

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

REREVISED

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

LLS NO. 22-0131.02 Sarah Lozano x3858

HOUSE BILL 22-1323

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A BILL FOR AN ACT

101 **CONCERNING UPDATES TO THE COLORADO STATE FOREST SERVICE**
102 **SEEDLING TREE NURSERY, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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 Colorado state forest service to make certain upgrades and improvements to its seedling tree nursery in order to expand its capacity and its ability to contribute to reforestation efforts in the state. The general assembly is required to appropriate money to the Colorado state university system in the 2022-23 state fiscal year for allocation to the

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 9, 2022

SENATE
2nd Reading Unamended
May 6, 2022

HOUSE
3rd Reading Unamended
May 2, 2022

HOUSE
Amended 2nd Reading
April 29, 2022

state forest service to make the specified upgrades and improvements to the seedling tree nursery.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) A large, diverse, and healthy tree population within Colorado's
5 naturally forested and community landscapes is vital in the fight against
6 climate change because trees are essential for increasing carbon
7 sequestration and achieving Colorado's climate mitigation targets;

8 (b) Colorado has recently suffered devastating impacts to its tree
9 population from uncharacteristic wildfires, insect outbreaks, drought, and
10 deforestation;

11 (c) In 2020 and 2021, Colorado experienced two record-breaking
12 wildfire years that resulted in four of the largest and most costly wildfires
13 in the state's history:

14 (I) The Marshall Fire, which burned over 6,000 acres and 1,000
15 structures in a highly urbanized area and caused more than \$500 million
16 in damages;

17 (II) The Cameron Peak Fire, which burned around 208,913 acres;

18 (III) The East Troublesome Fire, which burned around 193,812
19 acres; and

20 (IV) The Pine Gulch Fire, which burned around 139,007 acres;
21 and

22 (d) Reforestation in the aftermath of wildfires plays an important
23 role in:

24 (I) Preserving water quality;

25 (II) Restoring tree cover;

1 (III) Providing stream and riverbank support and decreasing flood
2 damage;

3 (IV) Increasing carbon sequestration;

4 (V) Enhancing outdoor recreation areas; and

5 (VI) Protecting biodiversity.

6 (2) The general assembly also finds that:

7 (a) Located on the foothills campus of Colorado state university
8 in Fort Collins, the Colorado state forest service seedling tree nursery
9 (forest service nursery) plays a critical role in providing seedling trees for
10 landowners and land managers in Colorado for conservation and
11 reforestation purposes;

12 (b) A large-scale, diverse, and reliable stock of seedling trees is
13 critical to mitigating the risk of future wildfires, protecting existing water
14 infrastructure, and adapting to continued climate change in Colorado;

15 (c) Due to its outdated infrastructure, limited staffing capabilities,
16 and limited growing space, the forest service nursery has been unable to
17 leverage its capacity and resources to meet the increasing demand for
18 seedling trees for nonfederal lands in Colorado; and

19 (d) The lack of funding to improve and modernize the forest
20 service nursery has put the forest service nursery in a position of being
21 unsustainable in the future and has significantly limited its ability to:

22 (I) Produce sufficient stock of a diversity of high-quality,
23 environmentally adapted seedling trees to be used for ecosystem
24 restoration;

25 (II) Provide guidance and expertise regarding reforestation that is
26 necessary to increase the survival rate of seedling trees; and

27 (III) Support post-wildfire recovery efforts at the scale now

1 required.

2 (3) The general assembly therefore declares that an investment by
3 the state to upgrade and expand the forest service nursery will increase
4 the forest service nursery's annual production dramatically, improve
5 professional expertise, and help support the growing need for seedling
6 trees and guidance regarding the implementation of reforestation projects
7 in response to wildfire.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 23-31-318 as
9 follows:

10 **23-31-318. Forest service seedling tree nursery - necessary**
11 **upgrades and improvements - definition - funding - reports - repeal.**

12 (1) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
13 OTHERWISE REQUIRES, "NURSERY" MEANS THE COLORADO STATE FOREST
14 SERVICE SEEDLING TREE NURSERY LOCATED ON THE FOOTHILLS CAMPUS
15 OF COLORADO STATE UNIVERSITY IN FORT COLLINS AND OPERATED BY
16 THE COLORADO STATE FOREST SERVICE.

