

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0927.01 Thomas Morris x4218

SENATE BILL 21-237

SENATE SPONSORSHIP

Donovan, Coram, Danielson, Garcia, Moreno, Priola, Rankin, Simpson, Story

HOUSE SPONSORSHIP

McCluskie and Lynch,

Senate Committees

Agriculture & Natural Resources

House Committees

Legislative Council
Agriculture, Livestock, & Water
Appropriations

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 AND**
105 **MAKING AN APPROPRIATION.**

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.

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.

HOUSE
Amended 2nd Reading
May 27, 2021

SENATE
3rd Reading Unamended
May 4, 2021

SENATE
Amended 2nd Reading
May 3, 2021

Section 4 of the bill repeals the forest health advisory council and **section 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 23-31-316.

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

16 **23-31-316. 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-SIX~~ 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) FOUR COUNTY COMMISSIONERS, TWO OF WHOM MUST
14 REPRESENT A COUNTY WEST OF THE CONTINENTAL DIVIDE AND TWO 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 AND ONE OF WHOM MUST RESIDE IN A COUNTY EAST
26 OF THE CONTINENTAL DIVIDE;

27 (H) ONE MEMBER WHO IS EMPLOYED OR ASSOCIATED WITH THE

1 TIMBER INDUSTRY;

2 (I) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A

3 CONSERVATION ORGANIZATION;

4 (J) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH THE

5 INSURANCE INDUSTRY;

6 (K) ONE MEMBER WHO IS EMPLOYED BY A PUBLIC UTILITY THAT

7 OWNS OR OPERATES TRANSMISSION FACILITIES;

8 (L) ONE MEMBER WHO OWNS A RANCH AND OWNS GRAZING RIGHTS

9 ON PUBLIC LANDS; ==

10 (M) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A

11 WILDLIFE ORGANIZATION; AND

12 (N) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH AN

13 ORGANIZATION THAT ADVOCATES FOR MOTORIZED RECREATION; AND

14 (III) TWO MEMBERS OF THE GENERAL ASSEMBLY, INCLUDING A

15 MAJORITY AND MINORITY REPRESENTATIVE FROM THE WILDFIRE MATTERS

16 REVIEW COMMITTEE, ONE APPOINTED BY THE PRESIDENT OF THE SENATE

17 AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF

18 REPRESENTATIVES;

19 (b) THE TERM OF EACH COUNCIL MEMBER IS FIVE YEARS; EXCEPT

20 THAT THE TERMS OF COUNCIL MEMBERS APPOINTED PURSUANT TO

21 SUBSECTION (3)(a)(II) OF THIS SECTION IS THREE YEARS.

22 (4) **Powers and duties.** (a) THE MISSION OF THE COUNCIL IS TO

23 IMPROVE FOREST HEALTH IN COLORADO THROUGH AN INTEGRATED,

24 SCIENCE-BASED, STATEWIDE APPROACH FOCUSED ON COLLABORATION

25 AMONG FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND PRIVATE AND

26 NONPROFIT PARTNERS, TO MITIGATE WILDFIRE, RESTORE ECOLOGICAL

27 HEALTH, SAFEGUARD COMMUNITIES AND WATER SUPPLIES, MITIGATE AND

1 ADAPT TO CLIMATE CHANGE, SUPPORT LOCAL ECONOMIES, AND PROTECT
2 RECREATIONAL SETTINGS, AS APPROPRIATE, ACROSS ALL JURISDICTIONAL
3 BOUNDARIES.

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

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

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

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

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

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

25 (VI) IDENTIFICATION OF STRATEGIES FOR BUILDING SUSTAINED
26 CAPACITY TO CONDUCT FOREST RESTORATION AND WILDFIRE MITIGATION
27 WORK AT SCALE THROUGH COLLABORATION ACROSS MULTIPLE AGENCIES,

1 ORGANIZATIONS, AND JURISDICTIONS; PUBLIC-PRIVATE PARTNERSHIPS;
2 INNOVATIVE PUBLIC AND PRIVATE FUNDING VEHICLES; SHARED
3 STEWARDSHIP; AND OTHER SOLUTIONS, WITH EMPHASIS ON LEVERAGING
4 AND MAXIMIZING THE IMPACT AND REACH OF STATE FUNDING;

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

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

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

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

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

23 (6) **Reports.** AT A MINIMUM, THE COUNCIL SHALL ANNUALLY
24 BRIEF THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION
25 2-3-1602 AND SUBMIT AN ANNUAL REPORT TO THE GOVERNOR.

26 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
27 2026. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN

1 ACCORDANCE WITH SECTION 2-3-1203.

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

7 **SECTION 4. Effective date.** This act takes effect September
8 2, 2021.

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