

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 9

LLS NO. 20-0382.01 Pierce Lively x2059

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Assistance Landowner Wildfire Mitigation"

A BILL FOR AN ACT

101 **CONCERNING WILDFIRE MITIGATION ASSISTANCE FOR LANDOWNERS.**

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 establishes the wildfire mitigation resources and best practices grant program (grant program) within the division of housing in the department of local affairs. Grant recipients use grant money to conduct outreach among landowners to inform them of resources available for wildfire mitigation and best practices for wildfire mitigation. The grant program only awards grants to applicants conducting outreach to landowners in high wildfire hazard areas and prioritizes applications based on the potential impact of the

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

applicant's proposed outreach.

The bill also extends the increased wildfire mitigation income tax deduction that allows a landowner to claim 100%, rather than 50%, of the costs they incur in performing wildfire mitigation measures.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-726 as
3 follows:

4 **24-32-726. Wildfire mitigation resources and best practices**
5 **grant program - creation - report - repeal.** (1) THERE IS HEREBY
6 CREATED IN THE DIVISION THE WILDFIRE MITIGATION RESOURCES AND
7 BEST PRACTICES GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE
8 "GRANT PROGRAM". GRANT RECIPIENTS MAY USE THE MONEY TO CONDUCT
9 OUTREACH AMONG LANDOWNERS TO INFORM THEM OF RESOURCES
10 AVAILABLE FOR WILDFIRE MITIGATION AND BEST PRACTICES FOR WILDFIRE
11 MITIGATION.

12 (2) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
13 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
14 PROVIDED IN THIS SECTION. THE DIVISION SHALL DEVELOP AND PUBLISH
15 POLICIES AND PROCEDURES TO IMPLEMENT THE GRANT PROGRAM IN
16 ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND
17 PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS,
18 THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE GRANT
19 PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT
20 RECIPIENTS.

21 (3) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY MUST BE AN
22 AGENCY OF LOCAL GOVERNMENT, A SPECIAL DISTRICT, A TRIBAL AGENCY
23 OR PROGRAM, A FAITH-BASED ORGANIZATION, OR A NONPROFIT OR

1 NOT-FOR-PROFIT ORGANIZATION THAT IS REGISTERED AND IN GOOD
2 STANDING WITH THE SECRETARY OF STATE'S OFFICE. APPLICANTS MUST
3 MEET ANY OTHER CRITERIA SPECIFIED IN THE DIVISION'S POLICIES AND
4 PROCEDURES.

5 (4) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED
6 PURSUANT TO THIS SECTION. THE DIVISION SHALL ONLY AWARD GRANTS
7 TO APPLICANTS PROPOSING TO CONDUCT OUTREACH AMONG LANDOWNERS
8 IN HIGH WILDFIRE HAZARD AREAS AND SHALL CONSIDER THE POTENTIAL
9 IMPACT OF THE APPLICANTS' PROPOSED OUTREACH WHEN AWARDING
10 GRANTS.

11 (5) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
12 JANUARY 1 AND EACH YEAR THEREAFTER FOR THE DURATION OF THE
13 GRANT PROGRAM, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
14 LOCAL AFFAIRS SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION.
15 GRANTS ARE AWARDED AT THE SOLE DISCRETION OF THE EXECUTIVE
16 DIRECTOR IN ACCORDANCE WITH THIS SECTION.

17 (6) ON OR BEFORE SEPTEMBER 1, 2021, AND ON OR BEFORE
18 SEPTEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT OF LOCAL
19 AFFAIRS SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS REVIEW
20 COMMITTEE, OR ANY SUCCESSOR COMMITTEE, ON THE GRANT PROGRAM.
21 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING
22 REQUIREMENT CONTINUES UNTIL THE GRANT PROGRAM REPEALS
23 PURSUANT TO SUBSECTION (8) OF THIS SECTION.

24 (7) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
25 MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF LOCAL AFFAIRS
26 TO IMPLEMENT THE GRANT PROGRAM. THE DIVISION MAY USE A PORTION
27 OF THE MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO

1 PAY THE DIRECT AND INDIRECT COSTS THAT THE DIVISION INCURS TO
2 ADMINISTER THE GRANT PROGRAM.

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

4 **SECTION 2.** In Colorado Revised Statutes, 39-22-104, **amend**
5 (4)(n.5)(I)(A.5) and (4)(n.5)(IV) as follows:

6 **39-22-104. Income tax imposed on individuals, estates, and**
7 **trusts - single rate - legislative declaration - definitions - repeal.**

8 (4) There shall be subtracted from federal taxable income:

9 (n.5) (I) (A.5) For income tax years commencing on or after
10 January 1, 2017, but prior to January 1, 2020, AND FOR INCOME TAX
11 YEARS COMMENCING ON OR AFTER JANUARY 1, 2021, BUT PRIOR TO
12 JANUARY 1, 2024, an amount equal to one hundred percent of a
13 landowner's costs incurred in performing wildfire mitigation measures in
14 that income tax year on his or her property located within the state; except
15 that the amount of the deduction claimed in an income tax year shall not
16 exceed two thousand five hundred dollars or the total amount of the
17 landowner's federal taxable income for the income tax year for which the
18 deduction is claimed, whichever is less.

19 (IV) This ~~paragraph (n.5)~~ SUBSECTION (4)(n.5) is repealed,
20 effective ~~January 1, 2026~~ DECEMBER 31, 2027.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.