

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

INTRODUCED

LLS NO. 09-0464.02 Thomas Morris

HOUSE BILL 09-1199

HOUSE SPONSORSHIP

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

10 (a) "COMMUNITY-BASED COLLABORATIVE PROCESS" MEANS A
11 PROCESS IN WHICH A DIVERSE RANGE OF GOVERNMENTAL AND
12 NONGOVERNMENTAL STAKEHOLDERS, REPRESENTING A WIDE VARIETY OF
13 PERSPECTIVES, ARE MEANINGFULLY ENGAGED IN ANALYZING AND
14 IDENTIFYING FOREST MANAGEMENT NEEDS FOR THEIR COMMUNITY.

15 (b) "COMMUNITY WILDFIRE PROTECTION PLAN" OR "CWPP"
16 MEANS A PLAN THAT MEETS THE DEFINITION OF A COMMUNITY WILDFIRE
17 PROTECTION PLAN IN THE FEDERAL "HEALTHY FORESTS RESTORATION
18 ACT OF 2003", 16 U.S.C. SEC. 6511, INCLUDING THE MINIMUM
19 REQUIREMENTS FOR COLLABORATION WITH LOCAL AND STATE
20 GOVERNMENT REPRESENTATIVES AND CONSULTATION WITH FEDERAL
21 AGENCIES AND OTHER INTERESTED NONGOVERNMENTAL PARTIES, AND THE
22 MINIMUM REQUIREMENTS FOR APPROVAL BY REPRESENTATIVES OF LOCAL
23 GOVERNMENT, LOCAL FIRE AUTHORITIES, AND THE FOREST SERVICE.

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

26 (d) "GIS" MEANS A GEOGRAPHICAL INFORMATION SYSTEM, A
27 SYSTEMATIC INTEGRATION OF COMPUTER HARDWARE, SOFTWARE, AND

1 SPATIAL DATA, FOR CAPTURING, STORING, DISPLAYING, UPDATING,
2 MANIPULATING, AND ANALYZING GEOGRAPHICAL INFORMATION IN ORDER
3 TO SOLVE COMPLEX MANAGEMENT PROBLEMS.

4 (e) "GOOD NEIGHBOR AUTHORITY" MEANS THE AUTHORITY OF THE
5 STATE OF COLORADO PURSUANT TO SECTION 331 OF THE FEDERAL
6 "DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION
7 ACT OF 2001", PUB.L. 106-291, 114 STAT. 922, OR ANY ANALOGOUS
8 SUCCESSOR AUTHORITY.

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

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

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

18 (II) THE ESTABLISHMENT OF FUEL BREAKS;

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

21 (IV) THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING
22 AND SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR
23 PRESCRIBED BURNING; AND

24 (V) OTHER NONEMERGENCY PREVENTIVE ACTIVITIES DESIGNED TO
25 REDUCE THE UNWANTED IMPACTS CAUSED BY WILDFIRES THAT THE
26 FOREST SERVICE MAY DEEM TO BE RISK REDUCTION OR FUEL MITIGATION
27 TREATMENTS.

1 **(3) Community and firefighter planning and preparedness.**

2 TO HELP ENSURE THAT COMMUNITIES AND FIREFIGHTERS HAVE SUFFICIENT
3 RESOURCES, TECHNICAL SUPPORT, AND TRAINING TO ADEQUATELY ASSESS
4 WILDFIRE RISKS, THE FOREST SERVICE SHALL:

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

8 (b) WORK WITH STATE, LOCAL, FEDERAL, AND
9 NONGOVERNMENTAL PARTNERS TO PROVIDE CWPP STANDARDS FOR
10 COLORADO THAT PROMOTE GREATER CONSISTENCY AMONG CWPPS IN
11 THE STATE AND ENSURE THAT COMMUNITIES ADDRESS COMMUNITY RISKS
12 AND VALUES, IDENTIFY PROTECTION PRIORITIES, ASSESS THEIR ABILITY TO
13 RESPOND TO WILDLAND FIRE, ESTABLISH FUELS TREATMENT PROJECTS,
14 AND IDENTIFY WAYS TO MINIMIZE WILDLAND-URBAN INTERFACE RISK IN
15 THE FUTURE;

16 (c) PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES SEEKING TO
17 PREPARE, UPDATE, OR IMPLEMENT A CWPP AND TRACK THE PROGRESS OF
18 CWPPS AND IMPLEMENTATION PRACTICES THROUGH GIS WEB-BASED
19 APPLICATIONS;

