

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

PREAMENDED

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

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.**

Bill Summary

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

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

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.

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:*

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

4 **23-31-312. Healthy forests - vibrant communities - funds**
5 **created.** (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE
6 CITED AS THE "COLORADO HEALTHY FORESTS AND VIBRANT
7 COMMUNITIES ACT OF 2009".

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

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

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

22 (b) "COMMUNITY WILDFIRE PROTECTION PLAN" OR "CWPP"
23 MEANS A PLAN THAT MEETS THE DEFINITION OF A COMMUNITY WILDFIRE
24 PROTECTION PLAN IN THE FEDERAL "HEALTHY FORESTS RESTORATION
25 ACT OF 2003", 16 U.S.C. SEC. 6511, INCLUDING THE MINIMUM
26 REQUIREMENTS FOR COLLABORATION WITH LOCAL AND STATE
27 GOVERNMENT REPRESENTATIVES, INCLUDING CONSERVATION DISTRICTS

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

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

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

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

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

23 (g) "WILDFIRE RISK MITIGATION" OR "FUEL MITIGATION
24 TREATMENTS" MEANS PREVENTIVE FOREST MANAGEMENT PROJECTS OR
25 ACTIONS, WHICH MEET OR EXCEED FOREST SERVICE STANDARDS OR ANY
26 OTHER APPLICABLE STATE RULES, THAT ARE DESIGNED TO REDUCE THE
27 POTENTIAL FOR UNWANTED IMPACTS CAUSED BY WILDFIRES, INCLUDING:

- 1 (I) THE CREATION OF A DEFENSIBLE SPACE AROUND STRUCTURES;
- 2 (II) THE ESTABLISHMENT OF FUEL BREAKS;
- 3 (III) THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
- 4 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILDLAND FIRE;
- 5 (IV) THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING
- 6 AND SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR
- 7 PRESCRIBED BURNING; AND
- 8 (V) OTHER NONEMERGENCY PREVENTIVE ACTIVITIES DESIGNED TO
- 9 REDUCE THE UNWANTED IMPACTS CAUSED BY WILDFIRES THAT THE
- 10 FOREST SERVICE MAY DEEM TO BE RISK REDUCTION OR FUEL MITIGATION
- 11 TREATMENTS.

12 (4) **Community and firefighter planning and preparedness.**
13 TO HELP ENSURE THAT COMMUNITIES AND FIREFIGHTERS HAVE SUFFICIENT
14 RESOURCES, TECHNICAL SUPPORT, AND TRAINING TO ADEQUATELY ASSESS
15 WILDFIRE RISKS, THE FOREST SERVICE SHALL:

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

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

1 PROJECTS, AND IDENTIFY WAYS TO MINIMIZE WILDLAND-URBAN INTERFACE
2 RISK IN THE FUTURE;

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

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

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

22 (5) **Community wildfire risk mitigation.** TO HELP COMMUNITIES
23 ADDRESS THE URGENT NEED TO REDUCE WILDFIRE RISKS BY SUPPORTING
24 IMPLEMENTATION OF RISK MITIGATION TREATMENTS THAT FOCUS ON
25 PROTECTING LIVES, HOMES, AND ESSENTIAL COMMUNITY
26 INFRASTRUCTURE, AND BY IMPROVING INVENTORY AND MONITORING OF
27 FOREST CONDITIONS, THE FOREST SERVICE SHALL:

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

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

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

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

26 (6) **Community watershed restoration.** (a) IN ORDER TO
27 SUPPORT COMMUNITIES AND LAND MANAGERS IN MOVING FROM RISK

1 REDUCTION TO LONG-TERM ECOLOGICAL RESTORATION SO THAT THE
2 UNDERLYING CONDITION OF COLORADO'S FORESTS SUPPORTS A VARIETY
3 OF VALUES, PARTICULARLY PUBLIC WATER SUPPLY AND HIGH-QUALITY
4 WILDLIFE HABITAT, THE FOREST SERVICE SHALL:

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

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

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

27 (b) THE FOREST SERVICE MAY USE UP TO ONE MILLION DOLLARS

1 ANNUALLY UNTIL JULY 1, 2012, FROM THE FOREST RESTORATION PILOT
2 PROGRAM CASH FUND CREATED IN SECTION 23-31-310 (8.5) FOR THE
3 PURPOSE OF COMPLYING WITH THIS SUBSECTION (5).

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

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

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

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

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

26 (I) HELPS RETAIN OR EXPAND OTHER LOCAL BUSINESSES;

27 (II) HELPS MAINTAIN OR INCREASE THE NUMBER OF JOBS IN THE

- 1 AREA;
- 2 (III) CONTRIBUTES TO THE STABILITY OF RURAL COMMUNITIES;
- 3 (IV) DEMONSTRATES OPERATIONAL EXPERIENCE AND A GOOD
- 4 REPUTATION;
- 5 (V) PROMOTES AND PUBLICIZES THE EFFORTS UNDERTAKEN
- 6 PURSUANT TO THIS SECTION; AND
- 7 (VI) HELPS RECRUIT NEW BUSINESS ACTIVITY IN THE AREA.

