

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0927.01 Thomas Morris x4218

SENATE BILL 21-237

SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

McCluskie,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING CREATION OF THE COLORADO FOREST HEALTH COUNCIL
102 IN THE DEPARTMENT OF NATURAL RESOURCES, AND, IN
103 CONNECTION THEREWITH, REPEALING THE FOREST HEALTH
104 ADVISORY COUNCIL WITHIN THE STATE FOREST SERVICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, the forest health advisory council was created within the state forest service, which is within Colorado state university. **Section 4** of the bill repeals the forest health advisory council and **section**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

2 creates the Colorado forest health council within the division of forestry within the department of natural resources and specifies the new council's membership and duties. **Section 1** schedules the new council for sunset review in 2026.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal**
3 (12)(a)(III); and **add** (17)(a)(IV) as follows:

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (12) (a) The following statutory
6 authorizations for the designated advisory committees will repeal on
7 September 1, 2021:

8 (III) ~~The forest health advisory council created in section~~
9 ~~23-31-316, C.R.S.;~~

10 (17) (a) The following statutory authorizations for the designated
11 advisory committees will repeal on September 1, 2026:

12 (IV) THE COLORADO FOREST HEALTH COUNCIL CREATED IN
13 SECTION 24-33-206.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33-206 as
15 follows:

16 **24-33-206. Colorado forest health council - legislative**
17 **declaration - repeal.** (1) **Legislative declaration.** THE GENERAL
18 ASSEMBLY HEREBY:

19 (a) FINDS THAT:

20 (I) THE FOREST HEALTH ADVISORY COUNCIL WAS CREATED
21 PURSUANT TO HOUSE BILL 16-1255 WITHIN THE COLORADO STATE FOREST
22 SERVICE TO PROVIDE A COLLABORATIVE FORUM TO ADVISE THE STATE
23 FORESTER ON A RANGE OF ISSUES, OPPORTUNITIES, AND THREATS WITH

1 REGARD TO COLORADO'S FORESTS;

2 (II) SINCE THEN, THE COUNCIL HAS MET REGULARLY TO DEVELOP
3 FOREST HEALTH PRIORITIES AND RECOMMENDATIONS, PROVIDE EARLY AND
4 ONGOING INPUT ON THE DEVELOPMENT OF THE FOREST ACTION PLAN, AND
5 CONVENE DISCUSSIONS ON ISSUES SUCH AS LANDSCAPE-SCALE PLANNING,
6 PRESCRIBED FIRES, WATERSHED HEALTH, FEDERAL FUNDING, AND OTHER
7 TOPICS; AND

8 (III) DURING THE 2020 FIRE SEASON, COLORADO EXPERIENCED ITS
9 THREE LARGEST WILDFIRES IN RECORDED HISTORY, WITH WILDFIRES
10 STATEWIDE BURNING OVER SIX HUNDRED TWENTY-FIVE THOUSAND ACRES
11 AND COSTING AT LEAST TWO HUNDRED EIGHTY-FIVE MILLION DOLLARS TO
12 SUPPRESS; AND

13 (b) DETERMINES THAT:

14 (I) THE CHALLENGES FACING COLORADO'S FORESTS, FROM
15 INVASIVE SPECIES TO WILDFIRE ACTIVITY, HAVE BECOME INCREASINGLY
16 SERIOUS AND COMPLEX;

17 (II) THE TREND TOWARDS LARGER, MORE DESTRUCTIVE, MORE
18 FREQUENT WILDFIRES IS EXPECTED TO CONTINUE IN THE YEARS TO COME
19 AS A RESULT OF HISTORICAL FIRE SUPPRESSION PRACTICES AND ONGOING
20 CLIMATE-CHANGE-INDUCED SHIFTS IN WEATHER CONDITIONS AND FOREST
21 HEALTH; AND

