

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0176.01 Richard Sweetman x4333

HOUSE BILL 22-1012

HOUSE SPONSORSHIP

Cutter and Valdez D., Lynch, Snyder

SENATE SPONSORSHIP

Ginal and Lee, Story

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING HEALTHY FORESTS, AND, IN CONNECTION THEREWITH,
102 CREATING THE WILDFIRE MITIGATION AND RECOVERY GRANT
103 PROGRAM.

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/>.)

Wildfire Matters Review Committee. Section 1 of the bill creates the wildfire mitigation and recovery grant program (grant program) in the Colorado state forest service (forest service) to provide grants to help counties with forested areas prevent and recover from wildfire incidents and ensure that such efforts are undertaken in a manner

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.

that reduces the amount of carbon that enters the atmosphere. In expending grant money, a county, to the extent practicable, shall ensure that biomass that is removed from forests is recycled or disposed of in a manner that reduces the amount of carbon that enters the atmosphere.

The forest service shall administer the grant program and, subject to available appropriations, award grants out of money annually appropriated to the forest service for the grant program. The forest service shall review grant applications in consultation with the division of fire prevention and control in the department of public safety and with the Colorado forest health council in the department of natural resources.

The grant program is repealed, effective September 1, 2028. Before the repeal, the grant program is scheduled for a sunset review by the department of regulatory agencies. **Section 2** schedules this review.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-31-318 as
3 follows:

4 **23-31-318. Wildfire mitigation and recovery grant program**
5 **- grant program created - applications - awards - reports - funding**
6 **- repeal.** (1) (a) THERE IS HEREBY CREATED IN THE COLORADO STATE
7 FOREST SERVICE THE WILDFIRE MITIGATION AND RECOVERY GRANT
8 PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO
9 PROVIDE GRANTS IN ORDER TO:

10 (I) HELP COUNTIES WITH FORESTED AREAS PREVENT AND RECOVER
11 FROM WILDFIRE INCIDENTS BY REMOVING DEADWOOD AND OTHER
12 POTENTIAL WILDFIRE FUEL AS WELL AS DEBRIS THAT HAS RESULTED FROM
13 A WILDFIRE INCIDENT; AND

14 (II) ENSURE THAT SUCH EFFORTS ARE UNDERTAKEN IN A MANNER
15 THAT REDUCES THE AMOUNT OF CARBON THAT ENTERS THE ATMOSPHERE.

16 (b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
17 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

18 (I) TO PURCHASE OR LEASE EQUIPMENT, INCLUDING MOBILE WOOD

1 CHIPPERS, TO ASSIST WITH THE REMOVAL OF DEADWOOD AND OTHER
2 POTENTIAL WILDFIRE FUEL AS WELL AS DEBRIS THAT HAS RESULTED FROM
3 A WILDFIRE INCIDENT;

4 (II) TO HIRE AND COMPENSATE LABORERS TO ASSIST WITH THE
5 REMOVAL OF DEADWOOD AND OTHER POTENTIAL WILDFIRE FUEL AS WELL
6 AS DEBRIS THAT HAS RESULTED FROM A WILDFIRE INCIDENT; AND

7 (III) TO INITIATE AND MAINTAIN REFORESTATION EFFORTS,
8 INCLUDING THE PLANTING OF TREE SEEDLINGS, AFTER A WILDFIRE
9 INCIDENT.

10 (c) IN EXPENDING GRANT MONEY AS DESCRIBED IN SUBSECTION
11 (1)(b) OF THIS SECTION, A COUNTY, TO THE EXTENT PRACTICABLE, SHALL
12 ENSURE THAT BIOMASS THAT IS REMOVED FROM FORESTS IS RECYCLED OR
13 DISPOSED OF IN A MANNER THAT REDUCES THE AMOUNT OF CARBON THAT
14 ENTERS THE ATMOSPHERE, INCLUDING THE SALE OR DONATION OF:

15 (I) SALVAGEABLE TIMBER;

16 (II) UNSALVAGEABLE TIMBER THAT IS REDUCED TO CHIP OR
17 PELLET FORM; AND

18 (III) UNSALVAGEABLE BIOMASS THAT HAS BEEN RENDERED AS
19 SUITABLE FOR COMPOSTING.

