

1 HOUSE BILL 204

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Nathan P. Small

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10 AN ACT

11 RELATING TO NATURAL RESOURCES; ENACTING THE HEALTHY SOIL ACT;
12 CREATING THE HEALTHY SOIL PROGRAM AND HEALTHY SOIL GRANT
13 PROGRAM IN THE NEW MEXICO DEPARTMENT OF AGRICULTURE; PROVIDING
14 POWERS AND DUTIES; MAKING AN APPROPRIATION.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
18 cited as the "Healthy Soil Act".

19 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
20 Healthy Soil Act:

21 A. "board of regents" means the board of regents of
22 New Mexico state university;

23 B. "champion" means a land manager that is declared
24 a soil health champion due to the land manager's excellence in
25 applying and promoting soil health principles, as modeled by

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1 the soil health champion program of the national association of
2 conservation districts;

3 C. "commission" means the soil and water
4 conservation commission;

5 D. "department" means the New Mexico department of
6 agriculture;

7 E. "district" means a soil and water conservation
8 district created pursuant to the Soil and Water Conservation
9 District Act;

10 F. "eligible entity" means a local governmental
11 entity with proven land management capacity to support healthy
12 soil and includes an Indian nation, tribe or pueblo, a land
13 grant or an acequia;

14 G. "healthy soil" means soil that enhances its
15 continuing capacity to function as a biological system,
16 increases its organic matter and carbon content and improves
17 its structure and water- and nutrient-holding capacity,
18 resulting in net, long-term greenhouse gas benefits;

19 H. "program" means the healthy soil program created
20 in the Healthy Soil Act;

21 I. "soil health principle" means a principle that
22 promotes soil health and includes:

23 (1) keeping soil covered;

24 (2) minimizing soil disturbance on cropland
25 and minimizing external inputs;

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- 1 (3) maximizing biodiversity;
- 2 (4) maintaining a living root; or
- 3 (5) integrating animals into land management,
- 4 including grazing animals, birds, beneficial insects or
- 5 keystone species, such as earthworms;

6 J. "supported method" means a method that is based
7 upon soil health principles and is scientifically supported to
8 promote healthy soil and includes:

- 9 (1) planting cover crops, perennials,
- 10 hedgerows, native grasses and other native vegetation;
- 11 (2) multi-cropping;
- 12 (3) adopting no-till or conservation tillage;
- 13 (4) planned grazing with appropriate graze and
- 14 recovery periods and herd effect;
- 15 (5) integrated crop livestock systems;
- 16 (6) mulching;
- 17 (7) compost application;
- 18 (8) soil microbial stimulation and
- 19 inoculation; or
- 20 (9) on-site wetland and riparian restoration;

21 K. "technical assistance" means assistance provided
22 to a farmer or rancher to achieve the purpose of the Healthy
23 Soil Act and includes outreach, education, financial assistance
24 or assistance with project planning, project design, grant
25 applications, project implementation or project reporting; and

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1 L. "technical assistance provider" means a local,
2 state, federal, tribal, educational, nonprofit or
3 nongovernmental entity with demonstrated technical expertise in
4 designing and implementing agricultural management practices
5 that contribute to healthy soils and includes a district, the
6 New Mexico state university cooperative extension service, the
7 United States natural resources conservation service, the
8 United States forest service, the United States bureau of land
9 management, the state land office, the energy, minerals and
10 natural resources department or the state forestry division.

11 SECTION 3. [NEW MATERIAL] HEALTHY SOIL PROGRAM--CREATED--
12 PURPOSE.--

13 A. The "healthy soil program" is created in the
14 department. The department, with support and advice from the
15 commission, shall administer the program.

16 B. The purpose of the program is to promote and
17 support farming and ranching systems and other forms of land
18 management that increase soil organic matter, carbon content,
19 aggregate stability, microbiology and water retention to
20 improve the health, yield and profitability of the soils of the
21 state.

22 SECTION 4. [NEW MATERIAL] HEALTHY SOIL PROGRAM--SOIL
23 ASSESSMENT AND EDUCATION--GRANT PROGRAM--DEPARTMENT--DUTIES--
24 RULEMAKING.--

25 A. The program shall be composed of:

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1 (1) a healthy soil assessment and education
2 program;

3 (2) a healthy soil grants program; and

4 (3) other programs established by the
5 department to accomplish the purposes of the Healthy Soil Act.

