

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
8.16.18

BILL 10

LLS NO. 19-0140.01 Jennifer Berman x3286

INTERIM COMMITTEE BILL

Water Resources Review Committee

BILL TOPIC: "Healthy Soil Task Force"

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE HEALTHY SOIL TASK FORCE.

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/>.)*

**Water Resources Review Committee.** The bill creates the healthy soil task force (task force) consisting of 9 members to:

- Work with public and private stakeholders to establish healthy soil benchmarks for improving soil health in Colorado;
- Identify appropriate criteria to measure baseline levels and improvements in soil health;
- Identify agricultural activities, policies, and best practices

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

to reach the healthy soil benchmarks established.

On or before December 31, 2023, the task force shall prepare and publish on the department of agriculture's website a report of its findings and recommendations. The task force may also recommend legislation in its report. The task force shall submit copies of its written report to the commissioner of agriculture and the committees of the general assembly with jurisdiction over agricultural or public health matters.

The task force is repealed on September 1, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 73 to title  
3 35 as follows:

4 **ARTICLE 73**

5 **Soil Health**

6 **35-73-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 FINDS AND DECLARES THAT:

8 (a) HEALTHY SOIL CONTRIBUTES TO THE LONG-TERM  
9 PRODUCTIVITY AND VIABILITY OF AGRICULTURE BECAUSE HEALTHY SOIL  
10 INCREASES CROP YIELDS, IS MORE RESISTANT TO EROSION, AND HAS  
11 IMPROVED NUTRIENT CYCLING, WATER INFILTRATION, AND CAPACITY TO  
12 HOLD WATER;

13 (b) HEALTHY SOIL CAN HELP MITIGATE DROUGHT RISK; AND

14 (c) HEALTHY SOIL CAN ALSO HELP IMPROVE WATER QUALITY BY  
15 RESISTING EROSION THAT CAN LEAD TO SEDIMENTATION IN THE STATE'S  
16 WATERS AND BY REDUCING THE USE OF INORGANIC FERTILIZERS THAT CAN  
17 SEEP INTO GROUNDWATER.

18 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS  
19 IMPERATIVE TO:

20 (a) IDENTIFY AGRICULTURAL PRACTICES THAT IMPROVE SOIL  
21 HEALTH;

1 (b) TEACH, SUPPORT, AND PROMOTE THE USE OF THE  
2 AGRICULTURAL PRACTICES THROUGHOUT COLORADO; AND

3 (c) DEVELOP STATEWIDE POLICIES THAT REDUCE ANY PRACTICAL,  
4 LEGAL, OR ECONOMIC BARRIERS TO THE IMPLEMENTATION OF THE  
5 AGRICULTURAL PRACTICES IN COLORADO.

6 **35-73-102. Definitions.** AS USED IN THIS ARTICLE 73, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "COMMISSIONER" MEANS THE COMMISSIONER OF  
9 AGRICULTURE.

10 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

11 (3) "HEALTHY SOIL" MEANS SOIL WITH AN ENHANCED AND  
12 CONTINUED CAPACITY TO:

13 (a) FUNCTION AS A BIOLOGICAL SYSTEM;

14 (b) HOLD WATER, NUTRIENTS, AND ORGANIC MATTER; AND

15 (c) MAINTAIN SOIL STRUCTURE.

16 **35-73-103. Healthy soil task force - creation - membership -**  
17 **duties - reporting.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT  
18 THE HEALTHY SOIL TASK FORCE, REFERRED TO IN THIS SECTION AS THE  
19 "TASK FORCE".

20 (2) (a) THE TASK FORCE CONSISTS OF NINE MEMBERS, INCLUDING:

21 (I) A MEMBER OF THE STATE CONSERVATION BOARD, CREATED IN  
22 SECTION 35-70-103, AS APPOINTED BY ITS MEMBERS;

23 (II) A REPRESENTATIVE OF THE OFFICE OF WATER CONSERVATION  
24 AND DROUGHT PLANNING, CREATED IN SECTION 37-60-124, AS APPOINTED  
25 BY THE COLORADO WATER CONSERVATION BOARD, CREATED IN SECTION  
26 37-60-102;

27 (III) A REPRESENTATIVE OF THE DEPARTMENT WHO HAS EXPERTISE

1 IN PESTICIDE REGULATION, FERTILIZER REGULATION, OR BOTH, AS  
2 APPOINTED BY THE COMMISSIONER;

3 (IV) TWO REPRESENTATIVES OF COLORADO CONSERVATION  
4 DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF THIS TITLE 35, ONE  
5 RESIDING WEST OF THE CONTINENTAL DIVIDE AND THE OTHER RESIDING  
6 EAST OF THE CONTINENTAL DIVIDE, AS APPOINTED BY THE MEMBERS OF  
7 THE COLORADO ASSOCIATION OF CONSERVATION DISTRICTS;

8 (V) A REPRESENTATIVE OF THE COLORADO DEPARTMENT OF  
9 PUBLIC HEALTH AND ENVIRONMENT WITH EXPERTISE IN WATER QUALITY,  
10 AS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
11 PUBLIC HEALTH AND ENVIRONMENT; AND

12 (VI) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

13 (A) AN INDIVIDUAL WITH EXPERTISE IN AGRICULTURAL PRACTICES  
14 THAT PROMOTE HEALTHY SOIL; AND

15 (B) TWO AGRICULTURAL PRODUCERS, AT LEAST ONE OF WHOM  
16 OWNS A FARM WITH FEWER THAN FIVE HUNDRED ACRES.