20 (d) THE COLORADO STATE FOREST SERVICE SHALL ADMINISTER
21 THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS,
22 SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. GRANTS SHALL BE
23 PAID OUT OF MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM,
24 AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

25 (2) (a) TO RECEIVE A GRANT, A BOARD OF COUNTY
26 COMMISSIONERS MUST SUBMIT AN APPLICATION ON BEHALF OF ITS COUNTY
27 TO THE COLORADO STATE FOREST SERVICE. AT A MINIMUM, THE

1 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

2 (I) THE NAME OF THE COUNTY AND THE PORTION OF THE COUNTY
3 IN WHICH THE COUNTY PLANS TO IMPLEMENT WILDFIRE MITIGATION OR
4 RECOVERY EFFORTS; AND

5 (II) THE AMOUNT OF GRANT MONEY THAT THE COUNTY SEEKS,
6 INCLUDING AN ITEMIZATION OF HOW THE COUNTY PLANS TO SPEND SUCH
7 MONEY.

8 (b) THE COLORADO STATE FOREST SERVICE SHALL REVIEW GRANT
9 APPLICATIONS IN CONSULTATION WITH THE DIVISION OF FIRE PREVENTION
10 AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY AND THE
11 COLORADO FOREST HEALTH COUNCIL CREATED IN SECTION 23-31-316. IN
12 AWARDING GRANTS, THE COLORADO STATE FOREST SERVICE SHALL
13 CONSIDER THE INPUT OF THE DIRECTOR OF THE DIVISION OF FIRE
14 PREVENTION AND CONTROL AND THE INPUT OF THE COLORADO FOREST
15 HEALTH COUNCIL.

16 (c) THE COLORADO STATE FOREST SERVICE SHALL DISTRIBUTE THE
17 GRANT MONEY WITHIN THIRTY DAYS AFTER THE COLORADO STATE FOREST
18 SERVICE AWARDS A GRANT.

19 (3) (a) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE
20 NOVEMBER 1 EACH YEAR THEREAFTER, EACH COUNTY THAT RECEIVES A
21 GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE
22 COLORADO STATE FOREST SERVICE. AT A MINIMUM, THE REPORT MUST
23 INCLUDE AN ITEMIZATION OF HOW THE GRANT MONEY WAS EXPENDED.

24 (b) ON OR BEFORE JANUARY 1, 2023, AND ON OR BEFORE JANUARY
25 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM,
26 THE COLORADO STATE FOREST SERVICE SHALL SUBMIT A SUMMARIZED
27 REPORT CONCERNING THE GRANT PROGRAM TO THE AGRICULTURE AND

1 NATURAL RESOURCES COMMITTEE OF THE SENATE AND THE ENERGY AND
2 ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
3 SUCCESSOR COMMITTEES, AND TO THE GOVERNOR. AT A MINIMUM, THE
4 REPORT MUST INCLUDE IDENTIFICATION OF EACH COUNTY THAT WAS
5 AWARDED A GRANT DURING THE PREVIOUS TWELVE MONTHS, THE AMOUNT
6 OF EACH GRANT, AND HOW THE GRANT MONEY WAS USED BY THE COUNTY.

7 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
8 REPORTING REQUIREMENTS SET FORTH IN THIS SUBSECTION (3) CONTINUE
9 UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO SUBSECTION (5) OF
10 THIS SECTION.

11 (4) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
12 MONEY FROM THE GENERAL FUND TO THE COLORADO STATE UNIVERSITY
13 SYSTEM, FOR ALLOCATION TO THE COLORADO STATE FOREST SERVICE TO
14 IMPLEMENT THE GRANT PROGRAM. THE COLORADO STATE FOREST SERVICE
15 MAY USE UP TO THREE PERCENT OF THE MONEY ANNUALLY APPROPRIATED
16 FOR THE GRANT PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS THAT
17 THE COLORADO STATE FOREST SERVICE INCURS IN ADMINISTERING THE
18 GRANT PROGRAM.

19 (b) ANY MONEY THAT IS APPROPRIATED TO THE COLORADO STATE
20 FOREST SERVICE PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION AND
21 NOT EXPENDED BY THE COLORADO STATE FOREST SERVICE IN THE STATE
22 FISCAL YEAR FOR WHICH IT IS APPROPRIATED REMAINS WITH THE
23 COLORADO STATE FOREST SERVICE TO IMPLEMENT THE GRANT PROGRAM
24 IN THE FOLLOWING STATE FISCAL YEAR AND DOES NOT REVERT TO THE
25 GENERAL FUND.

26 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.
27 BEFORE THE REPEAL, THE GRANT PROGRAM IS SCHEDULED FOR REVIEW IN

1 ACCORDANCE WITH SECTION 24-34-104.

2 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
3 (29)(a)(XVII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (29) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2028:

8 (XVII) THE WILDFIRE MITIGATION AND RECOVERY GRANT
9 PROGRAM CREATED IN SECTION 23-31-318.

10 **SECTION 3. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2022 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.