20 (d) PROVIDE TECHNICAL ASSISTANCE TO THE BOARD OF COUNTY
21 COMMISSIONERS OF EACH COUNTY TO DETERMINE WHETHER THERE ARE
22 FIRE HAZARD AREAS WITHIN THE UNINCORPORATED AREAS OF THE COUNTY
23 AND TO ASSIST THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY
24 WITH DEVELOPING CWPPS FOR THOSE AREAS; AND

25 (e) INCREASE UPGRADES ON FEDERAL EXCESS PROPERTY FIRE
26 ENGINES ON LOAN TO LOCAL FIRE DEPARTMENTS; INCREASE TECHNICAL
27 ASSISTANCE IN WILDLAND FIRE PREPAREDNESS TO COUNTIES AND FIRE

1 PROTECTION DISTRICTS; AND, IN CONJUNCTION WITH THE WILDFIRE
2 PREPAREDNESS PLAN CREATED PURSUANT TO SECTION 23-31-309 (3) (a),
3 ENSURE THAT STATE FIRE-FIGHTING EQUIPMENT SUCH AS FIRE ENGINES
4 AND AIR TANKERS, IS FULLY OPERATIONAL AND AVAILABLE TO AND
5 COORDINATED WITH THE EQUIPMENT CAPACITIES OF LOCAL FIRE
6 PROTECTION DISTRICTS, AND THAT PERSONNEL ARE FULLY TRAINED IN ITS
7 USE.

8 (4) **Community wildfire risk mitigation.** TO HELP COMMUNITIES
9 ADDRESS THE URGENT NEED TO REDUCE WILDFIRE RISKS BY SUPPORTING
10 IMPLEMENTATION OF RISK MITIGATION TREATMENTS THAT FOCUS ON
11 PROTECTING LIVES, HOMES, AND ESSENTIAL COMMUNITY
12 INFRASTRUCTURE, AND BY IMPROVING INVENTORY AND MONITORING OF
13 FOREST CONDITIONS, THE FOREST SERVICE SHALL:

14 (a) EXPAND ITS FUELS MITIGATION PROGRAM THROUGH SIXTY
15 PERCENT COST-SHARE GRANTS TO ADDRESS NEEDS EXPRESSED BY
16 LANDOWNERS IN THE WILDLAND-URBAN INTERFACE. IN ORDER TO
17 QUALIFY FOR THESE FUNDS, PROJECTS SHALL BE INCLUDED IN OR PROVIDE
18 FOR IMPLEMENTATION OF AN APPROVED CWPP THAT MEETS THE
19 STANDARDS ESTABLISHED PURSUANT TO PARAGRAPH (b) OF SUBSECTION
20 (3) OF THIS SECTION. IN AWARDING THESE GRANTS, THE FOREST SERVICE
21 SHALL ESTABLISH EVALUATION CRITERIA THAT EMPHASIZES PROJECTS
22 THAT REDUCE RISKS TO THE PUBLIC, FIREFIGHTERS, AND COMMUNITY
23 INFRASTRUCTURE; THAT IMPROVE FOREST HEALTH; AND THAT
24 SUBSTANTIALLY LEVERAGE ADDITIONAL FINANCIAL RESOURCES. IN
25 MAKING GRANT AWARDS, THE FOREST SERVICE SHALL ALSO PRIORITIZE
26 PROJECTS THAT PROVIDE AN OPPORTUNITY TO IMPLEMENT COLORADO'S
27 GOOD NEIGHBOR AUTHORITY OR THAT HAVE BEEN IDENTIFIED THROUGH

1 A COMMUNITY-BASED COLLABORATIVE PROCESS.

2 (b) HIRE ADDITIONAL TEMPORARY FIELD CAPACITY TO SUPPORT
3 THE IMPLEMENTATION AND MONITORING OF FUELS MITIGATION GRANT
4 AWARDS;

5 (c) PROVIDE SUFFICIENT RESOURCES TO CONDUCT ENHANCED
6 AERIAL SURVEYS TO ANNUALLY ASSESS FOREST CONDITIONS, IDENTIFY
7 EMERGING AND EXISTING INSECT AND DISEASE EPIDEMICS, AND MAKE
8 TIMELY MANAGEMENT DECISIONS; AND

9 (d) PROVIDE SUFFICIENT RESOURCES TO ASSESS AND INCORPORATE
10 FOREST PATHOLOGY INFORMATION INTO ANALYSIS OF FOREST CONDITIONS
11 AND TRENDS.

