

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

**INTRODUCED**

LLS NO. 21-0666.01 Jery Payne x2157

**HOUSE BILL 21-1181**

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**HOUSE SPONSORSHIP**

**McCormick and Will,**

**SENATE SPONSORSHIP**

**Simpson,**

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**House Committees**

Agriculture, Livestock, & Water

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF A VOLUNTARY SOIL HEALTH**  
102 **PROGRAM.**

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**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 Colorado soil health program in the department of agriculture (department). The soil health program is voluntary. The department, commissioner of agriculture (commissioner), and state agricultural commission will administer the soil health program.

The department may establish the following:

- A system for monitoring the environmental or economic

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.

- benefits of soil health practices;
- A state soil health inventory and platform;
- A soil health testing program; and
- Other programs the department deems appropriate or necessary.

Before establishing a system, inventory and platform, or program, the department must provide public notice and afford the public an opportunity to submit written comments.

The department may also:

- Seek, accept, and expend gifts, grants, or donations;
- Administer and expend the money from public and private sources;
- Provide grants, loans, and other resources to perform soil health activities; and
- Cooperate and collaborate with other people.

The bill also creates a soil health advisory committee (advisory committee). The commissioner is required to appoint members who represent the different geographic areas, political diversity, and demographic diversity of the state and include agricultural producers of diverse production systems.

The advisory committee will make recommendations to the department and assist in the development of the soil health program. The advisory committee is also authorized to solicit input, review proposals and agreements, and evaluate the soil health program.

The department shall maintain the confidentiality of information related to private lands that identify landowners, land managers, agricultural producers, or lands.

No later than January 31 of each year, the department shall prepare and make available to the public a report of its activities on its official website.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4           (a) Conserving and enhancing Colorado's agricultural soils is  
5 critical to maintaining and increasing the economic and environmental  
6 sustainability and vitality of agriculture;

7           (b) Healthy soils can increase agricultural producer profitability  
8 by reducing labor and supply costs and increasing yields and resilience to

- 1 extreme weather events, including drought and heat;
- 2 (c) Healthy soils support rural communities by increasing the  
3 prosperity of farming and ranching families and supporting closely tied  
4 local food and agricultural businesses;
- 5 (d) Healthy soils have important environmental benefits, including  
6 improved air and water quality, soil structural integrity, erosion  
7 prevention, and nutrient cycling; increased biological and microbiological  
8 diversity; and carbon sequestration;
- 9 (e) Colorado has a robust legacy of soil and environmental  
10 stewardship, and the state conservation board and conservation districts  
11 have led agricultural conservation efforts for decades;
- 12 (f) Additional resources for voluntary activities that promote soil  
13 health would increase the adoption of soil health practices and augment  
14 the conservation districts' and the state conservation board's existing  
15 programs; and
- 16 (g) Creating a state soil health program administered by the  
17 department of agriculture will remove barriers and incentivize the  
18 adoption of soil health practices and will augment existing programs by  
19 facilitating increased partnerships between agricultural stakeholders and  
20 access to financial or other resources.

21 **SECTION 2.** In Colorado Revised Statutes, **add** article 73 to title  
22 35 as follows:

23 **ARTICLE 73**

24 **Voluntary Soil Health Program**

25 **35-73-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 73 IS  
26 THE "VOLUNTARY SOIL HEALTH PROGRAM ACT".

27 **35-73-102. Definitions.** AS USED IN THIS ARTICLE 73, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "ADVISORY COMMITTEE" MEANS THE SOIL HEALTH ADVISORY  
3 COMMITTEE CREATED IN SECTION 35-73-106.

4 (2) "AGRICULTURAL PRODUCER" MEANS A PERSON ENGAGED IN  
5 THE PRODUCTION OF AGRICULTURE.

6 (3) "AGRICULTURE" HAS THE SAME MEANING AS SET FORTH IN  
7 SECTION 35-1-102 (1).

8 (4) "BEGINNING PRODUCER" MEANS AN AGRICULTURAL PRODUCER  
9 THAT HAS NOT OPERATED A FARM OR RANCH, OR THAT HAS OPERATED A  
10 FARM OR RANCH FOR NOT MORE THAN TEN CONSECUTIVE YEARS, AND  
11 THAT WILL SUBSTANTIALLY PARTICIPATE IN THE OPERATION OF A FARM OR  
12 RANCH.

13 (5) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE  
14 OR THE COMMISSIONER'S AUTHORIZED AGENT.

15 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE  
16 AND INCLUDES THE STATE AGRICULTURAL COMMISSION CREATED IN  
17 SECTION 35-1-105, THE COMMISSIONER, AND ALL EMPLOYEES AND AGENTS  
18 OF THE DEPARTMENT.

19 (7) "ELIGIBLE ENTITY" MEANS A PUBLIC, GOVERNMENTAL, OR  
20 PRIVATE ENTITY, INCLUDING:

21 (a) AN AGRICULTURAL PRODUCER, A GROUP OF AGRICULTURAL  
22 PRODUCERS, OR AN AGRICULTURAL PRODUCER COOPERATIVE;

23 (b) AN INDIAN TRIBE;

24 (c) A NONPROFIT ENTITY OF A TYPE LISTED IN 26 U.S.C. SEC. 501  
25 (c), AS AMENDED;

26 (d) A CHARITABLE ORGANIZATION AS DEFINED IN SECTION  
27 6-16-103 (1);

1 (e) AN ACADEMIC OR A RESEARCH INSTITUTION OR A SUBDIVISION  
2 OF THE INSTITUTION;

3 (f) THE UNITED STATES OR ANY CORPORATION OR AGENCY  
4 CREATED OR DESIGNED BY THE UNITED STATES;

5 (g) THE STATE OF COLORADO OR ANY OF ITS AGENCIES OR  
6 POLITICAL SUBDIVISIONS, INCLUDING A CONSERVATION DISTRICT CREATED  
7 UNDER ARTICLE 70 OF THIS TITLE 35 OR A WATER CONSERVANCY DISTRICT;

8 (h) AN ACEQUIA DITCH CORPORATION OR AN UNINCORPORATED  
9 ACEQUIA DITCH ASSOCIATION AS EITHER IS DESCRIBED IN SECTION  
10 7-42-101.5; AND

11 (i) A DITCH CORPORATION AS DESCRIBED IN SECTION 7-42-101.

12 (8) "ENVIRONMENTAL BENEFIT" MEANS A BENEFIT TO NATURAL  
13 AND AGRICULTURAL RESOURCES AND HUMAN HEALTH, INCLUDING:

14 (a) IMPROVED AIR QUALITY OR WATER QUALITY;

15 (b) IMPROVED SOIL HEALTH, INCLUDING NUTRIENT CYCLING, SOIL  
16 FERTILITY, OR DROUGHT RESILIENCE;

17 (c) REDUCTIONS IN AGRICULTURAL INPUTS;

18 (d) CARBON SEQUESTRATION OR CLIMATE CHANGE MITIGATION;

19 (e) INCREASED BIODIVERSITY; OR

20 (f) IMPROVED NUTRITIONAL QUALITY OF AGRICULTURAL  
21 PRODUCTS.

22 (9) "GRANT PROGRAM" MEANS A GRANT PROGRAM AUTHORIZED  
23 IN SECTION 35-73-104 (1)(a).

24 (10) "IMPLEMENTATION PROJECT" MEANS A PROJECT THAT  
25 PROVIDES INCENTIVES TO AGRICULTURAL PRODUCERS TO IMPLEMENT  
26 ON-FARM OR ON-RANCH SOIL HEALTH PRACTICES.

27 (11) "INCENTIVES" MEANS MONETARY INCENTIVES, INCLUDING

1 GRANTS AND LOANS, OR NONMONETARY INCENTIVES, INCLUDING  
2 EQUIPMENT, TECHNICAL ASSISTANCE, EDUCATIONAL MATERIALS,  
3 OUTREACH, AND MARKET DEVELOPMENT ASSISTANCE FOR MARKET  
4 PREMIUMS OR ECOSYSTEM SERVICES MARKETS.

5 (12) "LAND MANAGER" MEANS A MANAGER OF LAND WHERE  
6 AGRICULTURAL ACTIVITIES TAKE PLACE, INCLUDING:

7 (a) A FEDERAL LAND MANAGER AS DEFINED IN SECTION 35-5.5-103  
8 (8); OR

9 (b) A LEASE HOLDER OF LAND WHERE AGRICULTURAL ACTIVITIES  
10 TAKE PLACE.

11 (13) "PROGRAM" MEANS A COMPONENT, INCLUDING A SYSTEM,  
12 GRANT PROGRAM, OR INVENTORY OR PLATFORM, OF THE SOIL HEALTH  
13 PROGRAM THAT IS AUTHORIZED IN SECTION 35-73-104.

14 (14) "SOIL HEALTH" MEANS THE CONTINUED CAPACITY OF SOIL TO  
15 FUNCTION AS A VITAL LIVING ECOSYSTEM THAT SUSTAINS PLANTS,  
16 ANIMALS, AND HUMANS.

17 (15) "SOIL HEALTH PRACTICES" MEANS THOSE PRACTICES THAT  
18 MAY CONTRIBUTE TO SOIL HEALTH OR APPLY ONE OF THE FOLLOWING  
19 PRINCIPLES THAT PROMOTE SOIL HEALTH:

20 (a) MAXIMIZING SOIL COVER;

21 (b) REDUCING SOIL DISTURBANCE;

22 (c) MAXIMIZING BIODIVERSITY;

23 (d) MAINTAINING A CONTINUAL LIVE PLANT OR ROOT IN THE SOIL;

24 OR

25 (e) INTEGRATING LIVESTOCK.

26 (16) "SOIL HEALTH PROGRAM" MEANS THE COLORADO SOIL  
27 HEALTH PROGRAM CREATED IN SECTION 35-73-103.

1 (17) "STATE SOIL HEALTH INVENTORY AND PLATFORM" MEANS A  
2 TOOL, INCLUDING A GEOSPATIAL INVENTORY, DOCUMENTING:

3 (a) THE CONDITION OF AGRICULTURAL SOILS;

4 (b) THE IMPLEMENTATION OF SOIL HEALTH PRACTICES;

5 (c) THE ENVIRONMENTAL AND ECONOMIC EFFECTS, INCLUDING  
6 CURRENT AND POTENTIAL FUTURE CARBON HOLDING CAPACITY OF SOILS;

7 OR

8 (d) OTHER INFORMATION THAT CONCERNS SOIL HEALTH AND THAT  
9 THE DEPARTMENT DEEMS APPROPRIATE.

10 (18) "TECHNICAL ASSISTANCE ORGANIZATION" MEANS A PERSON  
11 THAT HAS DEMONSTRATED TECHNICAL EXPERTISE IN IMPLEMENTING SOIL  
12 HEALTH PRACTICES AS DETERMINED BY THE DEPARTMENT.

13 (19) "UNDERSERVED AGRICULTURAL PRODUCER" MEANS AN  
14 AGRICULTURAL PRODUCER WITH LIMITED RESOURCES, A BEGINNING  
15 PRODUCER, A MILITARY VETERAN AGRICULTURAL PRODUCER WHO WAS  
16 RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE OR BY A BAD  
17 CONDUCT DISCHARGE, OR OTHER TYPES OF UNDERSERVED AGRICULTURAL  
18 PRODUCERS AS DETERMINED BY THE DEPARTMENT.

19 **35-73-103. Colorado soil health program - created - purposes.**

20 THE COLORADO SOIL HEALTH PROGRAM IS HEREBY ESTABLISHED IN THE  
21 DEPARTMENT TO ENCOURAGE WIDESPREAD ADOPTION OF SOIL HEALTH  
22 PRACTICES BY AGRICULTURAL PRODUCERS, PROMOTE ENVIRONMENTAL  
23 BENEFITS, AND ADVANCE THE UNDERSTANDING OF THE ENVIRONMENTAL  
24 AND ECONOMIC BENEFITS OF SOIL HEALTH PRACTICES.

25 **35-73-104. Program development - programs, grants, systems,**

26 **and inventories and platforms.** (1) IN CONSULTATION WITH THE  
27 ADVISORY COMMITTEE AND IN ACCORDANCE WITH SUBSECTION (4) OF THIS

1 SECTION, THE DEPARTMENT SHALL ESTABLISH THE FOLLOWING IF  
2 FINANCIAL RESOURCES ARE AVAILABLE:

3 (a) A GRANT PROGRAM FOR ELIGIBLE ENTITIES TO ENGAGE IN SOIL  
4 HEALTH ACTIVITIES;

5 (b) A SYSTEM FOR MONITORING THE ENVIRONMENTAL OR  
6 ECONOMIC BENEFITS OF SOIL HEALTH PRACTICES AS DEMONSTRATED BY  
7 IMPLEMENTATION EXPERIENCE, RESEARCH PROJECTS, DEMONSTRATION  
8 PROJECTS, OR SOIL HEALTH ACTIVITIES;

9 (c) A STATE SOIL HEALTH INVENTORY AND PLATFORM;

10 (d) A SOIL HEALTH TESTING PROGRAM; AND

11 (e) OTHER PROGRAMS THE DEPARTMENT DEEMS APPROPRIATE OR  
12 NECESSARY TO PROMOTE SOIL HEALTH PRACTICES.

13 (2) IN ESTABLISHING PROGRAMS IN ACCORDANCE WITH  
14 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY PRIORITIZE THE  
15 ESTABLISHMENT OF PROGRAMS BASED ON ITS DETERMINATION OF  
16 AGRICULTURAL PRODUCER NEED AND SUPPORT, THE AVAILABILITY OF  
17 MONEY AND STAFFING, EMERGING AREAS OF SCIENTIFIC INQUIRY AND  
18 RESEARCH, THE DEGREE OF ENVIRONMENTAL BENEFITS, OR OTHER  
19 CONSIDERATIONS DEEMED APPROPRIATE TO PROMOTE SOIL HEALTH  
20 PRACTICES.

21 (3) ALL PROGRAMS ESTABLISHED UNDER SUBSECTION (1) OF THIS  
22 SECTION ARE VOLUNTARY AND INCENTIVE BASED. THE DEPARTMENT  
23 SHALL NOT REQUIRE:

24 (a) ELIGIBLE ENTITIES TO PARTICIPATE IN THE SOIL HEALTH  
25 PROGRAM; OR

26 (b) NONPARTICIPATING ENTITIES TO IMPLEMENT SOIL HEALTH  
27 PRACTICES.



1 (4) BEFORE ESTABLISHING A PROGRAM, THE DEPARTMENT SHALL  
2 PROVIDE PUBLIC NOTICE ON THE AGENCY'S OFFICIAL WEBSITE. THE  
3 DEPARTMENT SHALL GIVE THE PUBLIC NO LESS THAN FORTY-FIVE DAYS TO  
4 SUBMIT WRITTEN COMMENTS AFTER THE DATE OF PUBLICATION ON ITS  
5 OFFICIAL WEBSITE.

6 **35-73-105. Powers and duties of the department.** (1) IN  
7 CARRYING OUT THIS ARTICLE 73, THE DEPARTMENT MAY:

8 (a) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS  
9 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE  
10 73, BUT THE DEPARTMENT SHALL NOT PLEDGE THE FAITH OR CREDIT OF  
11 THE STATE OF COLORADO OR ANY COUNTY OR OTHER POLITICAL  
12 SUBDIVISION. IN CONNECTION WITH THE GIFTS, GRANTS, OR DONATIONS,  
13 THE DEPARTMENT MAY ENTER INTO AN AGREEMENT OR CONTRACT.

14 (b) ADMINISTER AND EXPEND THE FOLLOWING MONEY TO PLAN,  
15 DEVELOP, OR IMPLEMENT PROGRAMS AUTHORIZED IN SECTION 35-73-104:

16 (I) APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY;

17 (II) MONEY GRANTED TO OR MADE AVAILABLE TO THE  
18 DEPARTMENT BY THE UNITED STATES GOVERNMENT, AN AGENCY OF THE  
19 UNITED STATES GOVERNMENT, OR A POLITICAL SUBDIVISION OF  
20 COLORADO;

21 (III) GIFTS, GRANTS, OR DONATIONS RECEIVED UNDER SUBSECTION  
22 (1)(a) OF THIS SECTION; OR

23 (IV) MONEY DERIVED FROM ANY OTHER SOURCE, SUBJECT TO  
24 APPROPRIATION;

25 (c) PROVIDE GRANTS, LOANS, AND OTHER RESOURCES TO ELIGIBLE  
26 ENTITIES TO PERFORM SOIL HEALTH ACTIVITIES;

27 (d) UNLESS OTHERWISE SPECIFIED BY THE GRANTOR OR DONOR,

1 USE ANY MONEY RECEIVED FROM A POLITICAL SUBDIVISION OF COLORADO,  
2 THE UNITED STATES GOVERNMENT, OR AN AGENCY OF OR CORPORATION  
3 OF THE UNITED STATES GOVERNMENT TO SERVE AS A MATCHING FUND FOR  
4 SOIL HEALTH ACTIVITIES; OR

5 (e) COOPERATE AND COLLABORATE, INCLUDING ENTERING INTO AN  
6 AGREEMENT WITH OTHER PEOPLE, TO:

7 (I) ADVANCE THE SCIENTIFIC UNDERSTANDING OF SOIL HEALTH,  
8 SOIL HEALTH PRACTICES, ENVIRONMENTAL OUTCOMES, OR ECONOMIC  
9 OUTCOMES;

10 (II) INCREASE MONETARY OR NONMONETARY RESOURCES TO  
11 SUPPORT SCIENTIFIC RESEARCH; OR

12 (III) APPLY FOR GRANTS, INCLUDING APPLYING FOR GRANTS  
13 JOINTLY, AND OBTAIN RESOURCES TO SUPPORT THE PROGRAMS  
14 AUTHORIZED IN SECTION 35-73-104.

15 (2) IN ESTABLISHING A GRANT PROGRAM, THE DEPARTMENT SHALL:

16 (a) MAKE MONEY AVAILABLE FOR DEMONSTRATION PROJECTS,  
17 EDUCATIONAL PROJECTS, IMPLEMENTATION PROJECTS, OR RESEARCH  
18 PROJECTS GRANTS TO ELIGIBLE ENTITIES;

19 (b) REQUIRE RECIPIENTS OF DEMONSTRATION, IMPLEMENTATION,  
20 EDUCATIONAL, OR RESEARCH PROJECT GRANTS TO WORK WITH A  
21 TECHNICAL ASSISTANCE ORGANIZATION IF THE GRANT RECIPIENT DOES  
22 NOT HAVE SUFFICIENT EXPERTISE IN IMPLEMENTING SOIL HEALTH  
23 PRACTICES OR INTERPRETING PROJECT OUTCOMES;

24 (c) ENSURE THAT THE MOST ACCURATE AND CURRENT SCIENTIFIC  
25 EVIDENCE CONCERNING SOIL HEALTH AND SOIL HEALTH PRACTICES AND  
26 THE ECONOMIC AND ENVIRONMENTAL BENEFITS OF SOIL HEALTH  
27 PRACTICES ARE CONSIDERED IN AWARDING GRANTS;

1 (d) MINIMIZE THE USE OF MONEY BY GRANT RECIPIENTS FOR COSTS  
2 NOT DIRECTLY RELATED TO GRANT OUTCOMES, SUCH AS ADMINISTRATIVE  
3 EXPENSES OR OTHER EXPENSES RELATED TO OVERHEAD;

4 (e) ESTABLISH A MONITORING AND OVERSIGHT PROCEDURE TO  
5 ENSURE THAT MONEY IS BEING SPENT AS INTENDED; AND

6 (f) ESTABLISH PROTOCOLS THAT ENSURE THE CONFIDENTIALITY,  
7 IN ACCORDANCE WITH SECTION 35-73-107, OF AGRICULTURAL PRODUCER,  
8 LANDOWNER, LAND MANAGER, AND LAND INFORMATION, INCLUDING WITH  
9 RESPECT TO A STATE SOIL HEALTH INVENTORY AND PLATFORM AND STATE  
10 SOIL HEALTH TESTING PROGRAM EXCEPT AS PROVIDED BY SUBSECTION (3)  
11 OF THIS SECTION.

12 (3) NOTWITHSTANDING SECTION 35-73-104(3) OR 35-73-107, THE  
13 DEPARTMENT SHALL REQUIRE RECIPIENTS OF A GRANT FOR  
14 DEMONSTRATION, IMPLEMENTATION, EDUCATIONAL, OR RESEARCH  
15 PROJECTS TO CONDUCT OUTREACH AND EDUCATIONAL ACTIVITIES  
16 REGARDING THE PROJECTS, INCLUDING FIELD DAY VISITS, AND TO  
17 DISCLOSE NONCONFIDENTIAL INFORMATION RELATED TO THE PROJECTS,  
18 INCLUDING THE LOCATIONS OF THE PROJECTS, THE SOIL HEALTH PRACTICES  
19 IMPLEMENTED, OR THE ENVIRONMENTAL OR ECONOMIC OUTCOMES.

20 **35-73-106. Soil health advisory committee - repeal.** (1) THE  
21 COMMISSIONER SHALL APPOINT A SOIL HEALTH ADVISORY COMMITTEE OF  
22 NO LESS THAN NINE MEMBERS.

23 (2) (a) THE COMMISSIONER SHALL APPOINT MEMBERS WHO:

24 (I) REPRESENT THE DIFFERENT GEOGRAPHIC AREAS AND  
25 DEMOGRAPHIC DIVERSITY OF THE STATE AND REFLECT THE POLITICAL  
26 DIVERSITY OF THE STATE, TO THE GREATEST EXTENT POSSIBLE;

27 (II) INCLUDE AGRICULTURAL PRODUCERS OF DIVERSE PRODUCTION

1 SYSTEMS, INCLUDING DIVERSITY IN SIZE, PRODUCT, IRRIGATED SYSTEMS,  
2 DRYLAND SYSTEMS, AND LIVESTOCK PRODUCTION SYSTEMS; AND

3 (III) INCLUDE:

4 (A) AN IRRIGATED CROP PRODUCER;

5 (B) A DRYLAND CROP PRODUCER;

6 (C) A RANCHER;

7 (D) AN ORGANIC PRODUCER;

8 (E) A CROP CONSULTANT;

9 (F) A REPRESENTATIVE OF AN INDIAN TRIBE;

10 (G) A REPRESENTATIVE WITH EXPERTISE IN SOIL CARBON STORAGE  
11 AND NATURAL CLIMATE MITIGATION;

12 (H) A REPRESENTATIVE OF THE STATE CONSERVATION BOARD; AND

13 (I) AT LEAST TWO WATER USERS WHO OWN, LEASE, OR REPRESENT  
14 OWNERS OF ADJUDICATED WATER RIGHTS USED FOR AGRICULTURAL  
15 PURPOSES BOTH FROM WEST OF THE CONTINENTAL DIVIDE AND EAST OF  
16 THE CONTINENTAL DIVIDE, ONE OF WHOM MUST BE A DITCH CORPORATION  
17 AS DESCRIBED IN SECTION 7-42-101, AN ACEQUIA DITCH CORPORATION AS  
18 DESCRIBED IN SECTION 7-42-101.5, OR A SHAREHOLDER IN EITHER OF  
19 THESE TYPES OF DITCH CORPORATIONS.

20 (b) MEMBERS ON THE ADVISORY COMMITTEE REPRESENTING  
21 WATER USERS IN ACCORDANCE WITH SUBSECTION (2)(a)(III)(I) OF THIS  
22 SECTION MAY, BUT NEED NOT, BE THE SAME MEMBERS THAT REPRESENT  
23 ANOTHER PERSON OR GROUP DESCRIBED IN SUBSECTIONS (2)(a)(III)(A) TO  
24 (2)(a)(III)(H) OF THIS SECTION.

25 (3) THE COMMISSIONER SHALL INVITE REPRESENTATIVES OF THE  
26 FOLLOWING TO SERVE AS EX OFFICIO MEMBERS ON THE ADVISORY  
27 COMMITTEE:

1 (a) THE COLORADO WATER CONSERVATION BOARD CREATED IN  
2 ARTICLE 60 OF TITLE 37;

3 (b) THE COLORADO ASSOCIATION OF CONSERVATION DISTRICTS  
4 OR ITS SUCCESSOR ORGANIZATION;

5 (c) THE NATURAL RESOURCES CONSERVATION SERVICE IN THE  
6 UNITED STATES DEPARTMENT OF AGRICULTURE; AND

7 (d) COLORADO STATE UNIVERSITY.

8 (4)(a) THE COMMISSIONER SHALL APPOINT APPROXIMATELY HALF  
9 OF THE INITIAL MEMBERS FOR TWO-YEAR TERMS, BUT THEREAFTER,  
10 APPOINTMENTS ARE FOR FOUR-YEAR TERMS UNLESS THE COMMISSIONER,  
11 IN CHANGING THE NUMBER OF MEMBERS, DETERMINES THAT AN  
12 APPOINTMENT NEEDS TO BE FOR LESS THAN FOUR YEARS TO KEEP  
13 APPROXIMATELY HALF OF THE TOTAL NUMBER OF THE MEMBERS' TERMS  
14 EXPIRING EVERY TWO YEARS. UPON EXPIRATION OF A MEMBER'S TERM,  
15 THE MEMBER CONTINUES TO HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN  
16 DULY APPOINTED, BUT FOR NO LONGER THAN SIX MONTHS.

17 (b) MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT SERVE  
18 MORE THAN TWO FULL FOUR-YEAR TERMS. AN INITIAL TWO-YEAR TERM IS  
19 NOT A FULL TERM.

20 (5) THE COMMISSIONER MAY REMOVE A MEMBER OF THE  
21 ADVISORY COMMITTEE FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT OF  
22 DUTY.

23 (6) A MAJORITY OF THE MEMBERS THAT REPRESENT AT LEAST FIVE  
24 OF THE PEOPLE OR GROUPS DESCRIBED IN SUBSECTIONS (2)(a)(III)(A) TO  
25 (2)(a)(III)(H) OF THIS SECTION CONSTITUTES A QUORUM OF THE ADVISORY  
26 COMMITTEE TO TAKE ANY ACTION AUTHORIZED IN THIS SECTION.

27 (7) (a) THE ADVISORY COMMITTEE SHALL MAKE

1 RECOMMENDATIONS TO THE DEPARTMENT CONCERNING AND ASSIST IN THE  
2 DEVELOPMENT OF THE SOIL HEALTH PROGRAM, INCLUDING  
3 RECOMMENDATIONS FOR THE QUALIFICATIONS OF ELIGIBLE ENTITIES TO  
4 RECEIVE GRANT MONEY.

5 (b) THE ADVISORY COMMITTEE MAY:

6 (I) SOLICIT INPUT FROM STAKEHOLDERS FROM EACH MEMBER'S  
7 AREA OF EXPERTISE AND REGION OF THE STATE AND COMMUNICATE THE  
8 ADVISORY COMMITTEE'S RECOMMENDATIONS TO THE REGION AND  
9 STAKEHOLDERS REPRESENTED BY EACH MEMBER;

10 (II) SOLICIT INPUT, IN COLLABORATION WITH THE DEPARTMENT,  
11 FROM UNDERSERVED AGRICULTURAL PRODUCERS;

12 (III) SOLICIT INPUT FROM AGRICULTURAL PRODUCERS THAT  
13 REFLECT THE DIFFERENT GEOGRAPHIC AREAS AND DEMOGRAPHIC  
14 DIVERSITY OF THE STATE TO THE GREATEST EXTENT POSSIBLE;

15 (IV) REVIEW SOIL HEALTH GRANT PROPOSALS FROM GRANT  
16 APPLICANTS, INCLUDING PROPOSED BUDGETS, PROPOSED GRANT  
17 OUTCOMES, AND THE QUALIFICATIONS OF ANY ELIGIBLE ENTITIES  
18 APPLYING FOR GRANTS;

19 (V) REVIEW ANY AGREEMENTS FOR COOPERATION OR  
20 COLLABORATION ENTERED INTO BY THE DEPARTMENT AS AUTHORIZED IN  
21 SECTION 35-73-105 (1)(e);

22 (VI) REVIEW AND RECOMMEND SOIL HEALTH PRACTICES TO  
23 ENSURE THAT THEY SUPPORT SOIL HEALTH;

24 (VII) EVALUATE THE RESULTS AND EFFECTIVENESS OF SOIL  
25 HEALTH ACTIVITIES AND THE SOIL HEALTH PROGRAM IN IMPROVING SOIL  
26 HEALTH; AND

27 (VIII) RECOMMEND TO THE COMMISSIONER WAYS TO ENHANCE

1 STATEWIDE EFFORTS TO SUPPORT HEALTHY SOILS THROUGHOUT THE  
2 STATE.

3 (8) THE ADVISORY COMMITTEE SHALL MEET AT LEAST QUARTERLY.

4 (9) MEMBERS OF THE ADVISORY COMMITTEE RECEIVE NO  
5 COMPENSATION FOR THEIR SERVICE ON THE ADVISORY COMMITTEE BUT  
6 MAY BE REIMBURSED FOR ACTUAL AND NECESSARY TRAVEL AND OTHER  
7 ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL  
8 DUTIES. THE DEPARTMENT SHALL ADOPT UNIFORM AND REASONABLE  
9 GUIDELINES GOVERNING EXPENSE REIMBURSEMENT.

