

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0666.01 Jery Payne x2157

HOUSE BILL 21-1181

HOUSE SPONSORSHIP

McCormick and Will,

SENATE SPONSORSHIP

Simpson and Winter,

House Committees

Agriculture, Livestock, & Water
Appropriations

Senate Committees

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.*

- 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

(4) "GRANT PROGRAM" MEANS A GRANT PROGRAM AUTHORIZED
6 IN SECTION 35-73-104 (1)(a).

7

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

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

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

- 17 (a) MAXIMIZING SOIL COVER;
- 18 (b) REDUCING SOIL DISTURBANCE;
- 19 (c) MAXIMIZING BIODIVERSITY;
- 20 (d) MAINTAINING A CONTINUAL LIVE PLANT OR ROOT IN THE SOIL;

21 OR

(e) INTEGRATING BEST GRAZING LIVESTOCK PRACTICES.

(8) "SOIL HEALTH PROGRAM" MEANS THE COLORADO SOIL HEALTH
24 PROGRAM CREATED IN SECTION 35-73-103.

(9) "STATE SOIL HEALTH INVENTORY AND PLATFORM" MEANS A
26 TOOL, INCLUDING A GEOSPATIAL INVENTORY, DOCUMENTING:

- 27 (a) THE CONDITION OF AGRICULTURAL SOILS;

- 1 (b) THE IMPLEMENTATION OF SOIL HEALTH PRACTICES;
- 2 (c) THE ENVIRONMENTAL AND ECONOMIC EFFECTS, INCLUDING
- 3 CURRENT AND POTENTIAL FUTURE CARBON HOLDING CAPACITY OF SOILS;
- 4 OR
- 5 (d) OTHER INFORMATION THAT CONCERNS SOIL HEALTH AND THAT
- 6 THE DEPARTMENT DEEMS APPROPRIATE.

7 [REDACTED]

8 (10) "UNDERSERVED AGRICULTURAL PRODUCER" MEANS AN

9 AGRICULTURAL PRODUCER WITH LIMITED RESOURCES, A BEGINNING

10 PRODUCER, A MILITARY VETERAN AGRICULTURAL PRODUCER WHO WAS

11 RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE OR BY A BAD

12 CONDUCT DISCHARGE, OR OTHER TYPES OF UNDERSERVED AGRICULTURAL

13 PRODUCERS AS DETERMINED BY THE ADVISORY COMMITTEE.

14 **35-73-103. Colorado soil health program - created - purposes.**

15 THE COLORADO SOIL HEALTH PROGRAM IS HEREBY ESTABLISHED IN THE

16 DEPARTMENT TO ENCOURAGE WIDESPREAD ADOPTION OF SOIL HEALTH

17 PRACTICES BY AGRICULTURAL PRODUCERS, PROMOTE ENVIRONMENTAL

18 BENEFITS, AND ADVANCE THE UNDERSTANDING OF THE ENVIRONMENTAL

19 AND ECONOMIC BENEFITS OF SOIL HEALTH PRACTICES.

20 **35-73-104. Program development - programs, grants, systems,**

21 **and inventories and platforms.** (1) IN CONSULTATION WITH THE

22 ADVISORY COMMITTEE AND IN ACCORDANCE WITH SUBSECTION (4) OF THIS

23 SECTION, THE DEPARTMENT SHALL ESTABLISH THE FOLLOWING IF

24 FINANCIAL RESOURCES ARE AVAILABLE:

- 25 (a) A GRANT PROGRAM FOR ELIGIBLE ENTITIES TO ENGAGE IN SOIL
- 26 HEALTH ACTIVITIES;
- 27 (b) A SYSTEM FOR MONITORING THE AGRICULTURAL,

1 ENVIRONMENTAL, OR ECONOMIC BENEFITS OF SOIL HEALTH PRACTICES AS
2 DEMONSTRATED BY IMPLEMENTATION EXPERIENCE, RESEARCH PROJECTS,
3 DEMONSTRATION PROJECTS, OR SOIL HEALTH ACTIVITIES;

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

5 (d) A SOIL HEALTH TESTING PROGRAM; AND

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

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

16 (b) THE DEPARTMENT SHALL NOT MAKE A GRANT UNLESS THE
17 ADVISORY COMMITTEE APPROVES THE GRANT, INCLUDING THE AMOUNT,
18 RECIPIENT, AND PURPOSE; EXCEPT THAT THE ADVISORY COMMITTEE MAY
19 DELEGATE, WITH APPROVAL STANDARDS, TO THE DEPARTMENT APPROVAL
20 OF THE TYPES OF GRANTS THAT ARE DETERMINED APPROPRIATE.

