

HOUSE BILL 204

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

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

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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 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;

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

HAWC→~~F. E.~~←HAWC "eligible entity" means a local governmental entity with proven land management capacity to support healthy soil and includes HAWC→the New Mexico state university cooperative extension service, a soil and water conservation district,←HAWC an Indian nation, tribe or pueblo, a land grant or an acequia;

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

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HAWC→~~H.~~ ~~G.~~←HAWC "program" means the healthy soil program created in the Healthy Soil Act;

HAWC→~~I.~~ ~~H.~~←HAWC "soil health principle" means a principle that promotes soil health HAWC→in a given environment←HAWC 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;

HAWC→~~J.~~ ~~I.~~←HAWC "supported method" means a method that is based upon soil health principles and is scientifically supported to promote healthy soil HAWC→;←HAWC HAWC→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;~~

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~~(7) compost application;~~

~~(8) soil microbial stimulation and  
inoculation; or~~

~~(9) on-site wetland and riparian  
restoration;~~ ←HAWC

HAWC → ~~K.~~ **J.** ←HAWC "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

HAWC → ~~L.~~ **K.** ←HAWC "technical assistance provider" means a local, state, federal, tribal HCEDC →, **or** ←HCEDC educational HCEDC →, ~~nonprofit or nongovernmental~~ ←HCEDC entity with demonstrated technical expertise in designing and implementing agricultural management practices that contribute to healthy soils and includes a HAWC → **soil and water conservation** ←HAWC 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.--

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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, HAWC→carbon content, ←HAWC 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:

- (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 HAWC→districts, ←HAWC 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

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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 HAWC→~~carbon content~~←HAWC HAWC→~~organic matter~~←HAWC, water infiltration rate, microbiology and aggregate stability of soils, in addition to HAWC→~~analyzing phospholipids and~~←HAWC monitoring soil cover HAWC→~~or bare ground percentage~~←HAWC;

(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 HAWC→~~, districts~~←HAWC 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 HAWC→~~districts and~~←HAWC

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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 HAWC→~~districts or~~←HAWC 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.

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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.

HCEDC→~~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.~~←HCEDC

SECTION HCEDC→6 5←HCEDC. [NEW MATERIAL] USE OF

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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 HAWC→~~the districts and other~~←HAWC eligible entities;

HAWC→**F. soil health research;**←HAWC

HAWC→~~F.~~ **G.**←HAWC travel reimbursement and per diem in accordance with the Per Diem and Mileage Act; and

HAWC→~~G.~~ **H.**←HAWC other expenditures as determined by the department to be necessary to support the overall effective administration of the program.

SECTION HCEDC→~~7~~ **6**←HCEDC. APPROPRIATION.--HAWC→**Five**  
~~million one hundred fifty thousand dollars (\$5,150,000)~~←HAWC

HAWC→**One million one hundred fifty thousand dollars (\$1,150,000)**←HAWC 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.

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