22 (III) INVESTMENTS IN FOREST HEALTH AND WILDFIRE MITIGATION
23 HELP AVOID MORE EXPENSIVE FIRE SUPPRESSION AND RECOVERY COSTS
24 AND PROVIDE MULTIPLE BENEFITS TO INDIVIDUALS AS WELL AS SOCIETY,
25 INCLUDING PROTECTION OF LIVES AND PROPERTY, WATERSHEDS, WILDLIFE
26 HABITAT, LIVELIHOODS, AND AIR QUALITY; CARBON SEQUESTRATION; AND
27 OPPORTUNITIES FOR RECREATION AND SOLACE; AND

1 (c) DECLARES THAT:

2 (I) AS THE ISSUES RELATED TO FOREST HEALTH AND WILDFIRE
3 MITIGATION HAVE EVOLVED, SO HAS THE MANNER IN WHICH THE STATE
4 SEEKS TO ADDRESS THEM, AND CREATING A COLORADO FOREST HEALTH
5 COUNCIL WITHIN THE DEPARTMENT OF NATURAL RESOURCES TO REPORT
6 TO THE GOVERNOR AND THE GENERAL ASSEMBLY IS THE MOST EFFECTIVE
7 AND INTEGRATED STRUCTURE THROUGH WHICH TO DO SO ; AND

8 (II) ESTABLISHING THE COLORADO FOREST HEALTH COUNCIL
9 SERVES THE INTEREST OF THE STATE AND LOCAL COMMUNITIES IN
10 DEVELOPING EFFECTIVE STRATEGIES FOR FOREST HEALTH AND WILDFIRE
11 MITIGATION.

12 (2) **Council created.** THERE IS HEREBY CREATED WITHIN THE
13 DIVISION OF FORESTRY IN THE DEPARTMENT OF NATURAL RESOURCES THE
14 COLORADO FOREST HEALTH COUNCIL, REFERRED TO THIS SECTION AS THE
15 "COUNCIL", TO PROVIDE A COLLABORATIVE FORUM TO ADVISE THE
16 GOVERNOR AND GENERAL ASSEMBLY ON A BROAD RANGE OF ISSUES,
17 OPPORTUNITIES, AND THREATS WITH REGARD TO COLORADO'S FORESTS.

18 (3) **Membership.** (a) THE COUNCIL CONSISTS OF THE FOLLOWING
19 TWENTY-THREE MEMBERS:

20 (I) THE FOLLOWING EX OFFICIO MEMBERS OR THEIR DESIGNEES:

21 (A) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
22 RESOURCES, WHO IS THE CHAIR OF THE COUNCIL;

23 (B) THE STATE FORESTER APPOINTED PURSUANT TO SECTION
24 23-31-207;

25 (C) THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND
26 CONTROL APPOINTED PURSUANT TO SECTION 24-33.5-1201;

27 (D) THE REGIONAL FORESTER OR DEPUTY REGIONAL FORESTER FOR

1 THE UNITED STATES FOREST SERVICE REGION 2;

2 (E) THE FORESTRY PROGRAM LEAD FOR THE FEDERAL BUREAU OF
3 LAND MANAGEMENT IN COLORADO;

4 (F) THE STATE CONSERVATIONIST FOR THE NATURAL RESOURCES
5 CONSERVATION SERVICE IN THE UNITED STATES DEPARTMENT OF
6 AGRICULTURE;

7 (II) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

8 (A) AN EMPLOYEE OF THE COLORADO OFFICE OF ECONOMIC
9 DEVELOPMENT CREATED IN SECTION 24-48.5-101 WITH A LEADERSHIP
10 ROLE AND EXPERTISE IN OUTDOOR RECREATION;

11 (B) ONE MEMBER WHO IS AN ENROLLED MEMBER OF A TRIBE THAT
12 HAS A RESERVATION WITHIN COLORADO;

13 (C) TWO COUNTY COMMISSIONERS, ONE OF WHOM MUST
14 REPRESENT A COUNTY WEST OF THE CONTINENTAL DIVIDE AND ONE OF
15 WHOM MUST REPRESENT A COUNTY EAST OF THE CONTINENTAL DIVIDE;

16 (D) ONE MEMBER WHO IS EMPLOYED OR ASSOCIATED WITH A
17 FOREST COLLABORATIVE ORGANIZATION;

