

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0289.01 Jennifer Berman x3286

HOUSE BILL 21-1180

HOUSE SPONSORSHIP

Valdez D. and Will, Bernett, Catlin, Cutter, Duran, Gray, Hooton, Jackson, Lontine, Lynch, McCormick, McLachlan, Ricks, Roberts, Valdez A.

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE BIOMASS UTILIZATION**
102 **THROUGHOUT THE STATE.**

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 requires the state forest service to conduct a study of biomass utilization by identifying the potential costs and benefits of increasing biomass utilization throughout the state and any administrative or statutory changes needed to increase biomass utilization. In conducting the study, the state forest service shall engage in shared stewardship by consulting with various state agencies, local officials who serve

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.

SENATE
3rd Reading Unamended
May 19, 2021

SENATE
Amended 2nd Reading
May 18, 2021

HOUSE
3rd Reading Unamended
March 29, 2021

HOUSE
2nd Reading Unamended
March 26, 2021

communities in the wildland-urban interface, and other interested stakeholders. On or before March 1, 2022, the state forest service shall submit a report summarizing its findings and recommendations from the study to the governor and the legislative committees with jurisdiction over agriculture and natural resources matters.

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

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

4 **23-31-317. Biomass utilization study - legislative declaration**
5 **- report - definitions - repeal.** (1) THE GENERAL ASSEMBLY:

6 (a) FINDS AND DETERMINES THAT:

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

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

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

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

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

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

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

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

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

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

18 ==

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

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

23 (c) "FOREST SERVICE" HAS THE MEANING SET FORTH IN SECTION
24 23-31-310 (2)(c).

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

27 (e) "PYROLYSIS" HAS THE MEANING SET FORTH IN SECTION

1 40-2-124 (1)(a)(V).

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

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

11 (A) WILDFIRE PREVENTION AND MITIGATION BENEFITS DERIVED
12 FROM ITS UTILIZATION;

13 (B) ENERGY BENEFITS DERIVED FROM INCREASING BIOMASS
14 ENERGY GENERATION; OR

15 (C) AGRICULTURAL BENEFITS FROM INCREASING ITS USAGE AS
16 BIOCHAR.

17 (II) THE FOREST SERVICE, AT THE DISCRETION OF THE STATE
18 FORESTER, MAY ADMINISTER THE GRANT PROGRAM USING MONEY IN THE
19 HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION
20 23-31-313 (10) AND ANY GIFTS, GRANTS, OR DONATIONS RECEIVED. THE
21 FOREST SERVICE MAY SEEK AND EXPEND GIFTS, GRANTS, AND DONATIONS
22 TO FINANCE THE BIOMASS UTILIZATION GRANT PROGRAM.

23 (4) ON OR BEFORE MARCH 1, 2023, AND ON OR BEFORE EACH
24 MARCH 1 AFTER A YEAR IN WHICH THE FOREST SERVICE AWARDS ONE OR
25 MORE GRANTS UNDER THE BIOMASS UTILIZATION GRANT PROGRAM, THE
26 FOREST SERVICE SHALL SUBMIT A REPORT DESCRIBING EACH PROJECT FOR
27 WHICH IT HAS AWARDED A GRANT IN THE PREVIOUS YEAR, INCLUDING A

1 DESCRIPTION OF THE TYPE OF BIOMASS UTILIZATION THAT THE PROJECT
2 DEMONSTRATES, THE GEOGRAPHIC AREA SERVED BY THE PROJECT, AND
3 THE AMOUNT AWARDED FOR THE PROJECT, TO THE GOVERNOR AND THE
4 AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES
6 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE
7 FOREST SERVICE SHALL POST THE REPORT ON ITS WEBSITE.

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

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

13 24-34-104. General assembly review of regulatory agencies
14 and functions for repeal, continuation, or reestablishment - legislative
15 declaration - repeal. (27) (a) The following agencies, functions, or both,
16 are scheduled for repeal on September 1, 2026:

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

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