

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 18, 2009  
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB09-1199 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, after line 7, insert the following:

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

9 Renumber succeeding subsections accordingly.

10 Page 3, line 20, strike "REPRESENTATIVES" and substitute  
11 "REPRESENTATIVES, INCLUDING CONSERVATION DISTRICTS CREATED  
12 PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., AND COUNTY NOXIOUS  
13 WEED PROGRAM ADMINISTRATORS";

14 line 21, after "PARTIES,", insert "INCLUDING ANY ELECTRIC, GAS, AND  
15 WATER UTILITIES IN THE AFFECTED AREA,".

16 Page 5, line 8, after "WITH", insert "CONSERVATION DISTRICTS CREATED  
17 PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., COUNTY NOXIOUS WEED  
18 PROGRAM ADMINISTRATORS AND OTHER";

- 1 line 9, strike "PARTNERS" and substitute "PARTNERS, INCLUDING ANY  
2 ELECTRIC, GAS, AND WATER UTILITIES IN THE AFFECTED AREA,".
- 3 Page 6, line 16, after "LANDOWNERS", insert "OR UTILITY EASEMENT  
4 OWNERS";
- 5 line 20, strike "(3)" and substitute "(4)".
- 6 Page 7, line 12, after "**restoration.**", insert "(a)";
- 7 line 18, strike "(a) (I)" and substitute "(I) (A)";
- 8 line 21, strike "(II)" and substitute "(B)";
- 9 line 27, strike "(b)" and substitute "(II)".
- 10 Page 8, strike line 1 and substitute the following:
- 11 "LANDOWNERS, LOCAL GOVERNMENTS, INCLUDING CONSERVATION  
12 DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., AND  
13 COUNTY NOXIOUS WEED PROGRAM ADMINISTRATORS AND OTHER  
14 APPROPRIATE PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER  
15 UTILITIES IN THE AFFECTED AREA,";
- 16 line 3, after "INCREASED", insert "RESPONSIBLE";
- 17 after line 8, insert the following:
- 18 "(b) THE FOREST SERVICE MAY USE UP TO ONE MILLION DOLLARS  
19 ANNUALLY UNTIL JULY 1, 2012, FROM THE FOREST RESTORATION PILOT  
20 PROGRAM CASH FUND CREATED IN SECTION 23-31-310 (8.5) FOR THE  
21 PURPOSE OF COMPLYING WITH THIS SUBSECTION (5).";
- 22 line 15, strike "(7)" and substitute "(8)".
- 23 Page 9, line 16, strike "(7)" and substitute "(8)";
- 24 line 17, strike "(7)." and substitute "(8).";
- 25 line 24, strike "(7)." and substitute "(8).".

1 Page 10, line 11, after "THE", insert "RESPONSIBLE";

2 line 16, strike "ENTITIES;" and substitute "ENTITIES AND OTHER  
3 INTERESTED PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER  
4 UTILITIES IN THE AFFECTED AREA;".

5 Page 11, line 4, strike "(9)." and substitute "(10) AND SHALL REMAIN  
6 AVAILABLE UNTIL EXPENDED.";

7 line 11, strike "(9)." and substitute "(10).";

8 line 16, strike "(3)" and substitute "(4)";

9 line 18, strike "(4)" and substitute "(5)";

10 line 19, strike "MILLION ONE";

11 line 20, strike "(5)" and substitute "(6)";

12 line 22, strike "(6)" and substitute "(7)";

13 line 24, strike "(7)" and substitute "(8)";

14 line 27, strike "(8)" and substitute "(9)".

15 Page 12, line 16, strike "(12)," and substitute "(13).";

16 strike line 27.

17 Page 13, strike line 1 and substitute the following:

18           "(n) (I) FOR THREE FISCAL YEARS COMMENCING ON OR AFTER JULY  
19 1, 2009, THE STATE TREASURER SHALL TRANSFER:

20           (A) ONE MILLION NINE HUNDRED FIFTY";

21 line 4, strike "(9)," and substitute "(10).";

22 strike lines 5 through 8 and substitute the following:

23           "(B) FIFTY THOUSAND DOLLARS";

1 after line 10, insert the following:

2 "(II) THIS PARAGRAPH (n) IS REPEALED, EFFECTIVE JULY 1, 2012.";

3 line 14, after "(5)", insert "(a)";

4 strike line 27.

5 Page 14, strike lines 1 through 3 and substitute the following:

6 "in the state treasury. All interest derived from the";

7 strike lines 7 through 24 and substitute the following:

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

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

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

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

24 (b) THE EVALUATION REQUIRED BY THIS SUBSECTION (5) SHALL  
25 INCLUDE CONSIDERATION OF THE BALANCE BETWEEN THE ATTAINMENT  
26 AND MAINTENANCE OF NATIONAL AMBIENT AIR QUALITY STANDARDS AND  
27 THE ACHIEVEMENT OF FEDERAL AND STATE VISIBILITY GOALS, WITH THE  
28 IMPORTANT BENEFITS OF PRESCRIBED FIRE USE AS A LAND MANAGEMENT  
29 TOOL, INCLUDING WILDFIRE RISK MITIGATION, WATERSHED PROTECTION,  
30 FOREST HEALTH, AND REDUCED TREATMENT COST. THE DIVISION SHALL

1 PROVIDE A REPORT TO THE COMMISSION BY JUNE 30, 2010, TO INCLUDE  
2 ANY RECOMMENDATIONS FROM THE EVALUATION UNDERTAKEN PURSUANT  
3 TO THIS SUBSECTION (5).

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

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