18 (E) ONE MEMBER WHO IS A FOREST SCIENTIST OR IS EMPLOYED IN
19 A FOREST RESEARCH POSITION AND HAS CLIMATE SCIENCE EXPERTISE;

20 (F) ONE MEMBER WHO IS EMPLOYED BY A RESEARCH INSTITUTION
21 AND WHO HAS FOREST POLICY EXPERTISE;

22 (G) TWO MEMBERS EMPLOYED BY A WATER SUPPLIER, INCLUDING
23 A MUNICIPAL DRINKING WATER SUPPLIER AND AN IRRIGATION WATER
24 SUPPLIER, ONE OF WHOM MUST RESIDE IN A COUNTY WEST OF THE
25 CONTINENTAL DIVIDE;

26 (H) ONE MEMBER WHO IS EMPLOYED OR ASSOCIATED WITH THE
27 TIMBER INDUSTRY;

1 (I) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A
2 CONSERVATION ORGANIZATION;

3 (J) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH THE
4 INSURANCE INDUSTRY;

5 (K) ONE MEMBER WHO IS EMPLOYED BY A PUBLIC UTILITY THAT
6 OWNS OR OPERATES TRANSMISSION FACILITIES;

7 (L) ONE MEMBER WHO OWNS A RANCH AND OWNS GRAZING RIGHTS
8 ON PUBLIC LANDS; AND

9 (M) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A
10 WILDLIFE ORGANIZATION; AND

11 (III) TWO MEMBERS OF THE GENERAL ASSEMBLY, INCLUDING A
12 MAJORITY AND MINORITY REPRESENTATIVE FROM THE WILDFIRE MATTERS
13 REVIEW COMMITTEE, ONE APPOINTED BY THE PRESIDENT OF THE SENATE
14 AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF
15 REPRESENTATIVES;

16 (b) THE TERM OF EACH COUNCIL MEMBER IS FIVE YEARS; EXCEPT
17 THAT THE TERMS OF COUNCIL MEMBERS APPOINTED PURSUANT TO
18 SUBSECTIONS (3)(a)(II)(A) TO (3)(a)(II)(I) OF THIS SECTION IS THREE
19 YEARS.

20 (4) **Powers and duties.** (a) THE MISSION OF THE COUNCIL IS TO
21 IMPROVE FOREST HEALTH IN COLORADO THROUGH AN INTEGRATED,
22 SCIENCE-BASED, STATEWIDE APPROACH FOCUSED ON COLLABORATION
23 AMONG FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND PRIVATE AND
24 NONPROFIT PARTNERS, TO MITIGATE WILDFIRE, RESTORE ECOLOGICAL
25 HEALTH, SAFEGUARD COMMUNITIES AND WATER SUPPLIES, MITIGATE AND
26 ADAPT TO CLIMATE CHANGE, SUPPORT LOCAL ECONOMIES, AND PROTECT
27 RECREATIONAL SETTINGS, AS APPROPRIATE, ACROSS ALL JURISDICTIONAL

1 BOUNDARIES.

2 (b) IN FURTHERANCE OF ITS MISSION, THE COUNCIL SHALL ENGAGE
3 IN AT LEAST THE FOLLOWING ACTIVITIES:

4 (I) MAKING RECOMMENDATIONS FOR FOREST HEALTH AND
5 WILDFIRE MITIGATION CAPACITY BUILDING AND FUNDING;

6 (II) DEVELOPMENT OF, AND RECOMMENDATIONS FOR, ATTAINING
7 A THIRTY-YEAR VISION FOR FOREST HEALTH IN COLORADO, INCLUDING
8 DEVELOPING GOALS AND BOTH ANNUAL AND MULTI-YEAR
9 RECOMMENDATIONS FOR ACTIONS TO IMPROVE FOREST HEALTH AND
10 REDUCE FIRE RISK THROUGH INCREASED FUNDING AND CAPACITY
11 BUILDING;