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

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

25 (d) ESTABLISH PROTOCOLS THAT ENSURE THE CONFIDENTIALITY,
26 IN ACCORDANCE WITH SECTION 35-73-107, OF AGRICULTURAL PRODUCER,
27 LANDOWNER, LAND MANAGER, AND LAND INFORMATION, INCLUDING WITH

1 RESPECT TO A STATE SOIL HEALTH INVENTORY AND PLATFORM AND STATE
2 SOIL HEALTH TESTING PROGRAM.

3

4 **35-73-106. Soil health advisory committee - repeal.** (1) THE
5 COMMISSIONER SHALL APPOINT A SOIL HEALTH ADVISORY COMMITTEE OF
6 NO LESS THAN TEN MEMBERS.

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

8 (I) REPRESENT THE DIFFERENT GEOGRAPHIC AREAS AND
9 DEMOGRAPHIC DIVERSITY OF THE STATE AND REFLECT THE POLITICAL
10 DIVERSITY OF THE STATE, TO THE GREATEST EXTENT POSSIBLE;

11 (II) INCLUDE AGRICULTURAL PRODUCERS OF DIVERSE PRODUCTION
12 SYSTEMS, INCLUDING DIVERSITY IN SIZE, PRODUCT, IRRIGATED SYSTEMS,
13 DRYLAND SYSTEMS, AND LIVESTOCK PRODUCTION SYSTEMS; AND

14 (III) INCLUDE:

15 (A) AN IRRIGATED CROP PRODUCER;

16 (B) A DRYLAND CROP PRODUCER;

17 (C) A RANCHER;

18 (D) AN ORGANIC PRODUCER;

19 (E) A CROP CONSULTANT;

20 (F) A REPRESENTATIVE OF AN INDIAN TRIBE;

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

23 (H) TWO REPRESENTATIVES WHO ARE MEMBERS OF THE STATE
24 CONSERVATION BOARD; AND

25 (I) AT LEAST TWO WATER USERS WHO OWN, LEASE, OR REPRESENT
26 OWNERS OF ADJUDICATED WATER RIGHTS USED FOR AGRICULTURAL
27 PURPOSES BOTH FROM WEST OF THE CONTINENTAL DIVIDE AND EAST OF

1 THE CONTINENTAL DIVIDE, ONE OF WHOM MUST BE A DITCH CORPORATION
2 AS DESCRIBED IN SECTION 7-42-101, AN ACEQUIA DITCH CORPORATION AS
3 DESCRIBED IN SECTION 7-42-101.5, OR A SHAREHOLDER IN EITHER OF
4 THESE TYPES OF DITCH CORPORATIONS.

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

10 (c) THE COMMISSIONER SHALL APPOINT ONE OF THE TWO
11 REPRESENTATIVES WHO ARE MEMBERS OF THE STATE CONSERVATION
12 BOARD AS THE CHAIR OF THE ADVISORY COMMITTEE.

13 (d) THE ADVISORY COMMITTEE SHALL MEET WITH THE STATE
14 CONSERVATION BOARD AT LEAST ONCE ANNUALLY.

15 (3) THE COMMISSIONER SHALL APPOINT REPRESENTATIVES OF THE
16 FOLLOWING TO SERVE AS EX OFFICIO MEMBERS ON THE ADVISORY
17 COMMITTEE:

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

20 (b) THE COLORADO ASSOCIATION OF CONSERVATION DISTRICTS
21 OR ITS SUCCESSOR ORGANIZATION;

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

24 (d) COLORADO STATE UNIVERSITY.

25 (4)(a) THE COMMISSIONER SHALL APPOINT APPROXIMATELY HALF
26 OF THE INITIAL MEMBERS FOR TWO-YEAR TERMS, BUT THEREAFTER,
27 APPOINTMENTS ARE FOR FOUR-YEAR TERMS UNLESS THE COMMISSIONER,

1 IN CHANGING THE NUMBER OF MEMBERS, DETERMINES THAT AN
2 APPOINTMENT NEEDS TO BE FOR LESS THAN FOUR YEARS TO KEEP
3 APPROXIMATELY HALF OF THE TOTAL NUMBER OF THE MEMBERS' TERMS
4 EXPIRING EVERY TWO YEARS. UPON EXPIRATION OF A MEMBER'S TERM,
5 THE MEMBER CONTINUES TO HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN
6 DULY APPOINTED, BUT FOR NO LONGER THAN SIX MONTHS.

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

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

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

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

18 (I) APPROVE OR DENY ANY GRANT PROPOSED BY THE DEPARTMENT
19 OR DELEGATE, WITH APPROVAL STANDARDS, TO THE DEPARTMENT
20 APPROVAL OF THE TYPES OF GRANTS THAT ARE DETERMINED
21 APPROPRIATE; AND

22 (II) MAKE RECOMMENDATIONS TO THE DEPARTMENT CONCERNING
23 AND ASSIST IN THE DEVELOPMENT OF THE SOIL HEALTH PROGRAM,
24 INCLUDING RECOMMENDATIONS FOR THE QUALIFICATIONS OF ELIGIBLE
25 ENTITIES TO RECEIVE GRANT MONEY.

