HOUSE BILL 204

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

INTRODUCED BY

Nathan P. Small and Elizabeth "Liz" Stefanics and
Melanie Ann Stansbury

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

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

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

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

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

B. "champion" means a land manager that is declared
a soil health champion due to the land manager's excellence in
applying and promoting soil health principles, as modeled by
.212106.1
the soil health champion program of the national association of conservation districts;

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

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

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

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

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

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

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

(1) keeping soil covered;

(2) minimizing soil disturbance on cropland and minimizing external inputs;
(3) maximizing biodiversity;

(4) maintaining a living root; or

(5) integrating animals into land management,
including grazing animals, birds, beneficial insects or
keystone species, such as earthworms;

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

(1) planting cover crops, perennials,

hedgerows, native grasses and other native vegetation;

(2) multi-cropping;

(3) adopting no-till or conservation tillage;

(4) planned grazing with appropriate graze and
recovery periods and herd effect;

(5) integrated crop livestock systems;

(6) mulching;

(7) compost application;

(8) soil microbial stimulation and

inoculation; or

(9) on-site wetland and riparian restoration;

K. "technical assistance" means assistance provided
to a farmer or rancher to achieve the purpose of the Healthy
Soil Act and includes outreach, education, financial assistance
or assistance with project planning, project design, grant
applications, project implementation or project reporting; and
L. "technical assistance provider" means a local, state, federal, tribal, educational, nonprofit or nongovernmental entity with demonstrated technical expertise in designing and implementing agricultural management practices that contribute to healthy soils and includes a district, the New Mexico state university cooperative extension service, the United States natural resources conservation service, the United States forest service, the United States bureau of land management, the state land office, the energy, minerals and natural resources department or the state forestry division.

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

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

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

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

A. The program shall be composed of:

.212106.1

- 4 -
(1) a healthy soil assessment and education program;

(2) a healthy soil grants program; and

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

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

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

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

   (b) raise awareness about desirable soil health characteristics;

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

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

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

(3) create a program to provide ongoing training in soil health stewardship and workshop facilitation.
for champions, districts and eligible entities;

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

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

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

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

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

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

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

D. The department shall encourage producer, land
manager, landowner and interagency collaboration in the
management of healthy soils and shall:

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

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

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

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

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

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

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

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

A. The department, in coordination with the
commission, may convene a healthy soil advisory group to advise
and assist with the effective implementation of the program.

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

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

SECTION 6. [NEW MATERIAL] USE OF APPROPRIATED FUNDS.--

Funds appropriated to the board of regents for the department to administer the program may be used for:

A. the healthy soil grant program;

B. the healthy soil assessment and education program;

C. promotion and outreach;

D. department staffing support;

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

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

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

SECTION 7. APPROPRIATION.--Five million one hundred fifty thousand dollars ($5,150,000) is appropriated from the general
fund to the board of regents of New Mexico state university for expenditure in fiscal year 2020 and subsequent fiscal years for the New Mexico department of agriculture to administer the healthy soil program pursuant to the Healthy Soil Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.