

**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. 21-0883.01 Pierce Lively x2059

SENATE BILL 21-258

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF STATE ASSISTANCE PROGRAMS**
102 **TO MITIGATE THE RISK OF WILDFIRE, AND, IN CONNECTION**
103 **THEREWITH, CREATING THE WILDFIRE MITIGATION CAPACITY**
104 **DEVELOPMENT FUND AND THE HAZARD MITIGATION FUND;**
105 **TRANSFERRING MONEY INTO SPECIALLY DESIGNED WILDFIRE**
106 **FUNDS; AND 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>.)

The bill allows the forest service to issue forest restoration and

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
2nd Reading Unamended
June 3, 2021

SENATE
3rd Reading Unamended
May 25, 2021

SENATE
2nd Reading Unamended
May 24, 2021

wildfire risk mitigation grants for projects on federal lands, so long as the project maintains continuity across a landscape including federal lands and the area of federal lands does not exceed the combined area of the nonfederal lands involved in the project.

The bill increases the amount that the forest service may use for the direct and indirect costs in administering the forest restoration and wildfire risk mitigation grant program from 3% to 7% of any amounts appropriated in any fiscal year.

The bill allows for the technical advisory panel that evaluates the proposals for forest restoration and wildfire risk mitigation grants to scale up and down in size.

The bill expands the allowable uses of the forest restoration and wildfire risk mitigation grant program by allowing the grant program to fund capacity-building efforts to provide local governments, community groups, and collaborative forestry groups with the resources and staffing necessary to plan and implement forest restoration and wildfire risk mitigation projects, including community and partner outreach and engagement, identifying priority project areas, prescription planning, and acquiring community equipment for use by landowners.

The bill allows for the forest service to hire nontemporary additional field capacity to support the implementation and monitoring of fuels mitigation grant awards and wildfire risk mitigation program grant awards and to hire full-time, nontemporary staff for developing, revising, and implementing community wildfire protection plans and collaborative landscape level prioritization plans; developing and implementing risk mitigation and watershed restoration plans; strengthening the responsible use of prescribed fire; and supporting economically beneficial uses of woody biomass.

The bill also creates 2 funds. First, the bill creates the wildfire mitigation capacity development fund. Money from the wildfire mitigation capacity development fund is continuously appropriated to the department of natural resources to support a number of wildfire related areas administered by the department. Second, the bill creates the hazard mitigation fund to assist local jurisdictions in obtaining the matching funds required for certain federal hazard mitigation grants.

Finally, the bill requires the following transfers:

- \$5 million from the general fund to the healthy forests and vibrant communities fund;
- \$2.5 million from the general fund to the wildfire risk mitigation revolving fund for loans issued by the wildfire risk mitigation loan program;
- \$17.5 million from the general fund to the wildfire mitigation capacity development fund;
- \$3 million from the wildfire preparedness fund to the hazard mitigation fund; and

- \$600,000 from the wildfire preparedness fund and \$1.2 million from the Colorado firefighting air corps fund to the wildfire emergency response fund.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Colorado's wildfire crisis is at a pivotal point and immediate
5 decisive action is necessary to protect lives, homes, businesses, and
6 critical infrastructure;

7 (b) In 2020, Colorado experienced the three largest wildfires in its
8 history;

9 (c) These three wildfires burned over six hundred thousand acres,
10 caused significant displacement, devastated communities, and ultimately
11 resulted in hundreds of millions of dollars in property loss and damage;

12 (d) Although Colorado has been and remains committed to taking
13 meaningful action to mitigate wildfires, past efforts have lacked the
14 coordination and landscape-scale focus required to properly address the
15 size and behavior of catastrophic wildfires;

16 (e) A comprehensive, statewide analysis of wildfire risk will help
17 the state identify, prioritize, and take strategic actions to address
18 Colorado's critical forest health and wildfire mitigation preparedness
19 needs;

20 (f) Increasing funding for wildfire mitigation will prevent the
21 future devastation of Colorado communities, critical watershed and water
22 supply assets, and key ecological and wildlife resources;

23 (g) Increasing Colorado's capacity and workforce to conduct
24 critical forest restoration and wildfire mitigation work will help prepare

1 the state to prevent and respond to wildfires;

2 (h) Forest products businesses are key partners in maintaining
3 healthy forests and supporting local communities;

4 (i) Local communities and governments play a vital role in
5 identifying, preparing for, and implementing wildfire mitigation actions;
6 and

7 (j) Therefore, it is in the public interest to create the wildfire
8 mitigation capacity development fund, increase funding for the wildfire
9 risk mitigation loan program for forest-based businesses, and increase
10 funding for the healthy forest and vibrant communities fund.

