

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO  
CORRECTED INTRODUCED**

LLS NO. 19-0222.02 Bob Lackner x4350

**HOUSE BILL 19-1006**

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**HOUSE SPONSORSHIP**

**McLachlan and Carver,**

**SENATE SPONSORSHIP**

**Fields,**

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**House Committees**  
Rural Affairs & Agriculture

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO MITIGATE THE EFFECTS OF WILDFIRES**  
102            **WITHIN WILDLAND-URBAN INTERFACE AREAS, AND, IN**  
103            **CONNECTION THEREWITH, CREATING A STATE GRANT PROGRAM**  
104            **TO PROMOTE FOREST MANAGEMENT FUELS REDUCTION**  
105            **PROJECTS IN SUCH AREAS.**

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**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.** The bill creates a state grant program to be administered by the Colorado state forest service

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.

(forest service) to fund proactive forest management fuels reduction projects to reduce the impacts to life, property, and critical infrastructure caused by wildfires.

To be eligible for a grant award, a grant recipient must be any one of a group of individual landowners as specified in the bill whose real property that is the subject of a grant application is located within a land area that is covered by a community wildfire protection plan.

The bill specifies requirements pertaining to the evaluation of grant proposals. The forest service is to select the proposals that will receive funding, administer the grant program, and develop procedures by which applicants are to apply for grants.

The bill imposes a monetary limit on the amount of a grant to be awarded and also requires a grant applicant to demonstrate an available amount of matching funds to be awarded a grant.

The bill creates the forest management fuels reduction projects grant program cash fund in the state treasury.

The bill requires the forest service to report annually to the general assembly on the number, location, and benefits of all projects for which a grant award is made.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-31-310.5 as  
3 follows:

4 **23-31-310.5. Forest management fuels reduction projects**  
5 **grant program - fund created - eligibility - procedures - legislative**  
6 **declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY  
7 FINDS THAT:

8 (I) OVER SIXTY PERCENT OF COLORADO'S FOREST LANDS ARE AT  
9 MODERATE TO HIGH RISK OF WILDFIRE;

10 (II) APPROXIMATELY TWENTY-FIVE PERCENT OF THE  
11 WILDLAND-URBAN INTERFACE IN COLORADO IS CURRENTLY DEVELOPED;

12 (III) CONTINUED GROWTH IN THE WILDLAND-URBAN INTERFACE  
13 WILL INCREASE THE DEMAND ON STATE AND LOCAL RESOURCES WHEN  
14 WILDFIRES OCCUR; AND

1 (IV) REDUCING WILDFIRE AT THE LARGEST SCALE POSSIBLE  
2 PROVIDES SAFER ACCESS FOR FIREFIGHTERS TO PROTECT LIFE AND  
3 PROPERTY.

4 (b) THE GENERAL ASSEMBLY HEREBY DETERMINES THAT:

5 (I) REDUCING FOREST FUELS IN THE WILDLAND-URBAN INTERFACE  
6 IS A COST-EFFECTIVE METHOD TO REDUCE THE IMPACTS TO PEOPLE,  
7 PROPERTY, AND CRITICAL INFRASTRUCTURE CAUSED BY WILDFIRE;

8 (II) COLLABORATIVE TREATMENTS TO REDUCE FUELS THAT  
9 ADDRESS LARGER AREAS HAVE THE MOST IMPACT ON REDUCING THE  
10 IMPACTS CAUSED BY WILDFIRES; AND

11 (III) ASSESSING THE RISK OF WILDFIRE IN THE WILDLAND-URBAN  
12 INTERFACE THROUGH PROACTIVE FOREST MANAGEMENT FUELS  
13 REDUCTION PROJECTS ASSISTS IN THE PROTECTION OF LIFE, PROPERTY,  
14 AND CRITICAL INFRASTRUCTURE AND IMPROVES THE ABILITY OF  
15 FIREFIGHTERS TO FIGHT WILDFIRES.

16 (c) THROUGH THE GRANT PROGRAM ESTABLISHED IN THIS  
17 SECTION, THE GENERAL ASSEMBLY INTENDS TO GIVE ELIGIBLE RECIPIENTS  
18 SUFFICIENT FINANCIAL INCENTIVES AS WILL ENABLE THEM TO UNDERTAKE  
19 PROACTIVE FOREST MANAGEMENT FUELS REDUCTION PROJECTS TO  
20 REDUCE THE IMPACTS TO LIFE, PROPERTY, AND CRITICAL INFRASTRUCTURE  
21 CAUSED BY WILDFIRE.

22 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
23 REQUIRES:

24 (a) "APPLICANT" MEANS A PERSON WHO APPLIES FOR A GRANT  
25 AWARDED UNDER THIS SECTION.

26 (b) "COMMUNITY WILDFIRE PROTECTION PLAN" HAS THE SAME  
27 MEANING AS IS SPECIFIED IN SECTION 23-31-312 (2)(a).