8 (c) **Report.** NO LATER THAN JULY 1, 2010, THE STATE FORESTER

9 SHALL SUBMIT A REPORT TO THE GOVERNOR THAT SHALL INCLUDE AN

10 ASSESSMENT OF WHETHER, AND TO WHAT EXTENT, PROJECTS FUNDED BY

11 LOANS UNDER THIS SUBSECTION (8) HAVE ACHIEVED THE PURPOSES

12 IDENTIFIED IN THIS SUBSECTION (8).

13 (d) **Wildfire risk mitigation revolving fund.** THERE IS HEREBY

14 CREATED IN THE STATE TREASURY THE WILDFIRE RISK MITIGATION

15 REVOLVING FUND, WHICH SHALL BE ADMINISTERED BY THE FOREST

16 SERVICE. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED

17 TO THE DEPARTMENT OF HIGHER EDUCATION FOR ALLOCATION TO THE

18 BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR

19 LOANS SPECIFIED IN THIS SUBSECTION (8). ALL MONEYS IN THE FUND AT

20 THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND

21 SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

22 (9) **Improved outreach and technical assistance.** IN ORDER TO

23 ENSURE THAT THE FOREST SERVICE HAS THE CAPACITY TO DELIVER KEY

24 FUNDING AND TECHNICAL ASSISTANCE THAT WILL BE NEEDED TO GUIDE

25 AND SUPPORT IMPLEMENTATION OF WILDFIRE PREPAREDNESS, RISK

26 MITIGATION, WATERSHED RESTORATION, AND ECONOMIC DEVELOPMENT

27 INITIATIVES IN A WAY THAT ADDS VALUE TO THESE EFFORTS AT THE STATE

1 LEVEL AND ACROSS COMMUNITY BOUNDARIES, THE FOREST SERVICE
2 SHALL:

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

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

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

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

1 SUBSECTION (10) AND SHALL REMAIN AVAILABLE UNTIL EXPENDED. ANY
2 MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN
3 IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE
4 GENERAL FUND.

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

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

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

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

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

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

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

23 AND

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

26 (11) **Reporting.** NO LATER THAN JANUARY 1, 2011, THE STATE
27 FORESTER SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF

1 THE GENERAL ASSEMBLY, THE AGRICULTURE, LIVESTOCK, AND NATURAL
2 RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE
3 AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR
4 ANY SUCCESSOR COMMITTEES, ON THE USE OF MONEYS IN THE HEALTHY
5 FORESTS AND VIBRANT COMMUNITIES FUND.

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

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

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

19 **39-29-109.3. Operational account of the severance tax trust**
20 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
21 of this section, if the general assembly chooses not to spend up to one
22 hundred percent of the moneys in the operational account as specified in
23 subsection (1) of this section, the state treasurer shall transfer the
24 following:

25 [REDACTED]
26 (n) (I) FOR THREE FISCAL YEARS COMMENCING ON OR AFTER JULY
27 1, 2009, THE STATE TREASURER SHALL TRANSFER:

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

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

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

8 SECTION 3. 24-33.5-1212 (5), Colorado Revised Statutes, is
9 amended to read:

10 **24-33.5-1212. Training for directors of fire protection districts**
11 **- pilot program - advisory board - training fund - repeal.** (5) (a) The
12 division shall offer courses to directors of fire protection districts in
13 accordance with this section at no charge and shall seek gifts, grants, and
14 donations to fund the pilot program created pursuant to this section. No
15 general fund moneys shall be expended for the implementation of the
16 program. Notwithstanding any other provision of this section, the
17 division shall not implement the program until the division receives
18 sufficient APPROPRIATIONS, gifts, grants, or donations to cover the costs
19 of implementing the program. The division shall transmit gifts, grants,
20 and donations received in accordance with this subsection (5) to the state
21 treasurer, who shall credit the moneys, ALONG WITH ANY MONEYS
22 APPROPRIATED BY THE GENERAL ASSEMBLY, to the ~~wild-land-urban~~
23 WILDLAND-URBAN interface training fund, which fund is hereby created
24 in the state treasury. All interest derived from the deposit and
25 investment of moneys in the fund shall be credited to the fund. Moneys
26 not expended at the end of a fiscal year shall remain in the fund and shall
27 not be transferred or revert to the general fund.

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

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

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

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

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

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

1 **SECTION 5. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly that is
4 allowed for submitting a referendum petition pursuant to article V,
5 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
6 sine die is on May 6, 2009); except that, if a referendum petition is filed
7 against this act or an item, section, or part of this act within such period,
8 then the act, item, section, or part, if approved by the people, shall take
9 effect on the date of the official declaration of the vote thereon by
10 proclamation of the governor.