Agriculture

During the 2022 legislative session, the Colorado General Assembly considered measures related to agriculture, including wildlife and conservation, workforce, the Colorado State Fair, and other agriculture-related topics.

Wildlife & Conservation

The General Assembly considered several measures focused on habitat and species conservation. The Habitat Partnership Program works with local communities to develop partnerships to meet game management objectives and reduce conflicts with big game species, particularly related to forage and fence issues. *House Bill 22-1072* extends program funding indefinitely. Beginning in FY 2023-24, the bill continues annual transfers of big game license fee revenue from the Wildlife Cash Fund to the Habitat Partnership Program Cash Fund, estimated at about $2.5 million each year.

In an effort to conserve native species, *Senate Bill 22-158* appropriates $6.0 million from the Species Conservation Trust Fund for programs submitted by the Director of the Department of Natural Resources (DNR). The programs are designed to conserve native species that are threatened or endangered under state or federal law, or are likely to become candidate species as determined by the United States Fish and Wildlife Service.

Colorado Parks and Wildlife collects data on the location of animals and sensitive plant species and habitat as part of regular operations. Under current law, this data is a public record subject to request under the Colorado Open Records Act (CORA). *Senate Bill 22-169* amends CORA to exclude the portion of any public record that could reveal the location of animals and sensitive plant species or habitat.

Workforce

During the 2021 legislative session, the General Assembly passed Senate Bill 21-087, which required that agricultural worker employers provide some workers access and transportation to key service providers, provide overwork and health protections, and increase protections and safety precautions during public health emergencies. *House Bill 22-1308* creates the Agricultural Workforce Services Program to help employers meet the standards set in SB 21-087. The program consists of an online resource portal for agricultural employees and employers and a grant program for workplace improvements or changes to comply with labor and workplace standards.

SB 21-087 also required an agricultural employer to meet specific housing requirements for agricultural workers during a public health emergency. *House Bill 22-1313* clarifies that these requirements apply only during a statewide public health emergency related to COVID-19. The bill also includes alternative protections related to housing as

identified by the Department of Public Health and Environment (CDPHE).

Colorado State Fair

The General Assembly considered two measures focused on the Colorado State Fair. In response to the performance audit of the Colorado State Fair Authority (authority) by the State Auditor, *House Bill 22-1022* implements certain recommendations from the audit. These recommendations include:

- clarifying that the Commissioner of Agriculture, in consultation with the authority board, will appoint and employ a manager for the authority;
- requiring the authority board to establish a process for approving industry displays at the fair; and
- allowing the authority to collaborate with a state agency or industry representative in developing an industry display.

Senate Bill 22-013 increased the size of the Board of Commissioners of the authority from eleven to thirteen members by adding an at-large member and a member from the new eighth congressional district. After SB 22-013 was signed into law, *Senate Bill 22-042* changed the board's composition, requiring two members from each of the four agricultural districts in the state instead of members from each of the eight congressional districts. This bill also set terms and appointment dates, as well as requirements for members regarding occupation, agricultural experience, residency, and political party affiliation.

Other Agriculture-Related Bills

Senate Bill 22-209 requires the Commissioner of Agriculture to hire an employee or engage a contractor to help small meat processors and people trying to start a small meat processing business apply for and obtain grants and loans offered by the United States Department of

Agriculture and other entities. The program is repealed July 1, 2024.

In an effort to address pollinator health in Colorado, the General Assembly passed *Senate Bill 22-199*. The bill directs DNR to study and develop recommendations on how to address pollinator decline and increase pollinator health in the state. Recommendations may include the protection of native pollinating insects, best practices for state agencies in implementing policies and practices regarding native pollinating insects, and how to develop education and outreach programming. An additional bill on native pollinators – *Senate Bill 22-131* – was postponed indefinitely.

Beginning with property tax year 2023, *House Bill 22-1301* defines a controlled environmental agricultural (CEA) facility as a nonresidential structure and related equipment combining engineering, horticultural science, and computerized management techniques to optimize hydroponics, plant quality and food production efficiency from the land's water for human or livestock consumption. The bill also specifies that:

- a CEA facility will be valued for assessment purposes as all other agricultural property using the cost, market, and income approaches;
- agricultural equipment used in a CEA facility is exempt from property tax;
- personal property used in the operation of a CEA facility is exempt from property tax; and
- a CEA facility may not be used to grow marijuana or any other nonfood crop agricultural products.

Senate Bill 22-205 authorizes CDPHE to create rules that prohibit intoxicating tetrahydrocannabinol isomers that originate from industrial hemp or are synthetically derived.