11 **SECTION 2.** In Colorado Revised Statutes, 23-31-310, **amend**
12 (3), (5) introductory portion, (8), (8.2)(a)(I), (8.2)(b)(II), and (8.3)(a)(I)
13 as follows:

14 **23-31-310. Forest restoration and wildfire risk mitigation**
15 **grant program - technical advisory panel - legislative declaration -**
16 **definitions - repeal.** (3) **Grant projects.** The forest service shall issue
17 a statewide request for proposals for cost-share grants for projects that are
18 designed through a collaborative community process. The projects may
19 be entirely on, or on any combination of, private, state, county, or
20 municipal forest lands. PROJECTS MAY ALSO BE ON FEDERAL LANDS, SO
21 LONG AS THE PROJECT MAINTAINS CONTINUITY ACROSS A LANDSCAPE
22 INCLUDING FEDERAL LANDS AND THE AREA OF THE FEDERAL LANDS DOES
23 NOT EXCEED THE COMBINED AREA OF THE NONFEDERAL LANDS INVOLVED
24 IN THE PROJECT. The grant share of an individual project cost must not
25 exceed fifty percent of the total cost of the project or exceed one million
26 dollars per project. In the case of a project that is located in an area with
27 fewer economic resources, the grant share of an individual project cost

1 must not exceed seventy-five percent of the total cost of the project or
2 exceed one million dollars per project. The remaining portion of the
3 project's funding may be in the form of cash, stumpage, or in-kind
4 contribution. In meeting the match requirements under this subsection (3),
5 a project may be funded, in whole or in part, from gifts, grants, or
6 donations received from any organization, entity, or individual. In
7 measuring an in-kind contribution for purposes of meeting the fifty
8 percent and twenty-five percent matches required by this subsection (3),
9 "in-kind contribution" may include volunteer hours provided by the staff
10 of an entity or organization applying for grant funding and the time for
11 which staff receives monetary compensation in the form of salary or other
12 financial benefits. Such compensated time that counts toward the in-kind
13 contribution is limited to the estimated time of paid staff in planning and
14 implementing the mitigation project. The forest service shall establish a
15 policy that specifies the criteria by which a particular project will satisfy
16 the requirement of this subsection (3) that it is located in an area with
17 fewer economic resources, as applicable.

18 (5) **Technical advisory panel.** The director shall convene a
19 technical advisory panel to evaluate the proposals for forest restoration
20 and wildfire risk mitigation grants and provide recommendations
21 regarding which proposals would best meet the objectives of this section.
22 The panel shall consider eligibility criteria established in subsections (4)
23 and (4.5) of this section, a project's effect on long-term forest
24 management, and the number of acres treated for state dollars spent and
25 seek to use a consensus-based decision-making process to develop such
26 recommendations. A panel member shall recuse himself or herself if he
27 or she has an actual or potential conflict of interest with respect to a grant

1 applicant. The panel is composed of ~~ten to eleven~~ members to be
2 appointed by the director. The composition of the panel includes AT
3 LEAST:

4 (8) **Administrative costs.** The forest service may utilize no more
5 than ~~three~~ SEVEN percent of any amounts appropriated in any fiscal year
6 for its direct and indirect costs in administering the program.

7 (8.2) **Community watershed restoration and wildfire risk**
8 **mitigation.** (a) In order to support communities and land managers in
9 efforts to reduce risk to people and property and in support of long-term
10 ecological restoration so that the underlying condition of Colorado's
11 forests supports a variety of values, particularly public water supply and
12 high-quality wildlife habitat, the forest service shall:

13 (I) Hire additional ~~temporary~~ field capacity to support the
14 implementation of forest restoration and wildfire risk mitigation program
15 grants awarded pursuant to this section;

16 (b) (II) This subsection (8.2)(b) is repealed, effective ~~September~~
17 ~~1, 2023~~ SEPTEMBER 1, 2028.