26 (b) THE ADVISORY COMMITTEE MAY:

27 (I) SOLICIT INPUT FROM STAKEHOLDERS FROM EACH MEMBER'S


1 AREA OF EXPERTISE AND REGION OF THE STATE AND COMMUNICATE THE
2 ADVISORY COMMITTEE'S RECOMMENDATIONS TO THE REGION AND
3 STAKEHOLDERS REPRESENTED BY EACH MEMBER;

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

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


9 (IV) REVIEW SOIL HEALTH GRANT PROPOSALS FROM GRANT
10 APPLICANTS, INCLUDING PROPOSED BUDGETS, PROPOSED GRANT
11 OUTCOMES, AND THE QUALIFICATIONS OF ANY ELIGIBLE ENTITIES
12 APPLYING FOR GRANTS;

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

16 
17 (VI) EVALUATE THE RESULTS AND EFFECTIVENESS OF SOIL HEALTH
18 ACTIVITIES AND THE SOIL HEALTH PROGRAM IN IMPROVING SOIL HEALTH;

19 AND

20 (VII) RECOMMEND TO THE COMMISSIONER WAYS TO ENHANCE
21 STATEWIDE EFFORTS TO SUPPORT HEALTHY SOILS THROUGHOUT THE
22 STATE.

23 
24 (8) MEMBERS OF THE ADVISORY COMMITTEE RECEIVE NO
25 COMPENSATION FOR THEIR SERVICE ON THE ADVISORY COMMITTEE BUT
26 MAY BE REIMBURSED FOR ACTUAL AND NECESSARY TRAVEL AND OTHER
27 ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL

1 DUTIES. THE DEPARTMENT SHALL ADOPT UNIFORM AND REASONABLE
2 GUIDELINES GOVERNING EXPENSE REIMBURSEMENT.

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

6 **35-73-107. Landowner, land manager, and agricultural**
7 **producer information - confidentiality.** THE DEPARTMENT SHALL NOT
8 DISCLOSE RECORDS, INCLUDING ANALYSES AND MAPS, COMPILED OR
9 MAINTAINED IN ACCORDANCE WITH THIS ARTICLE 73 THAT ARE BASED ON
10 INFORMATION RELATED TO PRIVATE LANDS AND IDENTIFY OR ALLOW TO
11 BE IDENTIFIED ANY SPECIFIC COLORADO LANDOWNERS, LAND MANAGERS,
12 AGRICULTURAL PRODUCERS, OR PARCELS OF LAND; EXCEPT THAT THE
13 DEPARTMENT MAY DISCLOSE SUMMARY OR AGGREGATED DATA THAT DO
14 NOT SPECIFICALLY IDENTIFY INDIVIDUAL LANDOWNERS, LAND MANAGERS,
15 AGRICULTURAL PRODUCERS, OR PARCELS OF LAND.

16 **35-73-108. Reporting requirement.** (1) NO LATER THAN
17 JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PREPARE AND MAKE
18 AVAILABLE TO THE PUBLIC A REPORT ON ITS OFFICIAL WEBSITE THAT MUST
19 CONTAIN THE FOLLOWING INFORMATION FOR THE PREVIOUS YEAR:

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

22 (b) A DESCRIPTION OF ACTIVITIES UNDERTAKEN, INCLUDING THE
23 NUMBER AND TYPE OF GRANT-FUNDED PROJECTS AND THE EDUCATIONAL
24 AND STAKEHOLDER ENGAGEMENT ACTIVITIES; AND

25 (c) A SUMMARY OF THE ACTIVITIES AND RECOMMENDATIONS OF
26 THE ADVISORY COMMITTEE.

27 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO LATER

1 THAN JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT THE
2 REPORT PREPARED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION
3 TO THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE
4 SENATE AND THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF
5 THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

6 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
7 DEPARTMENT SHALL ANNUALLY REPORT EACH GIFT, GRANT, OR DONATION,
8 INCLUDING THE IDENTITY OF THE DONOR, IN ITS BUDGET REQUEST FOR THE
9 STATE FISCAL YEAR TO THE JOINT BUDGET COMMITTEE AND AT THE
10 HEARING REQUIRED BY THE "STATE MEASUREMENT FOR ACCOUNTABLE,
11 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2
12 OF ARTICLE 7 OF TITLE 2.

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, AGRICULTURAL PRODUCERS, OR PARCELS OF LAND; EXCEPT
10 THAT THE CUSTODIAN MAY RELEASE OR AUTHORIZE INSPECTION OF
11 SUMMARY OR AGGREGATED DATA THAT DO NOT SPECIFICALLY IDENTIFY
12 INDIVIDUAL LANDOWNERS, LAND MANAGERS, AGRICULTURAL PRODUCERS,
13 OR PARCELS OF LAND.

14 **SECTION 5. Appropriation.** For the 2021-22 state fiscal year,
15 \$4,464 is appropriated to the department of agriculture for use by the
16 agricultural services division. This appropriation is from the general fund.
17 To implement this act, the division may use this appropriation for the
18 conservation services division.

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