

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

INTRODUCED

LLS NO. 21-0619.01 Pierce Lively x2059

HOUSE BILL 21-1042

HOUSE SPONSORSHIP

Hanks,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE WATER STORAGE TANK WILDFIRE**
102 **MITIGATION GRANT PROGRAM.**

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 establishes the water storage tank wildfire mitigation grant program (grant program) within the forest service. Grant recipients may use grant money to purchase water storage tanks for wildfire firefighting efforts. The grant program only awards grants to entities that are an agency of local government, a county, a municipality, a special district, a tribal agency or program, or a nonprofit or not-for-profit organization

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.

that is registered and in good standing with the secretary of state's office. In awarding grants, the forest service considers the potential impact of additional water storage tanks in the applicant's jurisdiction or area.

Grant recipients are required to report to the forest service, and the forest service is required to annually report on the grant program to the wildfire matters review committee.

The bill also creates the water storage tank wildfire mitigation cash fund. Money in the fund is used to implement the grant program. The general assembly is required to transfer \$5 million into the fund beginning September 1, 2021, through and including the 2024-25 fiscal year.

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. Water storage tank wildfire mitigation grant**
5 **program - cash fund - creation - use of fund - report - legislative**
6 **declaration - definitions - repeal.** (1) THE GENERAL ASSEMBLY FINDS
7 AND DECLARES THAT INCREASING THE NUMBER OF WATER STORAGE TANKS
8 AVAILABLE FOR USE IN FIGHTING RURAL WILDFIRES WILL ALLOW FOR
9 THOSE FIRES TO BE MORE EASILY CONTROLLED BEFORE THEY BECOME
10 DANGEROUS TO HUMAN LIFE, PERSONAL PROPERTY, AND COLORADO'S
11 ECONOMY AND WILDLIFE. THE BENEFITS OF REDUCING THE SIZE AND
12 MAGNITUDE OF WILDFIRES, INCLUDING A REDUCTION IN THE COSTS
13 ASSOCIATED WITH FIGHTING LARGER WILDFIRES, FAR OUTWEIGH THE COST
14 OF PROVIDING ADDITIONAL WATER STORAGE TANKS.

15 (2) THERE IS HEREBY CREATED IN THE FOREST SERVICE THE WATER
16 STORAGE TANK WILDFIRE MITIGATION GRANT PROGRAM, REFERRED TO IN
17 THIS SECTION AS THE "GRANT PROGRAM". GRANT RECIPIENTS SHALL USE
18 GRANT MONEY TO PURCHASE WATER STORAGE TANKS FOR WILDFIRE
19 FIREFIGHTING EFFORTS.

20 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "DIRECTOR" MEANS THE DIRECTOR OF THE FOREST SERVICE.

3 (b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
4 SERVICE IDENTIFIED IN SECTION 23-31-302 AND THE DIVISION OF
5 FORESTRY CREATED IN SECTION 24-33-104.

6 (c) "WATER STORAGE TANK" MEANS A PLASTIC CONTAINER THAT
7 CAN HOLD ONE THOUSAND GALLONS OR MORE OF WATER.

8 (4) THE FOREST SERVICE SHALL ADMINISTER THE GRANT PROGRAM
9 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, AWARD GRANTS AS
10 PROVIDED IN THIS SECTION. THE FOREST SERVICE SHALL ALSO DEVELOP
11 AND PUBLISH POLICIES AND PROCEDURES TO IMPLEMENT THE GRANT
12 PROGRAM IN ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE
13 POLICIES AND PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING
14 FOR GRANTS, THE FORM OF THE GRANT APPLICATION, AND THE GRANT
15 PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT
16 RECIPIENTS.

17 (5) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY MUST BE AN
18 AGENCY OF LOCAL GOVERNMENT, A COUNTY, A MUNICIPALITY, A SPECIAL
19 DISTRICT, A TRIBAL AGENCY OR PROGRAM, OR A NONPROFIT OR
20 NOT-FOR-PROFIT ORGANIZATION THAT IS REGISTERED AND IN GOOD
21 STANDING WITH THE SECRETARY OF STATE'S OFFICE. APPLICANTS MUST
22 MEET ANY OTHER CRITERIA SPECIFIED IN THE FOREST SERVICE'S POLICIES
23 AND PROCEDURES.

