

LEGISLATIVE BILL 243

Approved by the Governor April 17, 2019

Introduced by Gragert, 40; Brandt, 32; Dorn, 30; McCollister, 20; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to soil; to amend section 81-2,162.27, Revised Statutes Cumulative Supplement, 2018; to create the Healthy Soils Task Force; to provide powers and duties; to require a report; to provide for termination; to add a use for the Fertilizers and Soil Conditioners Administrative Fund; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds that:

(1) Healthy soils are a limited natural resource and fundamental for healthy and sustainable food production. Improving soil health means increasing soil's organic matter and diversifying its microbial activity to enhance agricultural productivity and environmental resilience. A commitment to healthy and productive soils and clean water is critical as world population and food production demands rise;

(2) Nebraska is a powerhouse agricultural state because of its productive soils and abundant water. However, through the years there has been a depletion of organic matter and trace minerals, making the soil less fertile than it was;

(3) There is a significant opportunity for Nebraska farmers and ranchers to capitalize on the economic and production benefits of improved soil health, while simultaneously improving surface and ground water quality;

(4) Improving the health of Nebraska's soil is the most effective way for agricultural producers to increase crop and forage productivity and profitability while also protecting the environment;

(5) Appropriate planning and coordination is needed to speed up and coordinate the adoption of conservation practices that rebuild and protect soil carbon to increase water holding capacity and enhance the vitality of the subsurface microbiome for landowners to capitalize on the economic and production benefits of soil health, while simultaneously enhancing water quality, capturing carbon, building resilience to drought and pests, reducing greenhouse gas emissions, expanding pollinator and other wildlife habitat, and protecting fragile ecosystems for a more sustainable future; and

(6) A number of states have initiated formal soil health programs either through the establishment of new entities or collaborations between existing entities.

Sec. 2. (1) The Healthy Soils Task Force is created.

(2) The task force shall consist of the following voting members:

(a) The Director of Agriculture or his or her designee;

(b) Two representatives of natural resources districts in Nebraska, appointed by the Governor;

(c) Two academic experts in agriculture and natural resources in Nebraska, appointed by the Governor;

(d) Six representatives from production agriculture, including at least two producers that are using healthy soil practices, appointed by the Governor;

(e) Two representatives from agribusiness, appointed by the Governor; and

(f) Two representatives from environmental organizations in Nebraska, appointed by the Governor.

(3) The task force shall consist of the following nonvoting members:

(a) The chairperson of the Natural Resources Committee of the Legislature, or his or her designee; and

(b) The chairperson of the Agriculture Committee of the Legislature, or his or her designee.

(4) In selecting membership for appointment to the task force, the Governor shall seek to appoint members with relevant expertise regarding methods for incorporating healthy soil stewardship practices into working agricultural operations and for optimizing environmental services provided through such practices. Appointments to the task force shall be made within sixty days after the effective date of this act and appointed members shall begin serving immediately following notice of appointment. Members shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as members, as provided in sections 81-1174 to 81-1177.

(5) The task force shall hold its first meeting no later than September 1, 2019. At its first meeting, the members shall elect a chairperson. Subsequent to the initial meeting, the task force may meet as necessary at the call of the chairperson.

(6) For administrative and budgetary purposes, the task force shall be housed within the Department of Agriculture. Additional support to facilitate the work of the task force may be requested from appropriate federal and state agencies.

Sec. 3. (1) The Healthy Soils Task Force shall:

(a) Develop a comprehensive healthy soils initiative for the State of Nebraska;

(b) Develop a comprehensive action plan to coordinate efforts to carry out such healthy soils initiative using standards for organic matter, biological activity, biological diversity, and soil structure as measures to assess improved soil health. The action plan shall set goals, formulate timelines for task completion, and determine resources required and resource availability. In developing the action plan, the task force shall examine:

(i) Issues related to providing farmers and ranchers with research, education, technical assistance, and demonstration projects;

(ii) Options for financial incentives to improve soil health; and

(iii) The contribution of livestock to soil health;

(c) Identify realistic and achievable goals and timelines for improvement of soil health in Nebraska through voluntary partnerships among agricultural producers and relevant state and local agencies and other public and private entities; and

(d) Review provisions of the federal Agriculture Improvement Act of 2018, Public Law 115-334, and any implementing rules, regulations, and guidelines of the United States Department of Agriculture and identify opportunities to leverage state, local, or private funds under the Regional Conservation Partnership Program of the United States Department of Agriculture and other conservation programs for the purposes of the healthy soils initiative. Such information shall be included in the report issued pursuant to section 4 of this act.

(2) To carry out its duties, the Healthy Soils Task Force may consult other agencies or organizations, including, but not limited to, the University of Nebraska, the Natural Resources Conservation Service, the Farm Service Agency, and the Agricultural Research Service of the United States Department of Agriculture, the Soil Health Institute, the Soil Health Partnership, and other state and federal agencies or public or private organizations with responsibility or expertise in research, demonstration, education, advising, funding, or promotion relating to agronomic and other agricultural land management practices consistent with the purpose of the task force.

Sec. 4. On or before January 1, 2021, the Healthy Soils Task Force shall submit the comprehensive action plan and report its findings and recommendations to the Governor and electronically to the Agriculture Committee of the Legislature. The task force shall terminate on January 1, 2021.

Sec. 5. Section 81-2,162.27, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-2,162.27 (1) All money received under the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act shall be remitted to the State Treasurer for credit to the Fertilizers and Soil Conditioners Administrative Fund, which fund is hereby created. ~~Money~~ All money so received shall be used by the department for defraying the expenses of administering the Nebraska Commercial Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials Act. The fund may also be used to defray costs incurred by the department directly related to administrative and budgetary support of the Healthy Soils Task Force pursuant to sections 1 to 4 of this act, except that no more than ten thousand dollars may be expended by the department from the fund for such purpose. Transfers may be made from the fund to the General Fund at the direction of the Legislature. The State Treasurer shall transfer two hundred seventy-five thousand dollars from the Fertilizers and Soil Conditioners Administrative Fund to the General Fund on or before June 30, 2019, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(2) Any unexpended balance in the Fertilizers and Soil Conditioners Administrative Fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. Original section 81-2,162.27, Revised Statutes Cumulative Supplement, 2018, is repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.