFTER JULY
2 1, 2009, THE STATE TREASURER SHALL TRANSFER:

3 (A) ONE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS OF
4 THE MONEYS IN THE ACCOUNT TO THE HEALTHY FORESTS AND VIBRANT
5 COMMUNITIES FUND CREATED IN SECTION 23-31-312 (10), C.R.S.

6 (B) FIFTY THOUSAND DOLLARS OF THE MONEYS IN THE ACCOUNT
7 TO THE WILDLAND-URBAN INTERFACE TRAINING FUND CREATED IN
8 SECTION 24-33.5-1212 (5), C.R.S.

9 (II) THIS PARAGRAPH (n) IS REPEALED, EFFECTIVE JULY 1, 2012.

10 **SECTION 3.** 24-33.5-1212 (5), Colorado Revised Statutes, is
11 amended to read:

12 **24-33.5-1212. Training for directors of fire protection districts**
13 **- pilot program - advisory board - training fund - repeal.** (5) (a) The
14 division shall offer courses to directors of fire protection districts in
15 accordance with this section at no charge and shall seek gifts, grants, and
16 donations to fund the pilot program created pursuant to this section. No
17 general fund moneys shall be expended for the implementation of the
18 program. Notwithstanding any other provision of this section, the
19 division shall not implement the program until the division receives
20 sufficient APPROPRIATIONS, gifts, grants, or donations to cover the costs
21 of implementing the program. The division shall transmit gifts, grants,
22 and donations received in accordance with this subsection (5) to the state
23 treasurer, who shall credit the moneys, ALONG WITH ANY MONEYS
24 APPROPRIATED BY THE GENERAL ASSEMBLY, to the ~~wild-land-urban~~
25 WILDLAND-URBAN interface training fund, which fund is hereby created
26 in the state treasury. All interest derived from the deposit and
27 investment of moneys in the fund shall be credited to the fund. Moneys

1 not expended at the end of a fiscal year shall remain in the fund and shall
2 not be transferred or revert to the general fund.

3 (b) (I) THE GENERAL ASSEMBLY SHALL APPROPRIATE NOT MORE
4 THAN FIFTY THOUSAND DOLLARS FROM THE WILDLAND-URBAN INTERFACE
5 TRAINING FUND EACH YEAR FOR THE PURPOSES OF THIS SUBSECTION (5).

6 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

7 **SECTION 4.** 25-7-111, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **25-7-111. Administration of air quality control programs -**
10 **directive - prescribed fire - review - repeal.** (5) (a) THE DIVISION
11 SHALL CONFER WITH APPROPRIATE FEDERAL AND STATE LAND
12 MANAGEMENT AGENCY REPRESENTATIVES, INCLUDING THE FOREST
13 SERVICE AS DEFINED IN SECTION 23-31-310 (2), C.R.S., AND OTHER
14 ENTITIES, WHICH MAY INCLUDE, AS APPROPRIATE, LOCAL AGENCY
15 REPRESENTATIVES AND PRIVATE LAND MANAGERS, TO EVALUATE EXISTING
16 PRESCRIBED FIRE PERMIT PROGRAM RULES AND IMPLEMENTATION SO AS TO
17 SUPPORT, AND INCREASE WHERE POSSIBLE, APPROPRIATE RESPONSIBLE USE
18 OF PRESCRIBED FIRE CONSISTENT WITH SECTION 25-7-106 (7) AND (8).

19 (b) THE EVALUATION REQUIRED BY THIS SUBSECTION (5) SHALL
20 INCLUDE CONSIDERATION OF THE BALANCE BETWEEN THE ATTAINMENT
21 AND MAINTENANCE OF NATIONAL AMBIENT AIR QUALITY STANDARDS AND
22 THE ACHIEVEMENT OF FEDERAL AND STATE VISIBILITY GOALS, WITH THE
23 IMPORTANT BENEFITS OF PRESCRIBED FIRE USE AS A LAND MANAGEMENT
24 TOOL, INCLUDING WILDFIRE RISK MITIGATION, WATERSHED PROTECTION,
25 FOREST HEALTH, AND REDUCED TREATMENT COST. THE DIVISION SHALL
26 PROVIDE A REPORT TO THE COMMISSION BY JUNE 30, 2010, TO INCLUDE
27 ANY RECOMMENDATIONS FROM THE EVALUATION UNDERTAKEN PURSUANT

1 TO THIS SUBSECTION (5).

2 (c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2011.

3 **SECTION 5. Appropriation.** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 wildland-urban interface training fund created in section 24-33.5-1212
6 (5), Colorado Revised Statutes, not otherwise appropriated, to the
7 department of department of public safety, for allocation to the division
8 of fire safety, for the fiscal year beginning July 1, 2009, the sum of fifty
9 thousand dollars (\$50,000) cash funds, or so much thereof as may be
10 necessary, for courses to directors of fire protection districts.

11 (2) In addition to any other appropriation, there is hereby
12 appropriated, out of any moneys in the stationary sources control fund
13 created in section 25-7-114.7 (2) (b) (I), Colorado Revised Statutes, not
14 otherwise appropriated, to the department of department of public health
15 and environment, for the fiscal year beginning July 1, 2009, the sum of
16 forty-nine thousand nine hundred fifteen dollars (\$49,915) cash funds and
17 0.5 FTE, or so much thereof as may be necessary, to evaluate existing fire
18 permit program rules for the implementation of this act.

19 **SECTION 6. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly that is
22 allowed for submitting a referendum petition pursuant to article V,
23 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
24 sine die is on May 6, 2009); except that, if a referendum petition is filed
25 against this act or an item, section, or part of this act within such period,
26 then the act, item, section, or part, if approved by the people, shall take

- 1 effect on the date of the official declaration of the vote thereon by
- 2 proclamation of the governor.