18 (8.3) **Grant program.** (a) The forest service shall develop and
19 administer the program in consultation with the technical advisory panel
20 created in subsection (5) of this section. In developing the program, the
21 forest service shall:

22 (I) Dedicate up to twenty-five percent of the money available in
23 the forest restoration and wildfire risk mitigation grant program cash
24 fund, created in subsection (8.5) of this section, to fund capacity-building
25 efforts to provide local governments, community groups, and
26 collaborative forestry groups with the resources AND STAFFING necessary
27 to ~~provide site-based hazardous fuel reduction treatments~~, PLAN AND

1 IMPLEMENT FOREST RESTORATION AND WILDFIRE RISK MITIGATION
2 PROJECTS, including ~~neighborhood slash piles~~, COMMUNITY AND PARTNER
3 OUTREACH AND ENGAGEMENT, IDENTIFYING PRIORITY PROJECT AREAS,
4 PRESCRIPTION PLANNING, and ACQUIRING community equipment for use
5 by landowners;

6 **SECTION 3.** In Colorado Revised Statutes, 23-31-313, **amend**
7 (5)(b) and (9)(a); and **add** (8)(e) and (10)(a)(III) as follows:

8 **23-31-313. Healthy forests - vibrant communities - funds**
9 **created - repeal. (5) Community wildfire risk mitigation.** To help
10 communities address the urgent need to reduce wildfire risks by
11 supporting implementation of risk mitigation treatments that focus on
12 protecting lives, homes, and essential community infrastructure, and by
13 improving inventory and monitoring of forest conditions, the forest
14 service shall:

15 (b) Hire additional ~~temporary~~ field capacity to support the
16 implementation and monitoring of fuels mitigation grant awards;

17 (8) **Wildfire risk mitigation loan program.** (e) ON THE
18 EFFECTIVE DATE OF THIS SUBSECTION (8)(e), OR AS SOON AS POSSIBLE
19 THEREAFTER, THE STATE TREASURER SHALL TRANSFER TWO MILLION FIVE
20 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
21 WILDFIRE RISK MITIGATION REVOLVING FUND.

22 (9) **Improved outreach and technical assistance.** In order to
23 ensure that the forest service has the capacity to deliver key funding and
24 technical assistance that will be needed to guide and support
25 implementation of wildfire preparedness, risk mitigation, watershed
26 restoration, and economic development initiatives in a way that adds
27 value to these efforts at the state level and across community boundaries,

1 the forest service shall:

2 (a) Secure full-time ~~temporary~~ staff for developing, revising, and
3 implementing CWPPs AND COLLABORATIVE LANDSCAPE LEVEL
4 PRIORITIZATION PLANS; developing and implementing risk mitigation and
5 watershed restoration plans; strengthening the responsible use of
6 prescribed fire; and supporting economically beneficial uses of woody
7 biomass;

8 (10) **Healthy forests and vibrant communities fund.**

9 (a) (III) ON THE EFFECTIVE DATE OF THIS SUBSECTION (10)(a)(III), OR AS
10 SOON AS POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER
11 FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE HEALTHY
12 FORESTS AND VIBRANT COMMUNITIES FUND.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-706.5
14 as follows:

15 **24-33.5-706.5. Hazard mitigation fund - established - financing**
16 **- legislative intent.** (1) THE HAZARD MITIGATION FUND IS HEREBY
17 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
18 TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (4) OF THIS
19 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
20 APPROPRIATE OR TRANSFER TO THE FUND.

21 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
23 HAZARD MITIGATION FUND TO THE FUND.

24 (3) MONEY IN THE HAZARD MITIGATION FUND IS CONTINUOUSLY
25 APPROPRIATED TO THE DEPARTMENT TO ASSIST LOCAL JURISDICTIONS IN
26 OBTAINING THE MATCHING FUNDS REQUIRED FOR CERTAIN FEDERAL
27 HAZARD MITIGATION GRANTS.

1 (4) ON THE EFFECTIVE DATE OF THIS SUBSECTION (4), IF POSSIBLE,
2 OR AS SOON AS POSSIBLE THEREAFTER, THE STATE TREASURER SHALL
3 TRANSFER THREE MILLION DOLLARS FROM THE WILDFIRE PREPAREDNESS
4 FUNDESTABLISHED IN SECTION 24-33.5-1227 TO THE HAZARD MITIGATION
5 FUND.

6 **SECTION 5.** In Colorado Revised Statutes, **add** 24-33-117 as
7 follows:

8 **24-33-117. Wildfire mitigation capacity development fund -**
9 **established - financing - legislative intent - repeal.** (1) THE WILDFIRE
10 MITIGATION CAPACITY DEVELOPMENT FUND IS HEREBY CREATED IN THE
11 STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE
12 FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION AND ANY OTHER
13 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
14 TO THE FUND.

15 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
17 WILDFIRE MITIGATION CAPACITY DEVELOPMENT FUND TO THE FUND.

