

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0889.01 Thomas Morris x4218

SENATE BILL 21-234

SENATE SPONSORSHIP

Jaquez Lewis and Sonnenberg,

HOUSE SPONSORSHIP

Cutter and Holtorf,

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF THE AGRICULTURE AND DROUGHT**
102 **RESILIENCY FUND, AND, IN CONNECTION THEREWITH,**
103 **TRANSFERRING MONEY FROM THE GENERAL FUND TO THE FUND**
104 **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

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
Amended 2nd Reading
May 21, 2021

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 The fund is repealed, effective September 1, 2022.

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

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

4 **35-1-114. Agriculture and drought resilience - cash fund -**
5 **legislative declaration - repeal.** (1) THE GENERAL ASSEMBLY HEREBY:

6 (a) FINDS THAT:

7 (I) IN 2020, ALL OF COLORADO WAS IN DROUGHT;

8 (II) MAJOR DRIVERS OF THE SEVERE DROUGHT IN 2020 INCLUDE AN
9 ESSENTIALLY ABSENT MONSOON SEASON, INCREASED SOIL MOISTURE
10 DEFICITS, RECORD-HIGH TEMPERATURES, AND EXTREME EVAPORATIVE
11 DEMANDS FROM WINDS, LOW HUMIDITY, AND HIGH TEMPERATURES; AND

12 (III) A WARM SPRING, DRY SUMMER, AND CRITICALLY HOT
13 AUTUMN WITH A COMPLETE LACK OF MONSOONAL MOISTURE
14 CONTRIBUTED TO 2020'S RECORD-BREAKING FIRES;

15 (b) DETERMINES THAT:

16 (I) MULTI-YEAR OR COMPOUNDING HAZARDS, SUCH AS THE 2018
17 DROUGHT, 2019 FREEZE, 2020 DROUGHT, AND WILDFIRES, TAKE DEEP
18 ECONOMIC AND ECOLOGICAL TOLLS ON COLORADO'S AGRICULTURE;

19 (II) CLIMATE OUTLOOKS FOR 2021 INDICATE DROUGHT
20 CONDITIONS ARE EXPECTED TO CONTINUE;

21 (III) MORE THAN ONE HUNDRED STUDIES PUBLISHED SINCE 2013
22 SHOW STRONG CONSENSUS THAT CLIMATE CHANGE PROMOTES THE
23 WEATHER CONDITIONS ON WHICH WILDFIRES DEPEND, ENHANCING THEIR

1 LIKELIHOOD AND INCREASING THEIR SEVERITY; AND

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

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

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

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

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

24 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
25 ASSEMBLY, THE DEPARTMENT SHALL USE THE MONEY IN THE FUND TO
26 ENGAGE IN ACTIVITIES THAT PROMOTE THE ABILITY OF THE STATE TO
27 ANTICIPATE, PREPARE FOR, MITIGATE, ADAPT TO, OR RESPOND TO ANY

1 EVENT, TREND, OR CLIMATOLOGICAL DISTURBANCE RELATED TO DROUGHT
2 OR CLIMATE, INCLUDING:

3 (I) PROVIDING MONEY FOR AGRICULTURAL WATER PROJECTS,
4 INCLUDING MATCHING FUNDS FOR STATE OR FEDERAL GRANTS;

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

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

10 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BY JULY
11 1, 2021, THE DEPARTMENT SHALL DISTRIBUTE FIFTEEN THOUSAND
12 DOLLARS FROM THE FUND TO EACH CONSERVATION DISTRICT FORMED
13 PURSUANT TO ARTICLE 70 OF THIS TITLE 35.

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

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

19 **SECTION 2. Appropriation.** For the 2020-21 state fiscal year,
20 \$3,000,000 is appropriated to the department of agriculture for use by the
21 department. This appropriation is from the agriculture and drought
22 resiliency fund created in section 35-1-114 (2)(a), C.R.S. The department
23 may use this appropriation to implement this act. Any money appropriated
24 in this section but not expended prior to July 1, 2021, is further
25 appropriated to the department for the 2021-22 and 2022-23 state fiscal
26 years for the same purpose.

27 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.