17 (2) **Greenhouses.** TO UPGRADE GREENHOUSES AND EXPAND THEIR
18 CAPACITY, THE NURSERY SHALL:

19 (a) REPAIR EXISTING STRUCTURES AS NEEDED;

20 (b) ADD SQUARE FOOTAGE TO EXISTING STRUCTURES OR
21 CONSTRUCT NEW STRUCTURES;

22 (c) REPLACE PUMPS AND OTHER EQUIPMENT WITH EQUIPMENT
23 THAT IS CALIBRATED FOR CURRENT NUTRIENT DELIVERY STANDARDS;

24 (d) IMPLEMENT ENERGY EFFICIENCY MEASURES;

25 (e) IMPLEMENT MODERN PEST CONTROL MEASURES; AND

26 (f) UPGRADE WATER DELIVERY SYSTEMS, INCLUDING IRRIGATION
27 SYSTEMS.

1 (3) **Shade house structures.** TO IMPROVE AND EXPAND SHADE
2 HOUSE STRUCTURES, THE NURSERY SHALL:
3 (a) REMOVE AND REPLACE EXISTING ROTTED STRUCTURES;
4 (b) REFILL AND LEVEL SUNKEN OR ERODED GROUND;
5 (c) INSTALL NEW FOUNDATIONS;
6 (d) INSTALL NEW IRRIGATION LINES; AND
7 (e) ADD SQUARE FOOTAGE TO EXISTING STRUCTURES, CONSTRUCT
8 NEW STRUCTURES, OR BOTH.

9 █
10 (4) **Containers and shipping supplies.** TO PREPARE FOR
11 INCREASED PRODUCTION, THE NURSERY SHALL:

12 (a) PURCHASE SUFFICIENT CONTAINERS AND SHIPPING MATERIALS
13 TO SERVE THE NURSERY'S STORAGE AND SHIPPING NEEDS; AND █
14 (b) PURCHASE A PRESSURE WASHER TO CLEAN AND STERILIZE
15 CONTAINERS FOR REUSE.

16 █ █
17 (5) **Capacity, expertise, and infrastructure analysis.** TO GUIDE
18 FURTHER INVESTMENT IN THE MODERNIZATION OF THE NURSERY, THE
19 NURSERY SHALL CONTRACT WITH NURSERY MANAGEMENT AND
20 REFORESTATION PROFESSIONALS TO CONDUCT AN ANALYSIS OF PRIORITY
21 CAPACITY AND KNOWLEDGE INVESTMENTS THAT ARE NECESSARY TO
22 ADDRESS REFORESTATION NEEDS IN RESPONSE TO MORE FREQUENT AND
23 INTENSE WILDFIRE, FLOOD, INSECT, AND DISEASE INCIDENTS.

24 (6) **Appropriation.** FOR THE 2022-23 STATE FISCAL YEAR, THE
25 GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE COLORADO
26 STATE UNIVERSITY SYSTEM FOR ALLOCATION TO AND EXPENDITURE BY
27 THE COLORADO STATE FOREST SERVICE TO FUND IMPROVEMENTS TO THE

1 NURSERY, TO HIRE PROFESSIONAL STAFF, AND TO CONDUCT THE CAPACITY,
2 EXPERTISE, AND INFRASTRUCTURE ANALYSIS AS SPECIFIED IN SUBSECTION
3 (5) OF THIS SECTION.

4 (7) **Reporting.** NO LATER THAN JUNE 1, 2023, AND NO LATER
5 THAN JUNE 1 OF ANY OTHER YEAR IN WHICH THE COLORADO STATE
6 FOREST SERVICE EXPENDS MONEY APPROPRIATED TO THE COLORADO
7 STATE UNIVERSITY SYSTEM PURSUANT TO THIS SECTION, THE STATE
8 FORESTER SHALL SUBMIT A REPORT CONCERNING THE USE OF MONEY
9 RECEIVED BY THE COLORADO STATE FOREST SERVICE PURSUANT TO THIS
10 SECTION TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN
11 SECTION 2-3-1602 (1)(a).

12 (8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1,
13 2025.

14 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,
15 \$5,000,000 is appropriated to the department of higher education for use
16 by the board of governors of the Colorado state university system. This
17 appropriation is from the general fund. To implement this act, the board
18 of governors may use this appropriation for the Colorado state forest
19 service tree nursery. Any money appropriated in this section not expended
20 prior to July 1, 2023, is further appropriated to the board of governors for
21 the 2023-24 state fiscal year for the same purpose.

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2022 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.