

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1199

BY REPRESENTATIVE(S) Scanlan, Benefield, Curry, Ferrandino, Gerou, Kerr A., King S., Levy, Massey, Middleton, Nikkel, Roberts, Baumgardner, Fischer, Gardner C., Green, Hullinghorst, Kerr J., Marostica, Priola, Schafer S., Soper, Stephens, Summers, Tipton, Todd, Vigil, Apuan, Labuda, McNulty, Murray, Pace;
also SENATOR(S) Gibbs, Boyd, Foster, Groff, Harvey, Isgar, Kester, King K., Kopp, Morse, Newell, Scheffel, Schwartz, Shaffer B., Tapia, Tochtrop, White, Williams.

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

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

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

23-31-313. Healthy forests - vibrant communities - funds created. (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CITED AS THE "COLORADO HEALTHY FORESTS AND VIBRANT COMMUNITIES ACT OF 2009".

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

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

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

(b) "COMMUNITY WILDFIRE PROTECTION PLAN" OR "CWPP" MEANS A PLAN THAT MEETS THE DEFINITION OF A COMMUNITY WILDFIRE PROTECTION PLAN IN THE FEDERAL "HEALTHY FORESTS RESTORATION ACT OF 2003", 16 U.S.C. SEC. 6511, INCLUDING THE MINIMUM REQUIREMENTS FOR COLLABORATION WITH LOCAL AND STATE GOVERNMENT REPRESENTATIVES, INCLUDING CONSERVATION DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., AND COUNTY NOXIOUS WEED PROGRAM ADMINISTRATORS AND CONSULTATION WITH FEDERAL AGENCIES AND OTHER INTERESTED NONGOVERNMENTAL PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER UTILITIES IN THE AFFECTED AREA, AND THE MINIMUM REQUIREMENTS FOR APPROVAL BY REPRESENTATIVES OF LOCAL GOVERNMENT, LOCAL FIRE AUTHORITIES, AND THE FOREST SERVICE.

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

(d) "GIS" MEANS A GEOGRAPHICAL INFORMATION SYSTEM, A SYSTEMATIC INTEGRATION OF COMPUTER HARDWARE, SOFTWARE, AND SPATIAL DATA, FOR CAPTURING, STORING, DISPLAYING, UPDATING, MANIPULATING, AND ANALYZING GEOGRAPHICAL INFORMATION IN ORDER TO

SOLVE COMPLEX MANAGEMENT PROBLEMS.

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

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

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

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

(II) THE ESTABLISHMENT OF FUEL BREAKS;

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

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

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

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

(a) FACILITATE THE CWPP PROCESS WITH COMMUNITIES AND OTHER

ENTITIES SEEKING TO PREPARE A CWPP TO ENSURE THAT STATE AND FEDERAL CWPP STANDARDS ARE MET;

(b) WORK WITH CONSERVATION DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., COUNTY NOXIOUS WEED PROGRAM ADMINISTRATORS, AND OTHER STATE, LOCAL, FEDERAL, AND NONGOVERNMENTAL PARTNERS, INCLUDING ANY ELECTRIC, GAS, AND WATER UTILITIES IN THE AFFECTED AREA, TO PROVIDE CWPP STANDARDS FOR COLORADO THAT PROMOTE GREATER CONSISTENCY AMONG CWPPS IN THE STATE AND ENSURE THAT COMMUNITIES ADDRESS COMMUNITY RISKS AND VALUES, IDENTIFY PROTECTION PRIORITIES, ASSESS THEIR ABILITY TO RESPOND TO WILDLAND FIRE, ESTABLISH FUELS TREATMENT PROJECTS, AND IDENTIFY WAYS TO MINIMIZE WILDLAND-URBAN INTERFACE RISK IN THE FUTURE;

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

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

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

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

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

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

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

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

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

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

(I) (A) HIRE ADDITIONAL TEMPORARY FIELD CAPACITY TO SUPPORT THE IMPLEMENTATION AND MONITORING OF FOREST RESTORATION PILOT

PROGRAM GRANTS AWARDED PURSUANT TO SECTION 23-31-310.

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

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

(b) THE FOREST SERVICE MAY USE UP TO ONE MILLION DOLLARS ANNUALLY UNTIL JULY 1, 2012, FROM THE FOREST RESTORATION PILOT PROGRAM CASH FUND CREATED IN SECTION 23-31-310 (8.5) FOR THE PURPOSE OF COMPLYING WITH THIS SUBSECTION (6).

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

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

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

(8) **Wildfire risk mitigation loan program.** (a) THE FOREST SERVICE SHALL 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 AND OTHER TIMBER TAKEN FROM PRIVATE, FEDERAL, STATE, COUNTY, OR MUNICIPAL FORESTLANDS AS PART OF A WILDFIRE RISK REDUCTION OR FUELS MITIGATION TREATMENT.

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

(I) HELPS RETAIN OR EXPAND OTHER LOCAL BUSINESSES;

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

(III) CONTRIBUTES TO THE STABILITY OF RURAL COMMUNITIES;

(IV) DEMONSTRATES OPERATIONAL EXPERIENCE AND A GOOD REPUTATION;

(V) PROMOTES AND PUBLICIZES THE EFFORTS UNDERTAKEN PURSUANT TO THIS SECTION; AND

(VI) HELPS RECRUIT NEW BUSINESS ACTIVITY IN THE AREA.