17 (b) EACH MEMBER OF THE TASK FORCE SERVES AT THE PLEASURE  
18 OF THE OFFICIAL OR OFFICIALS WHO APPOINTED THE MEMBER. A MEMBER  
19 SERVES ON THE TASK FORCE UNTIL ANOTHER INDIVIDUAL HAS BEEN  
20 APPOINTED TO FILL THE MEMBER'S SEAT OR UNTIL THE MEMBER RESIGNS  
21 OR IS PHYSICALLY INCAPABLE OF SERVING ON THE TASK FORCE.

22 (c) THE APPOINTING OFFICIALS LISTED IN SUBSECTION (2)(a) OF  
23 THIS SECTION SHALL MAKE THEIR APPOINTMENTS TO THE TASK FORCE NO  
24 LATER THAN OCTOBER 1, 2019, AND THE TASK FORCE SHALL HOLD ITS  
25 INAUGURAL MEETING ON OR BEFORE DECEMBER 31, 2019.

26 (d) MEMBERS OF THE TASK FORCE SERVE WITHOUT COMPENSATION  
27 AND WITHOUT REIMBURSEMENT FOR EXPENSES. THE COMMISSIONER MAY

1 AUTHORIZE DEPARTMENT STAFF ASSISTANCE TO PROVIDE ADMINISTRATIVE  
2 SUPPORT FOR THE TASK FORCE IF THE SUPPORT CAN BE PROVIDED WITHIN  
3 THE DEPARTMENT'S EXISTING RESOURCES.

4 (3) THE TASK FORCE SHALL MEET AT LEAST ONCE PER QUARTER TO  
5 ACCOMPLISH THE FOLLOWING OBJECTIVES:

6 (a) WORK WITH PUBLIC AND PRIVATE STAKEHOLDERS TO  
7 ESTABLISH HEALTHY SOIL BENCHMARKS FOR IMPROVING SOIL HEALTH IN  
8 COLORADO—TAKING INTO CONSIDERATION REGIONAL VARIATIONS IN  
9 SOIL;

10 (b) IDENTIFY APPROPRIATE CRITERIA TO MEASURE BASELINE  
11 LEVELS AND IMPROVEMENTS IN SOIL HEALTH; AND

12 (c) USING THE CRITERIA DEVELOPED PURSUANT TO SUBSECTION  
13 (3)(b) OF THIS SECTION, IDENTIFY AGRICULTURAL ACTIVITIES, POLICIES,  
14 AND BEST PRACTICES TO REACH THE BENCHMARKS ESTABLISHED  
15 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.

16 (4) (a) ON OR BEFORE DECEMBER 31, 2023, THE TASK FORCE  
17 SHALL PREPARE AND PUBLISH ON THE DEPARTMENT'S WEBSITE A REPORT  
18 OF ITS FINDINGS AND RECOMMENDATIONS, INCLUDING A SUMMARY OF THE  
19 BENCHMARKS ESTABLISHED, MEASURING CRITERIA UTILIZED, AND  
20 ACTIVITIES, POLICIES, AND BEST PRACTICES IDENTIFIED UNDER  
21 SUBSECTION (3) OF THIS SECTION. THE TASK FORCE MAY ALSO  
22 RECOMMEND LEGISLATION IN ITS REPORT, INCLUDING LEGISLATION  
23 FOCUSED ON REMOVING ANY PRACTICAL, LEGAL, OR ECONOMIC BARRIERS  
24 TO THE IMPLEMENTATION OF HEALTHY SOIL AGRICULTURAL PRACTICES IN  
25 COLORADO.

26 (b) AT THE TIME OF PUBLISHING ITS WRITTEN REPORT, THE TASK  
27 FORCE SHALL SUBMIT COPIES OF THE REPORT TO THE COMMISSIONER AND

1 THE FOLLOWING COMMITTEES OF THE GENERAL ASSEMBLY, OR THEIR  
2 SUCCESSOR COMMITTEES:

3 (I) IN THE HOUSE OF REPRESENTATIVES:

4 (A) THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES  
5 COMMITTEE;

6 (B) THE HEALTH, INSURANCE, AND ENVIRONMENT COMMITTEE;

7 AND

8 (II) IN THE SENATE:

9 (A) THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY  
10 COMMITTEE; AND

11 (B) THE HEALTH AND HUMAN SERVICES COMMITTEE.

12 **35-73-104. Repeal of article.** THIS ARTICLE 73 IS REPEALED,  
13 EFFECTIVE SEPTEMBER 1, 2024.

14 **SECTION 2. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2020 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.