6 B. In administering the healthy soil assessment and
7 education program, the department shall:

8 (1) work through districts, technical
9 assistance providers or eligible entities to:

10 (a) encourage farmers and ranchers and
11 land managers to undertake voluntary soil health measurements;

12 (b) raise awareness about desirable soil
13 health characteristics;

14 (c) facilitate on-site, producer-led
15 workshops and training sessions to promote and engender soil
16 health stewardship; and

17 (d) complete a baseline soil health
18 assessment by testing the carbon content, water infiltration
19 rate, microbiology and aggregate stability of soils, in
20 addition to monitoring soil cover or bare ground percentage;

21 (2) establish a statewide network of champions
22 to promote soil health stewardship, offer guidance to producers
23 and land managers and encourage teamwork;

24 (3) create a program to provide ongoing
25 training in soil health stewardship and workshop facilitation

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1 for champions, districts and eligible entities;

2 (4) in collaboration with technical assistance
3 providers, sponsor soil health workshops and training sessions
4 at research centers and learning sites throughout the state;
5 and

6 (5) educate students and the general public
7 about the importance of soil health stewardship.

8 C. In administering the healthy soil grant program,
9 the department shall:

10 (1) award grants to districts and eligible
11 entities to provide technical assistance to producers and land
12 managers in advancing soil health principles and implementing
13 supported methods;

14 (2) develop a user-friendly grant program
15 application and application and reporting processes;

16 (3) develop criteria for the award of grants;
17 provided that grants shall be awarded equitably and priority
18 may be given to districts or eligible entities serving young
19 producers, veterans, small farms or ranches or for projects
20 that benefit economically or socially disadvantaged
21 communities; and

22 (4) ensure that grant funds are only used to
23 advance soil health and soil health stewardship.

24 D. The department shall encourage producer, land
25 manager, landowner and interagency collaboration in the

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1 management of healthy soils and shall:

2 (1) work with technical assistance providers
3 to advance soil health stewardship across private, state,
4 federal and tribal land jurisdictions by fostering
5 collaboration among producers, land managers and landowners;
6 and

7 (2) conduct outreach to producers and land
8 managers to promote the program and other federal, state or
9 local grant opportunities that support and promote healthy
10 soils.

11 E. In administering the program, the department
12 shall support local economic growth in New Mexico and shall:

13 (1) identify ways to increase the generation
14 and use of compost to build healthy soils;

15 (2) to the extent permitted by the Procurement
16 Code, prioritize in-state sourcing of the resources needed for
17 the program, including testing resources, compost, seeds,
18 fencing supplies and equipment; and

19 (3) support the emerging market for food grown
20 in New Mexico under management for healthy soils.

21 F. The department may adopt rules to carry out the
22 Healthy Soil Act.

23 SECTION 5. [NEW MATERIAL] HEALTHY SOIL ADVISORY GROUP.--

24 A. The department, in coordination with the
25 commission, may convene a healthy soil advisory group to advise

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1 and assist with the effective implementation of the program.

2 B. Members of the advisory group shall be qualified
3 and knowledgeable regarding healthy soils and may include soil
4 health specialists, producers, champions or representatives of
5 nongovernmental organizations.

6 C. Public members of the healthy soil advisory
7 group are entitled to receive per diem and mileage pursuant to
8 the Per Diem and Mileage Act.

9 SECTION 6. [NEW MATERIAL] USE OF APPROPRIATED FUNDS.--
10 Funds appropriated to the board of regents for the department
11 to administer the program may be used for:

12 A. the healthy soil grant program;

13 B. the healthy soil assessment and education
14 program;

15 C. promotion and outreach;

16 D. department staffing support;

17 E. capacity building for the districts and other
18 eligible entities;

19 F. travel reimbursement and per diem in accordance
20 with the Per Diem and Mileage Act; and

21 G. other expenditures as determined by the
22 department to be necessary to support the overall effective
23 administration of the program.

24 SECTION 7. APPROPRIATION.--Five million one hundred fifty
25 thousand dollars (\$5,150,000) is appropriated from the general

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1 fund to the board of regents of New Mexico state university for
2 expenditure in fiscal year 2020 and subsequent fiscal years for
3 the New Mexico department of agriculture to administer the
4 healthy soil program pursuant to the Healthy Soil Act. Any
5 unexpended or unencumbered balance remaining at the end of a
6 fiscal year shall not revert to the general fund.

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