24 (6) THE FOREST SERVICE SHALL REVIEW THE APPLICATIONS
25 RECEIVED PURSUANT TO THIS SECTION. THE FOREST SERVICE SHALL ONLY
26 AWARD GRANTS TO APPLICANTS PROPOSING THE PURCHASE OF WATER
27 STORAGE TANKS TO ASSIST IN WILDFIRE FIREFIGHTING EFFORTS. IN

1 AWARDING GRANTS, THE FOREST SERVICES SHALL CONSIDER THE
2 POTENTIAL IMPACT OF ADDITIONAL WATER STORAGE TANKS IN THE
3 APPLICANT'S JURISDICTION OR AREA.

4 (7) SUBJECT TO AVAILABLE APPROPRIATIONS, THE FOREST SERVICE
5 SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. THE FOREST
6 SERVICE SHALL AWARD OR DENY A GRANT WITHIN SIXTY DAYS OF
7 RECEIVING A GRANT APPLICATION. GRANTS ARE AWARDED AT THE SOLE
8 DISCRETION OF THE DIRECTOR OR THE DIRECTOR'S DESIGNEE IN
9 ACCORDANCE WITH THIS SECTION.

10 (8) (a) ON OR BEFORE SEPTEMBER 1, 2022, AND ON OR BEFORE
11 SEPTEMBER 1 EACH YEAR THEREAFTER, THE FOREST SERVICE SHALL
12 SUBMIT A REPORT TO THE WILDFIRE MATTERS REVIEW COMMITTEE OR ANY
13 SUCCESSOR COMMITTEE ON THE GRANT PROGRAM. AT A MINIMUM, THE
14 REPORT MUST INCLUDE:

15 (I) THE NAME OF EACH GRANT RECIPIENT AND THE AMOUNT OF
16 EACH GRANT;

17 (II) A DESCRIPTION OF THE PROJECT TO BE COMPLETED WITH EACH
18 GRANT AND A REPORT OF THE PROGRESS MADE BY EACH GRANT RECIPIENT
19 IN ACHIEVING THE GOALS OF THE PROJECT; AND

20 (III) ANY RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO
21 IMPROVE THE EFFECTIVENESS OF THE GRANT PROGRAM.

22 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
23 REPORTING REQUIREMENT CONTINUES UNTIL THE GRANT PROGRAM IS
24 REPEALED PURSUANT TO SUBSECTION (11) OF THIS SECTION.

25 (9) (a) THE WATER STORAGE TANK WILDFIRE MITIGATION CASH
26 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS
27 OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (10) OF THIS

1 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
2 APPROPRIATE OR TRANSFER TO THE FUND.

3 (b) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
4 DEPARTMENT OF HIGHER EDUCATION FOR ALLOCATION TO THE BOARD OF
5 GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM TO IMPLEMENT
6 THE GRANT PROGRAM. THE FOREST SERVICE MAY USE A PORTION OF THE
7 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE
8 DIRECT AND INDIRECT COSTS THAT THE FOREST SERVICE INCURS TO
9 ADMINISTER THE GRANT PROGRAM. THE STATE TREASURER SHALL CREDIT
10 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
11 OF MONEY IN THE WATER STORAGE TANK WILDFIRE MITIGATION CASH
12 FUND TO THE FUND.

13 (10) ON SEPTEMBER 1, 2021, AND ON SEPTEMBER 1 OF EACH
14 SUCCEEDING STATE FISCAL YEAR THROUGH AND INCLUDING THE 2024-25
15 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER FIVE MILLION
16 DOLLARS FROM THE GENERAL FUND TO THE WATER STORAGE TANK
17 WILDFIRE MITIGATION CASH FUND.

18 (11) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2026.

19 **SECTION 2.** In Colorado Revised Statutes, 24-75-402, **amend**
20 (5)(pp) and (5)(qq); and **add** (5)(rr) as follows:

21 **24-75-402. Cash funds - limit on uncommitted reserves -**
22 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any
23 provision of this section to the contrary, the following cash funds are
24 excluded from the limitations specified in this section:

25 (pp) The justice center maintenance fund created in section
26 13-32-101 (7)(d); and

27 (qq) The small business recovery fund created in section

1 24-36-208; AND

2 (rr) THE WATER STORAGE TANK WILDFIRE MITIGATION CASH FUND
3 CREATED IN SECTION 23-31-310.5.

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