

CHAPTER 434

NATURAL RESOURCES

HOUSE BILL 22-1323

BY REPRESENTATIVE(S) Snyder and Froelich, Amabile, Bernett, Bird, Boesenecker, Carver, Catlin, Cutter, Duran, Esgar, Exum, Herod, Hooton, Kipp, Lindsay, Lontine, Lynch, McCluskie, McCormick, McLachlan, Michaelson Jenet, Pico, Roberts, Soper, Titone, Valdez A., Valdez D., Weissman, Will, Woodrow, Young;
also SENATOR(S) Rankin and Ginal, Cooke, Donovan, Gonzales, Hansen, Holbert, Jaquez Lewis, Kirkmeyer, Lee, Lundeen, Priola, Scott, Simpson, Story, Woodward.

AN ACT

**CONCERNING UPDATES TO THE COLORADO STATE FOREST SERVICE SEEDLING TREE NURSERY, AND,
IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) A large, diverse, and healthy tree population within Colorado's naturally forested and community landscapes is vital in the fight against climate change because trees are essential for increasing carbon sequestration and achieving Colorado's climate mitigation targets;

(b) Colorado has recently suffered devastating impacts to its tree population from uncharacteristic wildfires, insect outbreaks, drought, and deforestation;

(c) In 2020 and 2021, Colorado experienced two record-breaking wildfire years that resulted in four of the largest and most costly wildfires in the state's history:

(I) The Marshall Fire, which burned over 6,000 acres and 1,000 structures in a highly urbanized area and caused more than \$500 million in damages;

(II) The Cameron Peak Fire, which burned around 208,913 acres;

(III) The East Troublesome Fire, which burned around 193,812 acres; and

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.

(IV) The Pine Gulch Fire, which burned around 139,007 acres; and

(d) Reforestation in the aftermath of wildfires plays an important role in:

(I) Preserving water quality;

(II) Restoring tree cover;

(III) Providing stream and riverbank support and decreasing flood damage;

(IV) Increasing carbon sequestration;

(V) Enhancing outdoor recreation areas; and

(VI) Protecting biodiversity.

(2) The general assembly also finds that:

(a) Located on the foothills campus of Colorado state university in Fort Collins, the Colorado state forest service seedling tree nursery (forest service nursery) plays a critical role in providing seedling trees for landowners and land managers in Colorado for conservation and reforestation purposes;

(b) A large-scale, diverse, and reliable stock of seedling trees is critical to mitigating the risk of future wildfires, protecting existing water infrastructure, and adapting to continued climate change in Colorado;

(c) Due to its outdated infrastructure, limited staffing capabilities, and limited growing space, the forest service nursery has been unable to leverage its capacity and resources to meet the increasing demand for seedling trees for nonfederal lands in Colorado; and

(d) The lack of funding to improve and modernize the forest service nursery has put the forest service nursery in a position of being unsustainable in the future and has significantly limited its ability to:

(I) Produce sufficient stock of a diversity of high-quality, environmentally adapted seedling trees to be used for ecosystem restoration;

(II) Provide guidance and expertise regarding reforestation that is necessary to increase the survival rate of seedling trees; and

(III) Support post-wildfire recovery efforts at the scale now required.

(3) The general assembly therefore declares that an investment by the state to upgrade and expand the forest service nursery will increase the forest service nursery's annual production dramatically, improve professional expertise, and help support the growing need for seedling trees and guidance regarding the implementation of reforestation projects in response to wildfire.

SECTION 2. In Colorado Revised Statutes, **add** 23-31-319 as follows:

23-31-319. Forest service seedling tree nursery - necessary upgrades and improvements - definition - funding - reports - repeal. (1) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "NURSERY" MEANS THE COLORADO STATE FOREST SERVICE SEEDLING TREE NURSERY LOCATED ON THE FOOTHILLS CAMPUS OF COLORADO STATE UNIVERSITY IN FORT COLLINS AND OPERATED BY THE COLORADO STATE FOREST SERVICE.