1 (c) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST  
2 SERVICE IDENTIFIED IN SECTION 23-31-302 AND THE DIVISION OF  
3 FORESTRY CREATED IN SECTION 24-33-104 (1)(k).

4 (d) "FUEL" MEANS LIVING AND DEAD COMBUSTIBLE VEGETATION  
5 THAT CAN FEED A FIRE, INCLUDING GRASS, LEAVES, PINE BOUGHS, SHRUBS,  
6 AND TREES.

7 (e) "GRANT PROGRAM" MEANS THE FOREST MANAGEMENT FUELS  
8 REDUCTION PROJECTS GRANT PROGRAM CREATED IN THIS SECTION.

9 (f) "PROJECT" MEANS A PROJECT TO BE FUNDED BY A GRANT  
10 AWARDED UNDER THIS SECTION FOR THE PURPOSE OF PROMOTING FOREST  
11 MANAGEMENT FUELS REDUCTION IN WUI AREAS.

12 (g) "TECHNICAL ADVISORY PANEL" MEANS THE PANEL THAT IS  
13 CONVENED UNDER SECTION 23-31-310 (5).

14 (h) "WILDLAND-URBAN INTERFACE" OR "WUI" MEANS AN AREA  
15 WHERE:

16 (I) HUMAN DEVELOPMENT IS CLOSE TO WILDLAND VEGETATION;  
17 AND

18 (II) THERE EXISTS A HIGH POTENTIAL FOR WILDLAND FIRE.

19 (3) NOT LATER THAN JANUARY 1, 2020, THE FOREST SERVICE  
20 SHALL PROVIDE NOTICE ON ITS WEBSITE OF THE EXISTENCE OF THE GRANT  
21 PROGRAM TO FUND PROJECTS IN ACCORDANCE WITH THE REQUIREMENTS  
22 OF THIS SECTION. THE NOTICE MUST ADVISE INTERESTED PARTIES OF THE  
23 MANNER IN WHICH GRANT APPLICATIONS ARE TO BE SUBMITTED.

24 (4) TO BE ELIGIBLE TO RECEIVE FUNDING UNDER THIS SECTION, A  
25 PROJECT MUST:

26 (a) REDUCE FOREST FUELS IN WUI AREAS WHERE THE IMPACTS TO  
27 LIFE AND PROPERTY ARE MOST SEVERE, PARTICULARLY THROUGH

1 COLLABORATIVE TREATMENT METHODS THAT ADDRESS LARGER LAND  
2 AREAS; AND

3 (b) REDUCE THE RISK TO PEOPLE AND PROPERTY IN THE WUI AREA  
4 AND PROMOTE FOREST HEALTH.

5 (5) (a) TO BE ELIGIBLE FOR A GRANT AWARDED UNDER THIS  
6 SECTION, A GRANT RECIPIENT MUST BE ANY ONE OF THE FOLLOWING  
7 GROUPS OF INDIVIDUAL LANDOWNERS WHOSE REAL PROPERTY THAT IS THE  
8 SUBJECT OF A GRANT APPLICATION IS LOCATED WITHIN A LAND AREA THAT  
9 IS COVERED BY A COMMUNITY WILDFIRE PROTECTION PLAN:

10 (I) AN ASSOCIATION OF HOMEOWNERS, WHETHER ORGANIZED AS  
11 A COMMON INTEREST COMMUNITY AS DEFINED IN SECTION 38-33.3-103  
12 (8), OR OTHERWISE;

13 (II) ANY COLLECTIVE GROUPS OF LANDOWNERS THAT FULLY  
14 TREAT AT LEAST TWENTY ACRES OF CONTIGUOUS LAND; OR

15 (III) NEW PLANNED HOUSING DEVELOPMENTS THAT ARE OR WILL  
16 BE COVERED BY A HOMEOWNERS' ASSOCIATION AND THAT CONSIST OF AT  
17 LEAST FIVE DISTINCT PROPERTIES THAT WILL BE HELD IN INDIVIDUAL  
18 OWNERSHIPS.

19 (b) THE FOREST SERVICE SHALL DEVELOP ADDITIONAL CRITERIA  
20 TO ENSURE THE PROJECTS ARE CONDUCTED IN AREAS WHERE THE RISK OF  
21 WILDFIRE IS THE GREATEST AND WHERE LOCAL GOVERNMENTS AND  
22 HOMEOWNERS ARE PROACTIVELY ENGAGED IN REDUCING THE THREAT OF  
23 WILDFIRES AND ENCOURAGING PROACTIVE FUELS REDUCTION  
24 TREATMENTS AND COMMUNITY WILDFIRE PROTECTION PLANS.