12 (III) IDENTIFICATION OF STATE-LEVEL PRIORITIES FOR FOREST
13 RESTORATION, WILDFIRE RISK REDUCTION, AND RELATED MANAGEMENT;
14 KEY BARRIERS INHIBITING THE ACHIEVEMENT OF THOSE PRIORITIES; AND
15 SOLUTIONS TO OVERCOME THOSE BARRIERS;

16 (IV) MONITORING TRENDS RELATED TO FOREST ECOSYSTEM
17 HEALTH, INCLUDING THOSE RELATED TO CLIMATE ADAPTATION, AND
18 ADVISING ON OPPORTUNITIES FOR STATE-LEVEL ACTION;

19 (V) MONITORING AND IDENTIFYING OPPORTUNITIES TO SUPPORT
20 AND PROMOTE SYNERGY ACROSS FOREST-BASED COLLABORATIVES IN THE
21 STATE, INCLUDING COORDINATING STATE FUNDING SOURCES AND SHARING
22 BEST PRACTICES;

23 (VI) IDENTIFICATION OF STRATEGIES FOR BUILDING SUSTAINED
24 CAPACITY TO CONDUCT FOREST RESTORATION AND WILDFIRE MITIGATION
25 WORK AT SCALE THROUGH COLLABORATION ACROSS MULTIPLE AGENCIES,
26 ORGANIZATIONS, AND JURISDICTIONS; PUBLIC-PRIVATE PARTNERSHIPS;
27 INNOVATIVE PUBLIC AND PRIVATE FUNDING VEHICLES; SHARED

1 STEWARDSHIP; AND OTHER SOLUTIONS, WITH EMPHASIS ON LEVERAGING
2 AND MAXIMIZING THE IMPACT AND REACH OF STATE FUNDING;

3 (VII) IDENTIFICATION OF WORKFORCE DEVELOPMENT CHALLENGES
4 AND OPPORTUNITIES, AS WELL AS POTENTIAL REGIONAL AND STATEWIDE
5 ECONOMIC BENEFITS, ASSOCIATED WITH A SIGNIFICANT INCREASE IN
6 WILDFIRE MITIGATION AND FOREST RESTORATION ACTIVITIES;

7 (VIII) DEVELOPMENT AND SUPPORT OF SOLUTIONS TO MANAGE
8 AND UTILIZE WOODY MATERIAL PRODUCED BY MITIGATION WORK,
9 INCLUDING CONSIDERATION OF CLIMATE CHANGE AND ECOLOGICAL
10 IMPACTS;

11 (IX) DEVELOPMENT OF LEGISLATIVE AND REGULATORY
12 RECOMMENDATIONS FOR POLICIES THAT COULD SUPPORT WILDFIRE
13 MITIGATION AND FOREST RESTORATION GOALS; AND

14 (X) PROVIDING TECHNICAL EXPERTISE AND RECOMMENDATIONS
15 TO INFORM THE GENERAL ASSEMBLY, THE EXECUTIVE BRANCH, AND
16 FEDERAL AND LOCAL AGENCIES ON FOREST HEALTH AND WILDFIRE
17 MITIGATION ISSUES.

18 (5) **Staff support.** THE DIVISION SHALL PROVIDE OFFICE SPACE,
19 EQUIPMENT, AND STAFF SERVICES AS MAY BE NECESSARY TO IMPLEMENT
20 THIS SECTION.

21 (6) **Reports.** AT A MINIMUM, THE COUNCIL SHALL ANNUALLY
22 BRIEF THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION
23 2-3-1602 AND SUBMIT AN ANNUAL REPORT TO THE GOVERNOR.

24 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
25 2026. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
26 ACCORDANCE WITH SECTION 2-3-1203.

27 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1233,

1 **amend** (3)(a)(IV) as follows:

2 **24-33.5-1233. Colorado fire commission - creation - powers**
3 **and duties - report - legislative declaration - repeal. (3) Membership.**

4 (a) The commission consists of twenty-four voting members as follows:

5 (IV) The state forester, or the state forester's designee, to include
6 relevant information pursuant to section ~~23-31-316~~ 24-33-206;

7 **SECTION 4.** In Colorado Revised Statutes, **repeal** 23-31-316.

8 **SECTION 5. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.