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

18 (a) (I) HIRE ADDITIONAL TEMPORARY FIELD CAPACITY TO SUPPORT
19 THE IMPLEMENTATION AND MONITORING OF FOREST RESTORATION PILOT
20 PROGRAM GRANTS AWARDED PURSUANT TO SECTION 23-31-310;

21 (II) IN AWARDING GRANTS PURSUANT TO SECTION 23-31-310, THE
22 FOREST SERVICE SHALL GIVE ADDITIONAL EMPHASIS TO PROJECTS THAT
23 SUBSTANTIALLY LEVERAGE ADDITIONAL FINANCIAL RESOURCES, THAT
24 PROVIDE AN OPPORTUNITY TO IMPLEMENT COLORADO'S GOOD NEIGHBOR
25 AUTHORITY, OR THAT HAVE BEEN IDENTIFIED THROUGH A
26 COMMUNITY-BASED COLLABORATIVE PROCESS.

27 (b) FACILITATE AND WORK COLLABORATIVELY WITH

1 LANDOWNERS, LOCAL GOVERNMENTS, AND OTHER APPROPRIATE PARTIES
2 TO DESIGN AND SAFELY IMPLEMENT PRESCRIBED FIRE PROJECTS AND TO
3 ENCOURAGE INCREASED USE OF PRESCRIBED FIRE AS A TOOL FOR
4 RESTORING HEALTHY FOREST CONDITIONS CONSISTENT WITH PROGRAMS
5 ESTABLISHED PURSUANT TO SECTION 25-7-106 (7) AND (8), C.R.S. THE
6 FOREST SERVICE SHALL EMPHASIZE PROVIDING TRAINING AND TECHNICAL
7 ASSISTANCE FOR LANDOWNERS, LOCAL COMMUNITIES, AND STATE
8 AGENCIES.

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

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

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

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

27 (b) **Eligibility requirements - applications.** THE FOREST

1 SERVICE SHALL SOLICIT APPLICATIONS FOR AND MAKE LOANS UNDER THIS
2 SECTION. IN DECIDING WHETHER TO MAKE A LOAN, THE FOREST SERVICE
3 SHALL CONSIDER THE EXTENT TO WHICH THE APPLICANT:

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

13 (c) **Report.** NO LATER THAN JULY 1, 2010, THE STATE FORESTER
14 SHALL SUBMIT A REPORT TO THE GOVERNOR THAT SHALL INCLUDE AN
15 ASSESSMENT OF WHETHER, AND TO WHAT EXTENT, PROJECTS FUNDED BY
16 LOANS UNDER THIS SUBSECTION (7) HAVE ACHIEVED THE PURPOSES
17 IDENTIFIED IN THIS SUBSECTION (7).

18 (d) **Wildfire risk mitigation revolving fund.** THERE IS HEREBY
19 CREATED IN THE STATE TREASURY THE WILDFIRE RISK MITIGATION
20 REVOLVING FUND, WHICH SHALL BE ADMINISTERED BY THE FOREST
21 SERVICE. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED
22 TO THE DEPARTMENT OF HIGHER EDUCATION FOR ALLOCATION TO THE
23 BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR
24 LOANS SPECIFIED IN THIS SUBSECTION (7). ALL MONEYS IN THE FUND AT
25 THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND
26 SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

27 (8) **Improved outreach and technical assistance.** IN ORDER TO

1 ENSURE THAT THE FOREST SERVICE HAS THE CAPACITY TO DELIVER KEY
2 FUNDING AND TECHNICAL ASSISTANCE THAT WILL BE NEEDED TO GUIDE
3 AND SUPPORT IMPLEMENTATION OF WILDFIRE PREPAREDNESS, RISK
4 MITIGATION, WATERSHED RESTORATION, AND ECONOMIC DEVELOPMENT
5 INITIATIVES IN A WAY THAT ADDS VALUE TO THESE EFFORTS AT THE STATE
6 LEVEL AND ACROSS COMMUNITY BOUNDARIES, THE FOREST SERVICE
7 SHALL:

8 (a) SECURE FULL-TIME TEMPORARY STAFF FOR DEVELOPING,
9 REVISING, AND IMPLEMENTING CWPPS; DEVELOPING AND IMPLEMENTING
10 RISK MITIGATION AND WATERSHED RESTORATION PLANS; STRENGTHENING
11 THE USE OF PRESCRIBED FIRE; AND SUPPORTING ECONOMICALLY
12 BENEFICIAL USES OF WOODY BIOMASS;

13 (b) SECURE SUFFICIENT GIS CAPACITY TO ASSIST WITH WILDFIRE,
14 INSECT, AND DISEASE RISK ASSESSMENTS, AS WELL AS LANDSCAPE-SCALE
15 PRIORITIZATION AND PLANNING; AND EMPHASIZE MAKING DATA
16 AVAILABLE TO AND USABLE BY LOCAL ENTITIES; AND

