

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

BILL B

LLS NO. 19-0222.02 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

McLachlan and Carver,

SENATE SPONSORSHIP

Fields,

House Committees

Senate Committees

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.**

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/>.)

The bill creates a state grant program to be administered by the Colorado state forest service (forest service) to fund proactive forest

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.

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.

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

15 (IV) REDUCING WILDFIRE AT THE LARGEST SCALE POSSIBLE

1 PROVIDES SAFER ACCESS FOR FIREFIGHTERS TO PROTECT LIFE AND
2 PROPERTY.

3 (b) THE GENERAL ASSEMBLY HEREBY DETERMINES THAT:

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

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

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

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

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

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

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

27 (c) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST

1 SERVICE IDENTIFIED IN SECTION 23-31-302 AND THE DIVISION OF
2 FORESTRY CREATED IN SECTION 24-33-104 (1)(k).

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

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

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

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

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

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

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

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

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

25 (a) REDUCE FOREST FUELS IN WUI AREAS WHERE THE IMPACTS TO
26 LIFE AND PROPERTY ARE MOST SEVERE, PARTICULARLY THROUGH
27 COLLABORATIVE TREATMENT METHODS THAT ADDRESS LARGER LAND

1 AREAS; AND

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

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

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

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

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

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

24 (6) THE TECHNICAL ADVISORY PANEL SHALL EVALUATE
25 PROPOSALS FOR GRANT FUNDING SUBMITTED BY APPLICANTS UNDER THIS
26 SECTION AND PROVIDE RECOMMENDATIONS TO THE FOREST SERVICE
27 REGARDING WHICH PROPOSALS WOULD BEST MEET THE OBJECTIVES OF

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

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

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

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

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

27 (c) IN ORDER FOR AN APPLICANT TO BE AWARDED A GRANT UNDER

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

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

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

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

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

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.