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

(d) **Wildfire risk mitigation revolving fund.** THERE IS HEREBY CREATED IN THE STATE TREASURY THE WILDFIRE RISK MITIGATION REVOLVING FUND, WHICH SHALL BE ADMINISTERED BY THE FOREST SERVICE. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF HIGHER EDUCATION FOR ALLOCATION TO THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR LOANS

SPECIFIED IN THIS SUBSECTION (8). ALL MONEYS IN THE FUND AT THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(9) **Improved outreach and technical assistance.** IN ORDER TO ENSURE THAT THE FOREST SERVICE HAS THE CAPACITY TO DELIVER KEY FUNDING AND TECHNICAL ASSISTANCE THAT WILL BE NEEDED TO GUIDE AND SUPPORT IMPLEMENTATION OF WILDFIRE PREPAREDNESS, RISK MITIGATION, WATERSHED RESTORATION, AND ECONOMIC DEVELOPMENT INITIATIVES IN A WAY THAT ADDS VALUE TO THESE EFFORTS AT THE STATE LEVEL AND ACROSS COMMUNITY BOUNDARIES, THE FOREST SERVICE SHALL:

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

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

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

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

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

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

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

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

(II) TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS MAY BE EXPENDED FOR PURPOSES SPECIFIED IN SUBSECTION (5) OF THIS SECTION;

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

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

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

(VI) SEVEN HUNDRED THOUSAND DOLLARS MAY BE EXPENDED FOR PURPOSES SPECIFIED IN SUBSECTION (9) OF THIS SECTION; AND

(VII) UP TO FIFTY THOUSAND DOLLARS MAY BE EXPENDED FOR THE PURPOSES SPECIFIED IN SECTION 25-7-111 (5), C.R.S.

(11) **Reporting.** NO LATER THAN JANUARY 1, 2011, THE STATE FORESTER SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE

AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON THE USE OF MONEYS IN THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND.

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

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

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

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

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

(A) ONE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS OF THE MONEYS IN THE ACCOUNT TO THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313 (10), C.R.S.;

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

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

SECTION 3. 24-33.5-1212 (5), Colorado Revised Statutes, is

amended to read:

24-33.5-1212. Training for directors of fire protection districts - pilot program - advisory board - training fund - repeal. (5) (a) The division shall offer courses to directors of fire protection districts in accordance with this section at no charge and shall seek gifts, grants, and donations to fund the pilot program created pursuant to this section. No general fund moneys shall be expended for the implementation of the program. Notwithstanding any other provision of this section, the division shall not implement the program until the division receives sufficient APPROPRIATIONS, gifts, grants, or donations to cover the costs of implementing the program. The division shall transmit gifts, grants, and donations received in accordance with this subsection (5) to the state treasurer, who shall credit the moneys, ALONG WITH ANY MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY, to the ~~wild-land-urban~~ WILDLAND-URBAN interface training fund, which fund is hereby created in the state treasury. ANY MONEYS IN THE FUND IN EXCESS OF THOSE NEEDED FOR THE TRAINING OF DIRECTORS OF FIRE PROTECTION DISTRICTS SHALL BE USED FOR THE PURPOSE OF PROVIDING FIREFIGHTERS WITH BASIC WILDLAND FIREFIGHTING AND WILDLAND-URBAN INTERFACE FIREFIGHTING TRAINING THROUGH EXISTING WILDLAND FIRE TRAINING PROGRAMS. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Moneys not expended at the end of a fiscal year shall remain in the fund and shall not be transferred or revert to the general fund.

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

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

(c) THE DIVISION SHALL COORDINATE WITH THE FOREST SERVICE, AS THAT TERM IS DEFINED IN SECTION 23-31-302, C.R.S., IN DETERMINING HOW TO ALLOCATE STATE FUNDING FOCUSED ON FIREFIGHTER TRAINING.

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

25-7-111. Administration of air quality control programs - directive - prescribed fire - review - repeal. (5) (a) THE DIVISION SHALL

CONFER WITH APPROPRIATE FEDERAL AND STATE LAND MANAGEMENT AGENCY REPRESENTATIVES, INCLUDING THE FOREST SERVICE AS DEFINED IN SECTION 23-31-310 (2), C.R.S., AND OTHER ENTITIES, WHICH MAY INCLUDE, AS APPROPRIATE, LOCAL AGENCY REPRESENTATIVES AND PRIVATE LAND MANAGERS, TO EVALUATE EXISTING PRESCRIBED FIRE PERMIT PROGRAM RULES AND IMPLEMENTATION SO AS TO SUPPORT, AND INCREASE WHERE POSSIBLE, APPROPRIATE RESPONSIBLE USE OF PRESCRIBED FIRE CONSISTENT WITH SECTION 25-7-106 (7) AND (8).

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

(c) THE DIVISION'S OBLIGATION TO PERFORM ITS DUTIES SPECIFIED IN THIS SUBSECTION (5) IS CONTINGENT UPON ITS RECEIPT OF REVENUES NECESSARY TO COVER ITS DIRECT AND INDIRECT COSTS FOR SUCH PERFORMANCE FROM THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313 (10), C.R.S.

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

SECTION 5. 24-32-2106 (2) (a), Colorado Revised Statutes, is amended to read:

24-32-2106. Financing - repeal. (2) (a) (I) A disaster emergency fund is hereby established, which shall receive moneys appropriated ~~thereto~~ by the general assembly. Moneys in the disaster emergency fund shall remain ~~therein~~ IN THE FUND until expended.

(II) THE GOVERNOR MAY MAKE A ONE-TIME TRANSFER OF UP TO SIX HUNDRED THOUSAND DOLLARS FROM THE DISASTER EMERGENCY FUND TO THE WILDFIRE EMERGENCY RESPONSE FUND CREATED IN SECTION 23-31-309, C.R.S. THE GOVERNOR SHALL NOTIFY THE REVISOR OF STATUTES IN

WRITING PROMPTLY AFTER MAKING THE TRANSFER. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE UPON THE REVISOR OF STATUTE'S RECEIPT OF THE NOTICE.

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

SECTION 7. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO