

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0666.01 Jery Payne x2157

HOUSE BILL 21-1181

HOUSE SPONSORSHIP

McCormick and Will, Amabile, Bernett, Bird, Esgar, Froelich, Hooton, McCluskie, Michaelson Jenet, Titone

SENATE SPONSORSHIP

Simpson and Winter, Bridges, Buckner, Coram, Fenberg, Garcia, Ginal, Gonzales, Jaquez Lewis, Kolker, Moreno, Pettersen, Priola, Sonnenberg

House Committees

Agriculture, Livestock, & Water
Appropriations

Senate Committees

Agriculture & Natural Resources
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A VOLUNTARY SOIL HEALTH**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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 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:

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
3rd Reading Unamended
May 24, 2021

SENATE
Amended 2nd Reading
May 21, 2021

HOUSE
3rd Reading Unamended
April 8, 2021

HOUSE
Amended 2nd Reading
April 7, 2021

- A system for monitoring the environmental or economic 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

1 by reducing labor and supply costs and increasing yields and resilience to
2 extreme weather events, including drought and heat;

3 (c) Healthy soils support rural communities by increasing the
4 prosperity of farming and ranching families and supporting closely tied
5 local food and agricultural businesses;

6 (d) Healthy soils have important environmental benefits, including
7 improved air and water quality, soil structural integrity, erosion
8 prevention, and nutrient cycling; increased biological and microbiological
9 diversity; and carbon sequestration; and

10 (e) Colorado has a robust legacy of soil and environmental
11 stewardship, and the state conservation board and conservation districts
12 have led agricultural conservation efforts for decades.

13 [REDACTED]

14 **SECTION 2.** In Colorado Revised Statutes, **add** article 73 to title
15 35 as follows:

16 **ARTICLE 73**

17 **Voluntary Soil Health Program**

18 **35-73-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 73 IS
19 THE "VOLUNTARY SOIL HEALTH PROGRAM ACT".

20 **35-73-102. Definitions.** AS USED IN THIS ARTICLE 73, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

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

24 [REDACTED]

25 (2) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE
26 OR THE COMMISSIONER'S AUTHORIZED AGENT.

27 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE

1 AND INCLUDES THE STATE AGRICULTURAL COMMISSION CREATED IN
2 SECTION 35-1-105, THE COMMISSIONER, AND ALL EMPLOYEES AND AGENTS
3 OF THE DEPARTMENT.

4 ■ ■

5 (4) "ELIGIBLE ENTITY" MEANS A PUBLIC, GOVERNMENTAL, OR
6 PRIVATE ENTITY, INCLUDING:

7 (a) AN AGRICULTURAL PRODUCER, A GROUP OF AGRICULTURAL
8 PRODUCERS, OR AN AGRICULTURAL PRODUCER COOPERATIVE;

9 (b) AN INDIAN TRIBE;

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

12 (d) A CHARITABLE ORGANIZATION AS DEFINED IN SECTION
13 6-16-103 (1);

14 (e) AN ACADEMIC OR A RESEARCH INSTITUTION OR A SUBDIVISION
15 OF THE INSTITUTION;

16 (f) THE UNITED STATES OR ANY CORPORATION OR AGENCY
17 CREATED OR DESIGNED BY THE UNITED STATES;

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

21 (h) AN ACEQUIA DITCH CORPORATION OR AN UNINCORPORATED
22 ACEQUIA DITCH ASSOCIATION, AS EITHER IS DESCRIBED IN SECTION
23 7-42-101.5; AND

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

25 (5) "GRANT PROGRAM" MEANS A GRANT PROGRAM AUTHORIZED
26 IN SECTION 35-73-104 (1)(a).

27 ■ ■

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

4 (7) "SOIL HEALTH" MEANS THE CONTINUED CAPACITY OF SOIL TO
5 FUNCTION AS A VITAL LIVING ECOSYSTEM THAT SUSTAINS PLANTS,
6 ANIMALS, AND HUMANS.

7 (8) "SOIL HEALTH PRACTICES" MEANS THOSE PRACTICES THAT MAY
8 CONTRIBUTE TO SOIL HEALTH OR APPLY ONE OF THE FOLLOWING
9 PRINCIPLES THAT PROMOTE SOIL HEALTH:

- 10 (a) MAXIMIZING SOIL COVER;
- 11 (b) REDUCING SOIL DISTURBANCE;
- 12 (c) MAXIMIZING BIODIVERSITY;
- 13 (d) MAINTAINING A CONTINUAL LIVE PLANT OR ROOT IN THE SOIL;

14 OR

- 15 (e) INTEGRATING BEST GRAZING LIVESTOCK PRACTICES.

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

18 (10) "STATE SOIL HEALTH INVENTORY AND PLATFORM" MEANS A
19 TOOL, INCLUDING A GEOSPATIAL INVENTORY, DOCUMENTING:

- 20 (a) THE CONDITION OF AGRICULTURAL SOILS;
- 21 (b) THE IMPLEMENTATION OF SOIL HEALTH PRACTICES;
- 22 (c) THE ENVIRONMENTAL AND ECONOMIC EFFECTS, INCLUDING
23 CURRENT AND POTENTIAL FUTURE CARBON HOLDING CAPACITY OF SOILS;

24 OR

- 25 (d) OTHER INFORMATION THAT CONCERNS SOIL HEALTH AND THAT
26 THE DEPARTMENT DEEMS APPROPRIATE.

27

1 (11) "UNDERSERVED AGRICULTURAL PRODUCER" MEANS AN
2 AGRICULTURAL PRODUCER WITH LIMITED RESOURCES, A BEGINNING
3 PRODUCER, OR OTHER TYPES OF UNDERSERVED AGRICULTURAL
4 PRODUCERS AS DETERMINED BY THE ADVISORY COMMITTEE.

5 **35-73-103. Colorado soil health program - created - purposes.**

6 THE COLORADO SOIL HEALTH PROGRAM IS HEREBY ESTABLISHED IN THE
7 DEPARTMENT TO ENCOURAGE WIDESPREAD ADOPTION OF SOIL HEALTH
8 PRACTICES BY AGRICULTURAL PRODUCERS, PROMOTE ENVIRONMENTAL
9 BENEFITS, AND ADVANCE THE UNDERSTANDING OF THE ENVIRONMENTAL
10 AND ECONOMIC BENEFITS OF SOIL HEALTH PRACTICES.

11 **35-73-104. Program development - programs, grants, systems,**

12 **and inventories and platforms.** (1) IN CONSULTATION WITH THE
13 ADVISORY COMMITTEE AND IN ACCORDANCE WITH SUBSECTION (4) OF THIS
14 SECTION, THE DEPARTMENT SHALL ESTABLISH THE FOLLOWING IF
15 FINANCIAL RESOURCES ARE AVAILABLE:

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

18 (b) A SYSTEM FOR MONITORING THE AGRICULTURAL,
19 ENVIRONMENTAL, OR ECONOMIC BENEFITS OF SOIL HEALTH PRACTICES AS
20 DEMONSTRATED BY IMPLEMENTATION EXPERIENCE, RESEARCH PROJECTS,
21 DEMONSTRATION PROJECTS, OR SOIL HEALTH ACTIVITIES;

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

23 (d) A SOIL HEALTH TESTING PROGRAM; AND

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

26 (2) (a) IN ESTABLISHING PROGRAMS IN ACCORDANCE WITH
27 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY PRIORITIZE THE

1 ESTABLISHMENT OF PROGRAMS BASED ON ITS DETERMINATION OF
2 AGRICULTURAL PRODUCER NEED AND SUPPORT, THE AVAILABILITY OF
3 MONEY AND STAFFING, EMERGING AREAS OF SCIENTIFIC INQUIRY AND
4 RESEARCH, THE DEGREE OF ENVIRONMENTAL BENEFITS, OR OTHER
5 CONSIDERATIONS DEEMED APPROPRIATE TO PROMOTE SOIL HEALTH
6 PRACTICES.

7 (b) THE DEPARTMENT SHALL NOT MAKE A GRANT UNLESS THE
8 ADVISORY COMMITTEE APPROVES THE GRANT, INCLUDING THE AMOUNT,
9 RECIPIENT, AND PURPOSE.

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

13 (a) ELIGIBLE ENTITIES TO PARTICIPATE IN THE SOIL HEALTH
14 PROGRAM; OR

15 (b) NONPARTICIPATING ENTITIES TO IMPLEMENT SOIL HEALTH
16 PRACTICES.

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

22 **35-73-105. Powers and duties of the department.** (1) IN
23 CARRYING OUT THIS ARTICLE 73, THE DEPARTMENT MAY:

24 (a) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
25 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE
26 73, BUT THE DEPARTMENT SHALL NOT PLEDGE THE FAITH OR CREDIT OF
27 THE STATE OF COLORADO OR ANY COUNTY OR OTHER POLITICAL

1 SUBDIVISION. IN CONNECTION WITH THE GIFTS, GRANTS, OR DONATIONS,
2 THE DEPARTMENT MAY ENTER INTO AN AGREEMENT OR CONTRACT.

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

5 (I) APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY;

6 (II) MONEY GRANTED TO OR MADE AVAILABLE TO THE
7 DEPARTMENT BY THE UNITED STATES GOVERNMENT, AN AGENCY OF THE
8 UNITED STATES GOVERNMENT, OR A POLITICAL SUBDIVISION OF
9 COLORADO;

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

12 (IV) MONEY DERIVED FROM ANY OTHER SOURCE, SUBJECT TO
13 APPROPRIATION;

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

16 (d) UNLESS OTHERWISE SPECIFIED BY THE GRANTOR OR DONOR,
17 USE ANY MONEY RECEIVED FROM A POLITICAL SUBDIVISION OF COLORADO,
18 THE UNITED STATES GOVERNMENT, OR AN AGENCY OF OR CORPORATION
19 OF THE UNITED STATES GOVERNMENT TO SERVE AS A MATCHING FUND FOR
20 SOIL HEALTH ACTIVITIES; OR

21 (e) COOPERATE AND COLLABORATE, INCLUDING ENTERING INTO AN
22 AGREEMENT, TO:

23 (I) ADVANCE THE SCIENTIFIC UNDERSTANDING OF SOIL HEALTH,
24 SOIL HEALTH PRACTICES, ENVIRONMENTAL OUTCOMES, OR ECONOMIC
25 OUTCOMES;

26 (II) INCREASE MONETARY OR NONMONETARY RESOURCES TO
27 SUPPORT SCIENTIFIC RESEARCH; OR

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

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

5 (a) MAKE MONEY AVAILABLE FOR DEMONSTRATION PROJECTS,
6 EDUCATIONAL PROJECTS, IMPLEMENTATION PROJECTS, OR RESEARCH
7 PROJECTS GRANTS TO ELIGIBLE ENTITIES;

8

9 (b) MINIMIZE THE USE OF MONEY BY GRANT RECIPIENTS FOR COSTS
10 NOT DIRECTLY RELATED TO GRANT OUTCOMES, SUCH AS ADMINISTRATIVE
11 EXPENSES OR OTHER EXPENSES RELATED TO OVERHEAD;

12 (c) ESTABLISH A MONITORING AND OVERSIGHT PROCEDURE TO
13 ENSURE THAT MONEY IS BEING SPENT AS INTENDED; AND

14 (d) ESTABLISH PROTOCOLS THAT ENSURE THE CONFIDENTIALITY,
15 IN ACCORDANCE WITH SECTION 35-73-107, OF AGRICULTURAL PRODUCER,
16 LANDOWNER, LAND MANAGER, AND LAND INFORMATION, INCLUDING WITH
17 RESPECT TO A STATE SOIL HEALTH INVENTORY AND PLATFORM AND STATE
18 SOIL HEALTH TESTING PROGRAM.

19

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

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

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

1 (II) INCLUDE AGRICULTURAL PRODUCERS OF DIVERSE PRODUCTION
2 SYSTEMS, INCLUDING DIVERSITY IN SIZE, PRODUCT, IRRIGATED SYSTEMS,
3 DRYLAND SYSTEMS, AND LIVESTOCK PRODUCTION SYSTEMS; AND

4 (III) INCLUDE:

5 (A) AN IRRIGATED CROP PRODUCER;

6 (B) A DRYLAND CROP PRODUCER;

7 (C) A RANCHER;

8 (D) AN ORGANIC PRODUCER;

9 (E) A CROP CONSULTANT;

10 (F) A REPRESENTATIVE OF AN INDIAN TRIBE;

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

13 (H) TWO REPRESENTATIVES WHO ARE BOARD MEMBERS OF THE
14 COLORADO ASSOCIATION OF CONSERVATION DISTRICTS OR ITS
15 SUCCESSOR ORGANIZATION; AND

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

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

1 (c) THE STATE CONSERVATION BOARD, CREATED IN SECTION
2 35-70-103, SHALL APPOINT TWO REPRESENTATIVES TO BE MEMBERS OF
3 THE ADVISORY COMMITTEE.

4 (d) THE COMMISSIONER SHALL APPOINT ONE OF THE TWO
5 REPRESENTATIVES WHO ARE MEMBERS OF THE STATE CONSERVATION
6 BOARD AS THE CHAIR OF THE ADVISORY COMMITTEE.

7 (e) THE ADVISORY COMMITTEE SHALL MEET WITH THE STATE
8 CONSERVATION BOARD AT LEAST FOUR TIMES ANNUALLY.

9 (3) THE COMMISSIONER SHALL APPOINT REPRESENTATIVES OF THE
10 FOLLOWING TO SERVE AS EX OFFICIO MEMBERS ON THE ADVISORY
11 COMMITTEE:

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

14 ==

15 (b) THE NATURAL RESOURCES CONSERVATION SERVICE IN THE
16 UNITED STATES DEPARTMENT OF AGRICULTURE; AND

17 (c) COLORADO STATE UNIVERSITY.

18 (4)(a) THE COMMISSIONER SHALL APPOINT APPROXIMATELY HALF
19 OF THE INITIAL MEMBERS FOR TWO-YEAR TERMS, BUT THEREAFTER,
20 APPOINTMENTS ARE FOR FOUR-YEAR TERMS UNLESS THE COMMISSIONER,
21 IN CHANGING THE NUMBER OF MEMBERS, DETERMINES THAT AN
22 APPOINTMENT NEEDS TO BE FOR LESS THAN FOUR YEARS TO KEEP
23 APPROXIMATELY HALF OF THE TOTAL NUMBER OF THE MEMBERS' TERMS
24 EXPIRING EVERY TWO YEARS. UPON EXPIRATION OF A MEMBER'S TERM,
25 THE MEMBER CONTINUES TO HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN
26 DULY APPOINTED, BUT FOR NO LONGER THAN SIX MONTHS.

27 (b) MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT SERVE

1 MORE THAN TWO FULL FOUR-YEAR TERMS. AN INITIAL TWO-YEAR TERM IS
2 NOT A FULL TERM.

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

6 (6) A MAJORITY OF THE MEMBERS THAT REPRESENT AT LEAST FIVE
7 OF THE PEOPLE OR GROUPS DESCRIBED IN SUBSECTIONS (2)(a)(III)(A) TO
8 (2)(a)(III)(H) AND (2)(c) OF THIS SECTION CONSTITUTES A QUORUM OF THE
9 ADVISORY COMMITTEE TO TAKE ANY ACTION AUTHORIZED IN THIS
10 SECTION.

11 (7) (a) THE ADVISORY COMMITTEE SHALL:

12 (I) APPROVE OR DENY ANY GRANT PROPOSED BY THE
13 DEPARTMENT; AND _____

14 (II) MAKE RECOMMENDATIONS TO THE DEPARTMENT CONCERNING
15 AND ASSIST IN THE DEVELOPMENT OF THE SOIL HEALTH PROGRAM,
16 INCLUDING RECOMMENDATIONS FOR THE QUALIFICATIONS OF ELIGIBLE
17 ENTITIES TO RECEIVE GRANT MONEY.

18 (b) THE ADVISORY COMMITTEE MAY:

19 (I) SOLICIT INPUT FROM STAKEHOLDERS FROM EACH MEMBER'S
20 AREA OF EXPERTISE AND REGION OF THE STATE AND COMMUNICATE THE
21 ADVISORY COMMITTEE'S RECOMMENDATIONS TO THE REGION AND
22 STAKEHOLDERS REPRESENTED BY EACH MEMBER;

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

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

1 (IV) REVIEW SOIL HEALTH GRANT PROPOSALS FROM GRANT
2 APPLICANTS, INCLUDING PROPOSED BUDGETS, PROPOSED GRANT
3 OUTCOMES, AND THE QUALIFICATIONS OF ANY ELIGIBLE ENTITIES
4 APPLYING FOR GRANTS;

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

8

9 (VI) EVALUATE THE RESULTS AND EFFECTIVENESS OF SOIL HEALTH
10 ACTIVITIES AND THE SOIL HEALTH PROGRAM IN IMPROVING SOIL HEALTH;
11 AND

12 (VII) RECOMMEND TO THE COMMISSIONER WAYS TO ENHANCE
13 STATEWIDE EFFORTS TO SUPPORT HEALTHY SOILS THROUGHOUT THE
14 STATE.

15

16 (8) MEMBERS OF THE ADVISORY COMMITTEE RECEIVE NO
17 COMPENSATION FOR THEIR SERVICE ON THE ADVISORY COMMITTEE BUT
18 MAY BE REIMBURSED FOR ACTUAL AND NECESSARY TRAVEL AND OTHER
19 ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL
20 DUTIES. THE DEPARTMENT SHALL ADOPT UNIFORM AND REASONABLE
21 GUIDELINES GOVERNING EXPENSE REIMBURSEMENT.

22 (9) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.
23 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
24 ACCORDANCE WITH SECTION 2-3-1203.

25 **35-73-107. Landowner, land manager, and agricultural**
26 **producer information - confidentiality.** THE DEPARTMENT SHALL NOT
27 DISCLOSE RECORDS, INCLUDING ANALYSES AND MAPS, COMPILED OR

1 MAINTAINED IN ACCORDANCE WITH THIS ARTICLE 73 THAT ARE BASED ON
2 INFORMATION RELATED TO PRIVATE LANDS AND IDENTIFY OR ALLOW TO
3 BE IDENTIFIED ANY SPECIFIC COLORADO LANDOWNERS, LAND MANAGERS,
4 AGRICULTURAL PRODUCERS, OR PARCELS OF LAND; EXCEPT THAT THE
5 DEPARTMENT MAY DISCLOSE SUMMARY OR AGGREGATED DATA THAT DO
6 NOT SPECIFICALLY IDENTIFY INDIVIDUAL LANDOWNERS, LAND MANAGERS,
7 AGRICULTURAL PRODUCERS, OR PARCELS OF LAND.

8 **35-73-108. Reporting requirement.** (1) NO LATER THAN
9 JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PREPARE AND MAKE
10 AVAILABLE TO THE PUBLIC A REPORT ON ITS OFFICIAL WEBSITE THAT MUST
11 CONTAIN THE FOLLOWING INFORMATION FOR THE PREVIOUS YEAR:

12 (a) AN ACCOUNTING OF ALL MONEY RECEIVED AND SPENT FOR THE
13 SOIL HEALTH PROGRAM;

14 (b) A DESCRIPTION OF ACTIVITIES UNDERTAKEN, INCLUDING THE
15 NUMBER AND TYPE OF GRANT-FUNDED PROJECTS AND THE EDUCATIONAL
16 AND STAKEHOLDER ENGAGEMENT ACTIVITIES; AND

17 (c) A SUMMARY OF THE ACTIVITIES AND RECOMMENDATIONS OF
18 THE ADVISORY COMMITTEE.

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

25 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
26 DEPARTMENT SHALL ANNUALLY REPORT EACH GIFT, GRANT, OR DONATION,
27 INCLUDING THE IDENTITY OF THE DONOR, IN ITS BUDGET REQUEST FOR THE

1 STATE FISCAL YEAR TO THE JOINT BUDGET COMMITTEE AND AT THE
2 HEARING REQUIRED BY THE "STATE MEASUREMENT FOR ACCOUNTABLE,
3 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2
4 OF ARTICLE 7 OF TITLE 2.

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

7 **2-3-1203. Sunset review of advisory committees - legislative**
8 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY
9 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES ARE
10 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

11 (I) THE SOIL HEALTH ADVISORY COMMITTEE CREATED IN SECTION
12 35-73-106.

13 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
14 2033.

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

17 **24-72-204. Allowance or denial of inspection - grounds -**
18 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
19 deny the right of inspection of the following records, unless otherwise
20 provided by law; except that THE CUSTODIAN SHALL MAKE any of the
21 following records, other than letters of reference concerning employment,
22 licensing, or issuance of permits, ~~shall be~~ available to the person in
23 interest ~~pursuant to~~ IN ACCORDANCE WITH this subsection (3):

24 (XXIII) RECORDS, INCLUDING ANALYSES AND MAPS, COMPILED OR
25 MAINTAINED IN ACCORDANCE WITH ARTICLE 73 OF TITLE 35 THAT ARE
26 BASED ON INFORMATION RELATED TO PRIVATE LANDS AND IDENTIFY OR
27 ALLOW TO BE IDENTIFIED ANY SPECIFIC COLORADO LANDOWNERS, LAND

1 MANAGERS, AGRICULTURAL PRODUCERS, OR PARCELS OF LAND; EXCEPT
2 THAT THE CUSTODIAN MAY RELEASE OR AUTHORIZE INSPECTION OF
3 SUMMARY OR AGGREGATED DATA THAT DO NOT SPECIFICALLY IDENTIFY
4 INDIVIDUAL LANDOWNERS, LAND MANAGERS, AGRICULTURAL PRODUCERS,
5 OR PARCELS OF LAND.

6 **SECTION 5. Appropriation.** For the 2021-22 state fiscal year,
7 \$4,464 is appropriated to the department of agriculture for use by the
8 agricultural services division. This appropriation is from the general fund.
9 To implement this act, the division may use this appropriation for the
10 conservation services division.

11 **SECTION 6. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2022 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.