SENATE BILL 21-234

SENATE SPONSORSHIP
Jaquez Lewis and Sonnenberg,

HOUSE SPONSORSHIP
Cutter and Holtorf,

A BILL FOR AN ACT

CONCERNING CREATION OF THE AGRICULTURE AND DROUGHT RESILIENCY FUND, AND, IN CONNECTION THEREWITH, TRANSFERRING MONEY FROM THE GENERAL FUND TO THE FUND AND 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 creates the agriculture and drought resiliency fund and directs the state treasurer to transfer $3 million from the general fund to the fund. The department of agriculture will use the fund to engage in
activities that promote the ability of the state to anticipate, prepare for, mitigate, adapt to, or respond to any event, trend, or climatological disturbance related to drought or climate. The fund is repealed, effective September 1, 2022.

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

SECTION 1. In Colorado Revised Statutes, add 35-1-114 as follows:

35-1-114. Agriculture and drought resilience - cash fund - legislative declaration - repeal. (1) The General Assembly hereby:

(a) Finds that:

(I) In 2020, all of Colorado was in drought;

(II) Major drivers of the severe drought in 2020 include an essentially absent monsoon season, increased soil moisture deficits, record-high temperatures, and extreme evaporative demands from winds, low humidity, and high temperatures; and

(III) A warm spring, dry summer, and critically hot autumn with a complete lack of monsoonal moisture contributed to 2020's record-breaking fires;

(b) Determines that:

(I) Multi-year or compounding hazards, such as the 2018 drought, 2019 freeze, 2020 drought, and wildfires, take deep economic and ecological tolls on Colorado's agriculture;

(II) Climate outlooks for 2021 indicate drought conditions are expected to continue;

(III) More than one hundred studies published since 2013 show strong consensus that climate change promotes the weather conditions on which wildfires depend, enhancing their
LIKELIHOOD AND INCREASING THEIR SEVERITY; AND

(IV) BY 2050, DROUGHT MAY COST COLORADO AN ADDITIONAL FIVE HUNDRED ELEVEN MILLION DOLLARS IN EXPECTED ANNUAL DAMAGES TO AGRICULTURE; AND

(c) DECLARES THAT SUPPORTING AGRICULTURAL DROUGHT AND CLIMATE RESILIENCE IS ESSENTIAL TO A STRONG AND PROSPEROUS FUTURE FOR AGRICULTURE IN COLORADO.

(2) (a) THE AGRICULTURE AND DROUGHT RESILIENCY FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(b) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL TRANSFER THREE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(3) (a) THE DEPARTMENT SHALL COLLABORATE AND COORDINATE AS NECESSARY WITH THE DEPARTMENT OF NATURAL RESOURCES, THE COLORADO WATER CONSERVATION BOARD, AND THE GOVERNOR'S AGRICULTURAL IMPACT TASK FORCE TO IDENTIFY THE MOST EFFECTIVE AND EFFICIENT USES OF THE MONEY IN THE FUND.

(b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT SHALL USE THE MONEY IN THE FUND TO ENGAGE IN ACTIVITIES THAT PROMOTE THE ABILITY OF THE STATE TO ANTICIPATE, PREPARE FOR, MITIGATE, ADAPT TO, OR RESPOND TO ANY
EVENT, TREND, OR CLIMATOLOGICAL DISTURBANCE RELATED TO DROUGHT
OR CLIMATE, INCLUDING:

(I) DEVELOPING OR FACILITATING A HAY BANK TO PROVIDE
FARMERS AND RANCHERS WITH ADEQUATE RESOURCES FOR LIVESTOCK IN
TIMES OF DROUGHT;

(II) PROVIDING FINANCIAL OR TECHNICAL ASSISTANCE WITH
TRANSPORTING HAY OR LIVESTOCK FEED FROM AREAS OUTSIDE OF
COLORADO;

(III) SUPPORTING RECOVERY OF GRAZING LANDS FOLLOWING
WILDFIRE DEVASTATION EXACERBATED BY DROUGHT CONDITIONS; OR

(IV) PROVIDING TO PRODUCERS, AS DEFINED BY THE FEDERAL
DEPARTMENT OF AGRICULTURE, TECHNICAL ASSISTANCE TO HELP PREPARE
AND PLAN FOR FUTURE OR PERSISTENT DROUGHT CONDITIONS.

(4) THE DEPARTMENT SHALL INCLUDE UPDATES REGARDING ITS
ACTIVITIES UNDERTAKEN PURSUANT TO THIS SECTION, INCLUDING
EXPENDITURES FROM THE FUND, IN ITS DEPARTMENTAL PRESENTATION TO
LEGISLATIVE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

SECTION 2. Appropriation. For the 2020-21 state fiscal year,
$3,000,000 is appropriated to the department of agriculture for use by the
department. This appropriation is from the general fund. The department
may use this appropriation to implement this act. Any money appropriated
in this section but not expended prior to July 1, 2021, is further
appropriated to the department for the 2021-22 and 2022-23 state fiscal
years for the same purpose.

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