25 (6) THE TECHNICAL ADVISORY PANEL SHALL EVALUATE  
26 PROPOSALS FOR GRANT FUNDING SUBMITTED BY APPLICANTS UNDER THIS  
27 SECTION AND PROVIDE RECOMMENDATIONS TO THE FOREST SERVICE

1 REGARDING WHICH PROPOSALS WOULD BEST MEET THE OBJECTIVES OF  
2 THIS SECTION. THE PANEL SHALL CONSIDER ELIGIBILITY CRITERIA  
3 ESTABLISHED IN SUBSECTIONS (4) AND (5) OF THIS SECTION, A PROJECT'S  
4 EFFECT ON LONG-TERM FOREST MANAGEMENT, AND THE NUMBER OF  
5 ACRES TREATED FOR STATE DOLLARS SPENT, AND SEEK TO USE A  
6 CONSENSUS-BASED DECISION-MAKING PROCESS TO DEVELOP SUCH  
7 RECOMMENDATIONS. A PANEL MEMBER SHALL RECUSE HIMSELF OR  
8 HERSELF IF HE OR SHE HAS AN ACTUAL OR POTENTIAL CONFLICT OF  
9 INTEREST WITH RESPECT TO A GRANT APPLICANT.

10 (7) AFTER CONSULTING WITH THE TECHNICAL ADVISORY PANEL,  
11 THE FOREST SERVICE SHALL SELECT THE PROPOSALS THAT WILL RECEIVE  
12 FUNDING IN ACCORDANCE WITH THIS SECTION. IN REVIEWING GRANT  
13 PROPOSALS, THE FOREST SERVICE SHALL CONSIDER WHETHER THE  
14 COMMUNITY IN WHICH A PARTICULAR GRANT APPLICANT IS BASED HAS  
15 ADOPTED AN ACTIVE PROGRAM FOR FIRE MITIGATION.

16 (8) THE FOREST SERVICE MAY UTILIZE NO MORE THAN THREE  
17 PERCENT OF ANY AMOUNTS APPROPRIATED IN ANY FISCAL YEAR FOR ITS  
18 DIRECT AND INDIRECT COSTS IN ADMINISTERING THE PROGRAM.

19 (9)(a) THE FOREST SERVICE SHALL DEVELOP AND ADMINISTER THE  
20 GRANT PROGRAM IN CONSULTATION WITH THE TECHNICAL ADVISORY  
21 PANEL. IN CONNECTION WITH SUCH POWERS AND DUTIES, THE FOREST  
22 SERVICE SHALL DEVELOP PROCEDURES BY WHICH APPLICANTS ARE TO  
23 APPLY FOR GRANTS AWARDED UNDER THIS SECTION AND OTHER  
24 PROCEDURES NECESSARY FOR THE EFFECTIVE IMPLEMENTATION AND  
25 ADMINISTRATION OF THE PROGRAM.

26 (b) ANY GRANT AWARDED UNDER THIS SECTION SHALL NOT  
27 EXCEED TWO HUNDRED THOUSAND DOLLARS FOR ANY ONE APPLICATION.

1 (c) IN ORDER FOR AN APPLICANT TO BE AWARDED A GRANT UNDER  
2 THIS SECTION, THE APPLICANT MUST BE ABLE TO DEMONSTRATE BEFORE  
3 IMPLEMENTATION OF THE PROJECT THAT THE APPLICANT HAS MATCHING  
4 FUNDS IN THE FORM OF A DOLLAR-FOR-DOLLAR MATCH OR COMPARABLE  
5 VALUE IN THE FORM OF AN IN-KIND CONTRIBUTION FOR THE PROJECT.

6 (d) A NEW PLANNED HOUSING DEVELOPMENT THAT IS DESCRIBED  
7 IN SUBSECTION (5)(a)(III) OF THIS SECTION MAY APPLY FOR A GRANT  
8 PRIOR TO THE SALE AND CONSTRUCTION OF HOMES ON THE PROPERTY.

9 (10) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
10 FOREST MANAGEMENT FUELS REDUCTION PROJECTS GRANT PROGRAM  
11 CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FOREST  
12 SERVICE SHALL ADMINISTER THE FUND, WHICH CONSISTS OF ALL MONEY  
13 APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY AND FROM ANY  
14 FEES OR INTEREST EARNED ON SUCH MONEY.

15 (11) THE FOREST SERVICE SHALL REPORT ANNUALLY TO THE  
16 GENERAL ASSEMBLY ON THE NUMBER, LOCATION, AND BENEFITS OF ALL  
17 PROJECTS FOR WHICH A GRANT AWARD HAS BEEN MADE UNDER THIS  
18 SECTION. THE REPORT IS DUE NOT LATER THAN DECEMBER 1 OF EACH  
19 CALENDAR YEAR FOLLOWING THE STATE FISCAL YEAR IN WHICH FUNDING  
20 FOR ONE OR MORE GRANTS HAS BEEN PROVIDED.

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly  
24 (August 2, 2019, if adjournment sine die is on May 3, 2019); except that,  
25 if a referendum petition is filed pursuant to section 1 (3) of article V of  
26 the state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2020 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.