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

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

1 INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND SHALL
2 BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY
3 CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SPECIFIED IN THIS
4 SUBSECTION (9). ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL
5 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR
6 REVERT TO THE 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 (9). 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 (3) OF THIS SECTION;

17 (II) TWO HUNDRED FIFTY THOUSAND DOLLARS MAY BE EXPENDED
18 FOR PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION;

19 (III) ONE MILLION ONE HUNDRED THOUSAND DOLLARS MAY BE
20 EXPENDED FOR PURPOSES SPECIFIED IN SUBSECTION (5) OF THIS SECTION;

21 (IV) EIGHTY THOUSAND DOLLARS MAY BE EXPENDED FOR
22 PURPOSES SPECIFIED IN SUBSECTION (6) OF THIS SECTION;

23 (V) THREE HUNDRED TWENTY THOUSAND DOLLARS MAY BE
24 EXPENDED FOR PURPOSES SPECIFIED IN SUBSECTION (7) OF THIS SECTION;

25 AND

26 (VI) SEVEN HUNDRED THOUSAND DOLLARS MAY BE EXPENDED FOR
27 PURPOSES SPECIFIED IN SUBSECTION (8) OF THIS SECTION.

1 (10) **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 (11) 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 (12) 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 (12),"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 (n) (I) (A) FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, THE

1 STATE TREASURER SHALL TRANSFER TWO MILLION NINE HUNDRED FIFTY
2 THOUSAND DOLLARS OF THE MONEYS IN THE ACCOUNT TO THE HEALTHY
3 FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION
4 23-31-312 (9), C.R.S.

5 (B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1,
6 2010.

7 (II) FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
8 2009, THE STATE TREASURER SHALL TRANSFER FIFTY THOUSAND DOLLARS
9 OF THE MONEYS IN THE ACCOUNT TO THE WILDLAND-URBAN INTERFACE
10 TRAINING FUND CREATED IN SECTION 24-33.5-1212 (5), C.R.S.

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

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

1 LESS THAN FIFTY THOUSAND DOLLARS FROM THE OPERATIONAL ACCOUNT
2 OF THE SEVERANCE TAX TRUST FUND TO THE WILDLAND-URBAN
3 INTERFACE TRAINING FUND EACH YEAR. All interest derived from the
4 deposit and investment of moneys in the fund shall be credited to the
5 fund. Moneys not expended at the end of a fiscal year shall remain in the
6 fund and shall not be transferred or revert to the general fund.

7 **SECTION 4.** 25-7-106 (7), Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **25-7-106. Commission - additional authority - rules -**
10 **prescribed fire - report - repeal.** (7) (h) (I) THE COMMISSION SHALL
11 WORK WITH THE COLORADO PRESCRIBED FIRE COUNCIL, OR AN
12 ANALOGOUS SUCCESSOR ENTITY, AND OTHER KEY REGULATORY AND
13 MANAGEMENT ENTITIES, INCLUDING THE FOREST SERVICE, AS DEFINED IN
14 SECTION 23-31-310 (2) (c), C.R.S., AND REPRESENTATIVES OF LOCAL
15 HEALTH DEPARTMENTS, AS APPROPRIATE, TO IDENTIFY BARRIERS TO THE
16 INCREASED USE OF PRESCRIBED FIRE AND RECOMMEND SOLUTIONS TO
17 ADDRESS THOSE BARRIERS, GIVING SPECIFIC CONSIDERATION TO SMOKE
18 MANAGEMENT AND LIABILITY ISSUES.

19 (II) (A) THE COMMISSION, IN CONJUNCTION WITH THE FOREST
20 SERVICE ACTING PURSUANT TO SECTION 23-31-312, C.R.S., SHALL SUBMIT
21 A REPORT CONCERNING ITS IMPLEMENTATION OF THIS PARAGRAPH (h) TO
22 THE GOVERNOR AND THE GENERAL ASSEMBLY BY JANUARY 1, 2011.

23 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
24 2014.

25 **SECTION 5. Act subject to petition - effective date.** This act
26 shall take effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly that is

1 allowed for submitting a referendum petition pursuant to article V,
2 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
3 sine die is on May 6, 2009); except that, if a referendum petition is filed
4 against this act or an item, section, or part of this act within such period,
5 then the act, item, section, or part, if approved by the people, shall take
6 effect on the date of the official declaration of the vote thereon by
7 proclamation of the governor.