18 (3) MONEY IN THE WILDFIRE MITIGATION CAPACITY DEVELOPMENT
19 FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF NATURAL
20 RESOURCES AND MAY BE USED BY THE DEPARTMENT FOR THE FOLLOWING
21 PURPOSES:

22 (a) INITIATING A FEDERAL NATIONAL INCIDENT MANAGEMENT
23 ORGANIZATION COMPREHENSIVE RISK ANALYSIS BY JUNE 15, 2021, TO
24 IDENTIFY THE MOST STRATEGIC LANDSCAPES IN THE STATE FOR WILDFIRE
25 MITIGATION AND FUEL REDUCTION PROJECTS;

26 (b) SUPPORTING WILDFIRE MITIGATION WORKFORCE DEVELOPMENT
27 INCLUDING THE ENGAGEMENT OF CONSERVATION CORPS AND THE

1 DEPARTMENT OF CORRECTIONS STATE WILDLAND INMATE FIRE TEAMS IN
2 PRIORITY WILDFIRE MITIGATION PROJECTS INCLUDING THOSE PROJECTS
3 IDENTIFIED BY THE FEDERAL NATIONAL INCIDENT MANAGEMENT
4 ORGANIZATION COMPREHENSIVE RISK ANALYSIS CONDUCTED PURSUANT
5 TO SUBSECTION (3)(a) OF THIS SECTION;

6 (c) HIRING STAFF RESOURCES TO COORDINATE CROSS-BOUNDARY
7 WILDFIRE MITIGATION EFFORTS, FACILITATE ENGAGEMENT, AND CONNECT
8 PRIORITY WILDFIRE MITIGATION PROJECTS WITH AVAILABLE RESOURCES.
9 THESE STAFF SHALL CONSULT WITH STAKEHOLDERS INCLUDING FEDERAL
10 AND STATE AGENCIES, LOCAL GOVERNMENTS, TRIBES, COMMUNITIES,
11 FOREST COLLABORATIVE GROUPS, AND OTHER ENTITIES TO IDENTIFY AND
12 IMPLEMENT PRIORITY WILDFIRE MITIGATION PROJECTS ON MUNICIPAL,
13 COUNTY, TRIBAL, STATE, STATE-OPERATED, FEDERAL, AND PRIVATE
14 LANDS, AS APPROPRIATE.

15 (d) CONDUCTING AN ASSESSMENT OF WILDFIRE MITIGATION
16 EFFORTS UNDERTAKEN OR SUPPORTED BY THE STATE TO DETERMINE THE
17 MOST EFFICIENT AND EFFECTIVE ORGANIZATIONAL STRUCTURE FOR THOSE
18 EFFORTS;

19 (e) FUNDING PROJECTS OR GRANTS TO SUPPORT THE PLANNING AND
20 IMPLEMENTATION OF FUEL REDUCTION AND WILDFIRE MITIGATION
21 PROJECTS AT LANDSCAPE-SCALE TO REDUCE THE RISK OF CATASTROPHIC
22 WILDFIRE IN PRIORITY AREAS, INCLUDING THOSE IDENTIFIED BY THE
23 ANALYSIS IN SUBSECTION (3)(a) OF THIS SECTION; AND

24 (f) FUNDING THE DIRECT AND INDIRECT COSTS OF ADMINISTERING
25 THE ACTIVITIES DESCRIBED IN THIS SUBSECTION (3).

26 (4) TO THE EXTENT PRACTICABLE, WHEN SUPPORTING OR FUNDING
27 PROJECTS OR GRANTS FOR THE PLANNING AND IMPLEMENTATION OF FUEL

1 REDUCTION AND WILDFIRE MITIGATION PROJECTS IN ACCORDANCE WITH
2 SUBSECTIONS (3)(b) AND (3)(e) OF THIS SECTION, THE DEPARTMENT OF
3 NATURAL RESOURCES SHALL PRIORITIZE THOSE PROJECTS WITH THE
4 GREATEST POTENTIAL TO PROTECT LIFE, PROPERTY, AND INFRASTRUCTURE.

