

CHAPTER 235

WATER AND IRRIGATION

SENATE BILL 21-234

BY SENATOR(S) Jaquez Lewis and Sonnenberg, Bridges, Coram, Donovan, Fenberg, Gardner, Ginal, Gonzales, Hisey, Kirkmeyer, Kolker, Liston, Moreno, Priola, Rankin, Scott, Simpson, Story, Garcia;
 also REPRESENTATIVE(S) Cutter and Holtorf, Amabile, Bennett, Bockenfeld, Esgar, Hooton, Jackson, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ortiz, Pelton, Pico, Roberts, Soper, Titone, Valdez D., Young.

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.

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

SECTION 1. In Colorado Revised Statutes, **add** 35-1-115 as follows:

35-1-115. 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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

(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 agriculture and drought resiliency fund created in section 35-1-115 (2)(a), C.R.S. 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.

Approved: June 15, 2021