(2) **Greenhouses.** TO UPGRADE GREENHOUSES AND EXPAND THEIR CAPACITY, THE NURSERY SHALL:

(a) REPAIR EXISTING STRUCTURES AS NEEDED;

(b) ADD SQUARE FOOTAGE TO EXISTING STRUCTURES OR CONSTRUCT NEW STRUCTURES;

(c) REPLACE PUMPS AND OTHER EQUIPMENT WITH EQUIPMENT THAT IS CALIBRATED FOR CURRENT NUTRIENT DELIVERY STANDARDS;

(d) IMPLEMENT ENERGY EFFICIENCY MEASURES;

(e) IMPLEMENT MODERN PEST CONTROL MEASURES; AND

(f) UPGRADE WATER DELIVERY SYSTEMS, INCLUDING IRRIGATION SYSTEMS.

(3) **Shade house structures.** TO IMPROVE AND EXPAND SHADE HOUSE STRUCTURES, THE NURSERY SHALL:

(a) REMOVE AND REPLACE EXISTING ROTTED STRUCTURES;

(b) REFILL AND LEVEL SUNKEN OR ERODED GROUND;

(c) INSTALL NEW FOUNDATIONS;

(d) INSTALL NEW IRRIGATION LINES; AND

(e) ADD SQUARE FOOTAGE TO EXISTING STRUCTURES, CONSTRUCT NEW STRUCTURES, OR BOTH.

(4) **Containers and shipping supplies.** TO PREPARE FOR INCREASED PRODUCTION, THE NURSERY SHALL:

(a) PURCHASE SUFFICIENT CONTAINERS AND SHIPPING MATERIALS TO SERVE THE NURSERY'S STORAGE AND SHIPPING NEEDS; AND

(b) PURCHASE A PRESSURE WASHER TO CLEAN AND STERILIZE CONTAINERS FOR REUSE.

(5) **Capacity, expertise, and infrastructure analysis.** TO GUIDE FURTHER INVESTMENT IN THE MODERNIZATION OF THE NURSERY, THE NURSERY SHALL CONTRACT WITH NURSERY MANAGEMENT AND REFORESTATION PROFESSIONALS TO CONDUCT AN ANALYSIS OF PRIORITY CAPACITY AND KNOWLEDGE INVESTMENTS

THAT ARE NECESSARY TO ADDRESS REFORESTATION NEEDS IN RESPONSE TO MORE FREQUENT AND INTENSE WILDFIRE, FLOOD, INSECT, AND DISEASE INCIDENTS.

(6) **Appropriation.** FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE COLORADO STATE UNIVERSITY SYSTEM FOR ALLOCATION TO AND EXPENDITURE BY THE COLORADO STATE FOREST SERVICE TO FUND IMPROVEMENTS TO THE NURSERY, TO HIRE PROFESSIONAL STAFF, AND TO CONDUCT THE CAPACITY, EXPERTISE, AND INFRASTRUCTURE ANALYSIS AS SPECIFIED IN SUBSECTION (5) OF THIS SECTION.

(7) **Reporting.** NO LATER THAN JUNE 1, 2023, AND NO LATER THAN JUNE 1 OF ANY OTHER YEAR IN WHICH THE COLORADO STATE FOREST SERVICE EXPENDS MONEY APPROPRIATED TO THE COLORADO STATE UNIVERSITY SYSTEM PURSUANT TO THIS SECTION, THE STATE FORESTER SHALL SUBMIT A REPORT CONCERNING THE USE OF MONEY RECEIVED BY THE COLORADO STATE FOREST SERVICE PURSUANT TO THIS SECTION TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION 2-3-1602 (1)(a).

(8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2025.

SECTION 3. Appropriation. For the 2022-23 state fiscal year, \$5,000,000 is appropriated to the department of higher education for use by the board of governors of the Colorado state university system. This appropriation is from the general fund. To implement this act, the board of governors may use this appropriation for the Colorado state forest service tree nursery. Any money appropriated in this section not expended prior to July 1, 2023, is further appropriated to the board of governors for the 2023-24 state fiscal year for the same purpose.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 8, 2022