5 (5) ON THE EFFECTIVE DATE OF THIS SUBSECTION (5), IF POSSIBLE,
6 OR AS SOON AS POSSIBLE THEREAFTER, THE STATE TREASURER SHALL
7 TRANSFER SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM
8 THE GENERAL FUND TO THE WILDFIRE MITIGATION CAPACITY
9 DEVELOPMENT FUND. THE MONEY TRANSFERRED PURSUANT TO THIS
10 SUBSECTION (5) MUST BE ALLOCATED TO SUPPORTED AREAS
11 ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES AS
12 FOLLOWS:

13 (a) UP TO TWO HUNDRED THOUSAND DOLLARS FOR THE FEDERAL
14 NATIONAL INCIDENT MANAGEMENT ORGANIZATION STATEWIDE RISK
15 ASSESSMENT DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION;

16 (b) FOR THE WILDFIRE MITIGATION WORKFORCE DEVELOPMENT
17 DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION;

18 (c) UP TO FIVE HUNDRED FIFTY THOUSAND DOLLARS FOR THE
19 WILDFIRE MITIGATION PROJECT COORDINATION DESCRIBED IN SUBSECTION
20 (3)(c) OF THIS SECTION;

21 (d) UP TO FIVE HUNDRED THOUSAND DOLLARS FOR THE WILDFIRE
22 MITIGATION ORGANIZATIONAL PLANNING DESCRIBED IN SUBSECTION (3)(d)
23 OF THIS SECTION;

24 (e) FOR THE LANDSCAPE WILDFIRE MITIGATION PROJECTS
25 DESCRIBED IN SUBSECTION (3)(e) OF THIS SECTION;

26 (f) UP TO FIVE PERCENT OF THE FUNDS TRANSFERRED PURSUANT
27 TO SUBSECTION (5)(b) OF THIS SECTION MAY BE USED FOR BOTH THE

1 DIRECT AND INDIRECT ADMINISTRATIVE COSTS ASSOCIATED WITH THE
2 WILDFIRE MITIGATION WORKFORCE DEVELOPMENT FUNDED BY
3 SUBSECTION (5)(b) OF THIS SECTION; AND

4 (g) UP TO FIVE PERCENT OF THE FUNDS TRANSFERRED PURSUANT
5 TO SUBSECTION (5)(e) OF THIS SECTION MAY BE USED FOR BOTH THE
6 DIRECT AND INDIRECT ADMINISTRATIVE COSTS ASSOCIATED WITH THE
7 LANDSCAPE WILDFIRE MITIGATION PROJECTS FUNDED BY SUBSECTION
8 (5)(e) OF THIS SECTION.

9 (6) ON JUNE 30, 2023, THE STATE TREASURER SHALL TRANSFER
10 ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE WILDFIRE
11 MITIGATION CAPACITY DEVELOPMENT FUND THAT WAS TRANSFERRED BY
12 THE STATE TREASURER TO THE WILDFIRE MITIGATION CAPACITY
13 DEVELOPMENT FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION TO
14 THE GENERAL FUND, EXCEPT FOR THE MONEY ALLOCATED BY THE
15 DEPARTMENT OF NATURAL RESOURCES PURSUANT TO SUBSECTIONS (5)(c),
16 (5)(f), AND (5)(g) OF THIS SECTION.

17 (7) TO IMPLEMENT THIS SECTION, THE DEPARTMENT OF NATURAL
18 RESOURCES SHALL COORDINATE WITH THE DIVISION OF FIRE PREVENTION
19 AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY AND WITH THE
20 COLORADO STATE FOREST SERVICE AT THE DEPARTMENT OF HIGHER
21 EDUCATION AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
22 SUCH AGENCIES TO DIRECT THE IMPLEMENTATION OF THIS SECTION.

23 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1226, **add**
24 (6) as follows:

25 **24-33.5-1226. Wildfire emergency response fund - creation -**
26 **gifts, grants, and donations authorized.** (6) (a) ON THE EFFECTIVE
27 DATE OF THIS SUBSECTION (6), IF POSSIBLE, OR AS SOON AS POSSIBLE

1 THEREAFTER, THE STATE TREASURER SHALL TRANSFER SIX HUNDRED
2 THOUSAND DOLLARS FROM THE WILDFIRE PREPAREDNESS FUND CREATED
3 IN SECTION 24-33.5-1227 AND ONE MILLION TWO HUNDRED THOUSAND
4 DOLLARS FROM THE COLORADO FIREFIGHTING AIR CORPS FUND CREATED
5 IN SECTION 24-33.5-1228 TO THE WILDFIRE EMERGENCY RESPONSE FUND.

6 (b) ON JULY 1, 2021, THE STATE TREASURER SHALL TRANSFER SIX
7 HUNDRED THOUSAND DOLLARS FROM THE WILDFIRE PREPAREDNESS FUND
8 CREATED IN SECTION 24-33.5-1227 AND ONE MILLION TWO HUNDRED
9 THOUSAND DOLLARS FROM THE COLORADO FIREFIGHTING AIR CORPS FUND
10 CREATED IN SECTION 24-33.5-1228 TO THE WILDFIRE EMERGENCY
11 RESPONSE FUND.

12 **SECTION 7. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.