10 (10) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.  
11 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN  
12 ACCORDANCE WITH SECTION 2-3-1203.

13 **35-73-107. Landowner, land manager, and agricultural**  
14 **producer information - confidentiality.** THE DEPARTMENT SHALL NOT  
15 DISCLOSE RECORDS, INCLUDING ANALYSES AND MAPS, COMPILED OR  
16 MAINTAINED IN ACCORDANCE WITH THIS ARTICLE 73 THAT ARE BASED ON  
17 INFORMATION RELATED TO PRIVATE LANDS AND IDENTIFY OR ALLOW TO  
18 BE IDENTIFIED ANY SPECIFIC COLORADO LANDOWNERS, LAND MANAGERS,  
19 AGRICULTURAL PRODUCERS, OR PARCELS OF LAND; EXCEPT THAT THE  
20 DEPARTMENT MAY DISCLOSE SUMMARY OR AGGREGATED DATA THAT DO  
21 NOT SPECIFICALLY IDENTIFY INDIVIDUAL LANDOWNERS, LAND MANAGERS,  
22 AGRICULTURAL PRODUCERS, OR PARCELS OF LAND.

23 **35-73-108. Reporting requirement.** (1) NO LATER THAN  
24 JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PREPARE AND MAKE  
25 AVAILABLE TO THE PUBLIC A REPORT ON ITS OFFICIAL WEBSITE THAT MUST  
26 CONTAIN THE FOLLOWING INFORMATION FOR THE PREVIOUS YEAR:

27 (a) AN ACCOUNTING OF ALL MONEY RECEIVED AND SPENT FOR THE

1 SOIL HEALTH PROGRAM;

2 (b) A DESCRIPTION OF ACTIVITIES UNDERTAKEN, INCLUDING THE  
3 NUMBER AND TYPE OF GRANT-FUNDED PROJECTS AND THE EDUCATIONAL  
4 AND STAKEHOLDER ENGAGEMENT ACTIVITIES; AND

5 (c) A SUMMARY OF THE ACTIVITIES AND RECOMMENDATIONS OF  
6 THE ADVISORY COMMITTEE.

7 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO LATER  
8 THAN JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT THE  
9 REPORT PREPARED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION  
10 TO THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE  
11 SENATE AND THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF  
12 THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

13 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (22)  
14 as follows:

15 **2-3-1203. Sunset review of advisory committees - legislative**  
16 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
17 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES ARE  
18 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

19 (I) THE SOIL HEALTH ADVISORY COMMITTEE CREATED IN SECTION  
20 35-73-106.

21 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
22 2033.

23 **SECTION 4.** In Colorado Revised Statutes, 24-72-204, **amend**  
24 (3)(a) introductory portion; and **add** (3)(a)(XXIII) as follows:

25 **24-72-204. Allowance or denial of inspection - grounds -**  
26 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall  
27 deny the right of inspection of the following records, unless otherwise



1 provided by law; except that THE CUSTODIAN SHALL MAKE any of the  
2 following records, other than letters of reference concerning employment,  
3 licensing, or issuance of permits, ~~shall be~~ available to the person in  
4 interest ~~pursuant to~~ IN ACCORDANCE WITH this subsection (3):

5 (XXIII) RECORDS, INCLUDING ANALYSES AND MAPS, COMPILED OR  
6 MAINTAINED IN ACCORDANCE WITH ARTICLE 73 OF TITLE 35 THAT ARE  
7 BASED ON INFORMATION RELATED TO PRIVATE LANDS AND IDENTIFY OR  
8 ALLOW TO BE IDENTIFIED ANY SPECIFIC COLORADO LANDOWNERS, LAND  
9 MANAGERS AS DEFINED IN SECTION 35-73-102, AGRICULTURAL  
10 PRODUCERS AS DEFINED IN SECTION 35-73-102, OR PARCELS OF LAND;  
11 EXCEPT THAT THE CUSTODIAN MAY RELEASE OR AUTHORIZE INSPECTION  
12 OF SUMMARY OR AGGREGATED DATA THAT DO NOT SPECIFICALLY  
13 IDENTIFY INDIVIDUAL LANDOWNERS, LAND MANAGERS, AGRICULTURAL  
14 PRODUCERS, OR PARCELS OF LAND.

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