

CHAPTER 469

NATURAL RESOURCES

HOUSE BILL 21-1180

BY REPRESENTATIVE(S) Valdez D. and Will, Bernett, Catlin, Cutter, Duran, Gray, Hooton, Jackson, Lontine, Lynch, McCormick, McLachlan, Ricks, Roberts, Valdez A., Bird, Jodeh, Snyder, Soper, Titone;
also SENATOR(S) Coram, Donovan, Kolker, Lee, Priola, Rankin, Simpson, Winter.

AN ACT

CONCERNING MEASURES TO INCREASE BIOMASS UTILIZATION THROUGHOUT THE STATE.

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

SECTION 1. In Colorado Revised Statutes, **add** 23-31-317 as follows:

23-31-317. Biomass utilization study - legislative declaration - report - definitions - repeal. (1) THE GENERAL ASSEMBLY:

(a) FINDS AND DETERMINES THAT:

(I) THREE OF THE LARGEST WILDFIRES IN COLORADO'S HISTORY OCCURRED IN 2020, WITH MORE THAN SIX HUNDRED TWENTY-FIVE THOUSAND ACRES BURNED ACROSS THE STATE;

(II) IT IS ESTIMATED THAT TWO HUNDRED FOURTEEN MILLION DOLLARS WAS SPENT IN COLORADO IN 2020 TO FIGHT FOREST FIRES;

(III) WITH ALMOST THREE MILLION PEOPLE IN COLORADO RESIDING IN THE WILDLAND-URBAN INTERFACE, THESE WILDFIRES THREATEN HUMAN LIFE AS WELL AS PRIVATE PROPERTY, PUBLIC INFRASTRUCTURE, AND THE ENVIRONMENT;

(IV) THE FOREST SERVICE HAS IMPLEMENTED A NUMBER OF STRATEGIES TO HELP MITIGATE THE RISK OF WILDFIRE, INCLUDING ENGAGING IN EDUCATIONAL OUTREACH, PROVIDING TECHNICAL ASSISTANCE TO COMMUNITIES IN THE WUI WITH THE DEVELOPMENT OF COMMUNITY WILDFIRE PROTECTION PLANS, AND TREATING FORESTED LANDS TO REDUCE THE AMOUNT OF FUEL;

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.

(V) ONE PROMISING STRATEGY FOR WILDFIRE MITIGATION IS TO INCREASE THE UTILIZATION OF BIOMASS TO REDUCE FUEL; AND

(VI) INCREASED BIOMASS UTILIZATION WOULD PROVIDE OTHER ENVIRONMENTAL BENEFITS SUCH AS:

(A) USING BIOMASS FOR ELECTRIC AND HEAT GENERATION AS A MEANS TO FURTHER DIVERSIFY COLORADO'S RENEWABLE ENERGY PORTFOLIO AND, IN FURTHERANCE OF THE GOVERNOR'S "GREENHOUSE GAS POLLUTION REDUCTION ROADMAP" RELEASED ON JANUARY 14, 2021, PROVIDE A CARBON-NEUTRAL ALTERNATIVE ENERGY SOURCE TO FOSSIL FUELS; AND

(B) APPLYING BIOCHAR TO SOIL AS A MEANS TO IMPROVE SOIL HEALTH AND PROVIDE CARBON SEQUESTRATION; AND

(b) DECLARES THAT IT IS IN THE INTEREST OF THE STATE FOR THE FOREST SERVICE TO ADMINISTER A GRANT PROGRAM TO DEMONSTRATE BIOMASS UTILIZATION AS A MEANS TO INNOVATE WILDFIRE MITIGATION, RENEWABLE ENERGY DEVELOPMENT, SOIL HEALTH, CLIMATE CHANGE MITIGATION, AND CARBON SEQUESTRATION.

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

(a) "BIOCHAR" MEANS A CHARCOAL THAT IS PRODUCED BY PYROLYSIS OF BIOMASS AND IS USED AS A SOIL AMENDMENT.

(b) "BIOMASS" HAS THE MEANING SET FORTH IN SECTION 40-2-124 (1)(a)(I).

(c) "FOREST SERVICE" HAS THE MEANING SET FORTH IN SECTION 23-31-310 (2)(c).

(d) "FUEL" HAS THE MEANING SET FORTH IN SECTION 23-31-310 (2)(d).

(e) "PYROLYSIS" HAS THE MEANING SET FORTH IN SECTION 40-2-124 (1)(a)(V).

(f) "WILDLAND-URBAN INTERFACE" OR "WUI" HAS THE MEANING SET FORTH IN SECTION 23-31-310 (2)(f).

(3)(a) THE BIOMASS UTILIZATION GRANT PROGRAM IS CREATED TO DEMONSTRATE THE UTILIZATION OF BIOMASS THROUGHOUT THE STATE. THE FOREST SERVICE, AT THE DISCRETION OF THE STATE FORESTER, MAY IMPLEMENT THE GRANT PROGRAM BY AWARDING UP TO TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN GRANTS FOR PROPOSED PROJECTS THAT SEEK TO DEMONSTRATE THE FOLLOWING REGARDING BIOMASS UTILIZATION:

(I) WILDFIRE PREVENTION AND MITIGATION BENEFITS DERIVED FROM ITS UTILIZATION;

(II) ENERGY BENEFITS DERIVED FROM INCREASING BIOMASS ENERGY GENERATION;
OR

(III) AGRICULTURAL BENEFITS FROM INCREASING ITS USAGE AS BIOCHAR.

(b) THE FOREST SERVICE, AT THE DISCRETION OF THE STATE FORESTER, MAY ADMINISTER THE GRANT PROGRAM USING MONEY IN THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-313 (10) AND ANY GIFTS, GRANTS, OR DONATIONS RECEIVED. THE FOREST SERVICE MAY SEEK AND EXPEND GIFTS, GRANTS, AND DONATIONS TO FINANCE THE BIOMASS UTILIZATION GRANT PROGRAM.

(4) ON OR BEFORE MARCH 1, 2023, AND ON OR BEFORE EACH MARCH 1 AFTER A YEAR IN WHICH THE FOREST SERVICE AWARDS ONE OR MORE GRANTS UNDER THE BIOMASS UTILIZATION GRANT PROGRAM, THE FOREST SERVICE SHALL SUBMIT A REPORT DESCRIBING EACH PROJECT FOR WHICH IT HAS AWARDED A GRANT IN THE PREVIOUS YEAR, INCLUDING A DESCRIPTION OF THE TYPE OF BIOMASS UTILIZATION THAT THE PROJECT DEMONSTRATES, THE GEOGRAPHIC AREA SERVED BY THE PROJECT, AND THE AMOUNT AWARDED FOR THE PROJECT, TO THE GOVERNOR AND THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE FOREST SERVICE SHALL POST THE REPORT ON ITS WEBSITE.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **add** (27)(a)(IX) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.
(27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

(IX) THE BIOMASS UTILIZATION GRANT PROGRAM IMPLEMENTED BY THE STATE FOREST SERVICE PURSUANT TO SECTION 23-31-317.

SECTION 3. 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: July 7, 2021