

NOTE: This bill has been prepared for the signatures 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

SENATE BILL 21-237

BY SENATOR(S) Donovan, Coram, Danielson, Moreno, Priola, Rankin, Simpson, Story, Garcia;
also REPRESENTATIVE(S) McCluskie and Lynch, Amabile, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Herod, Kipp, Lontine, McCormick, McLachlan, Ortiz, Pelton, Roberts, Snyder, Titone, Valdez A., Valdez D., Will, Young.

CONCERNING CREATION OF THE COLORADO FOREST HEALTH COUNCIL IN THE DEPARTMENT OF NATURAL RESOURCES, AND, IN CONNECTION THEREWITH, REPEALING THE FOREST HEALTH ADVISORY COUNCIL WITHIN THE STATE FOREST SERVICE AND MAKING AN APPROPRIATION.

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

(IV) THE COLORADO FOREST HEALTH COUNCIL CREATED IN SECTION 23-31-316.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 23-31-316 as follows:

23-31-316. Colorado forest health council - legislative declaration - repeal. (1) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY:

(a) FINDS THAT:

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

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

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

(b) DETERMINES THAT:

(I) THE CHALLENGES FACING COLORADO'S FORESTS, FROM INVASIVE

SPECIES TO WILDFIRE ACTIVITY, HAVE BECOME INCREASINGLY SERIOUS AND COMPLEX;

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

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

(c) DECLARES THAT:

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

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

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

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

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

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

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

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

(D) THE REGIONAL FORESTER OR DEPUTY REGIONAL FORESTER FOR THE UNITED STATES FOREST SERVICE REGION 2;

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

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

(II) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

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

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

(C) FOUR COUNTY COMMISSIONERS, TWO OF WHOM MUST REPRESENT A COUNTY WEST OF THE CONTINENTAL DIVIDE AND TWO OF WHOM MUST REPRESENT A COUNTY EAST OF THE CONTINENTAL DIVIDE;

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

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

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

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

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

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

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

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

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

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

(N) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH AN ORGANIZATION THAT ADVOCATES FOR MOTORIZED RECREATION; AND

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

(b) THE TERM OF EACH COUNCIL MEMBER IS FIVE YEARS; EXCEPT THAT THE TERMS OF COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION IS THREE YEARS.

(4) **Powers and duties.** (a) THE MISSION OF THE COUNCIL IS TO IMPROVE FOREST HEALTH IN COLORADO THROUGH AN INTEGRATED, SCIENCE-BASED, STATEWIDE APPROACH FOCUSED ON COLLABORATION AMONG FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND PRIVATE AND

NONPROFIT PARTNERS, TO MITIGATE WILDFIRE, RESTORE ECOLOGICAL HEALTH, SAFEGUARD COMMUNITIES AND WATER SUPPLIES, MITIGATE AND ADAPT TO CLIMATE CHANGE, SUPPORT LOCAL ECONOMIES, AND PROTECT RECREATIONAL SETTINGS, AS APPROPRIATE, ACROSS ALL JURISDICTIONAL BOUNDARIES.

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

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

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

(III) LANDSCAPE-SCALE PLANNING TO IDENTIFY STATE-LEVEL PRIORITIES FOR FOREST RESTORATION, WILDFIRE RISK REDUCTION, AND RELATED MANAGEMENT; KEY BARRIERS INHIBITING THE ACHIEVEMENT OF THOSE PRIORITIES; AND SOLUTIONS TO OVERCOME THOSE BARRIERS;

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

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

(VI) IDENTIFICATION OF STRATEGIES FOR BUILDING SUSTAINED CAPACITY TO CONDUCT FOREST RESTORATION AND WILDFIRE MITIGATION WORK AT SCALE THROUGH COLLABORATION ACROSS MULTIPLE AGENCIES, ORGANIZATIONS, AND JURISDICTIONS; PUBLIC-PRIVATE PARTNERSHIPS; INNOVATIVE PUBLIC AND PRIVATE FUNDING VEHICLES; SHARED STEWARDSHIP; AND OTHER SOLUTIONS, WITH EMPHASIS ON LEVERAGING AND MAXIMIZING THE IMPACT AND REACH OF STATE FUNDING;

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

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

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

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

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

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

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

SECTION 3. Appropriation. For the 2021-22 state fiscal year, \$668 is appropriated to the legislative department for use by the general assembly. This appropriation is from the general fund. To implement this act, the assembly may use this appropriation for per diem and traveling expenses.

SECTION 4. Effective date. This act takes effect September 2, 2021.

SECTION 5. Safety clause. The general assembly hereby finds,

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

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO