

LEGISLATIVE BILL 925

Approved by the Governor April 18, 2022

Introduced by Gragert, 40; Brandt, 32; Cavanaugh, J., 9; Dorn, 30; Pansing
Brooks, 28; Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the Department of Natural Resources; to adopt the Resilient Soils and Water Quality Act; and to state legislative intent for appropriations.

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

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Resilient Soils and Water Quality Act.

Sec. 2. The Legislature finds that:

(1) With over ninety percent of Nebraska's land base in cropland and rangeland agricultural production, its agricultural sector is foundational to the state's economy. Nebraska agricultural producers face many challenges, from shrinking profit margins, depletion of natural resources, and extreme weather events, to increased public interest concerning the impact of current agricultural practices on the environment;

(2) Since the prairie was plowed for farming, Nebraska has lost topsoil and organic matter to both water and wind erosion. Soil erosion reduces soil productivity and deteriorates water quality. Organic matter is vital to soil fertility, structure, and water retention ability and is only at one-half of its original level;

(3) This state's soil and abundant water are Nebraska's most critical natural resources. The quality of both is vital for productive and profitable agricultural production, rural and urban economic viability, long-term food security, natural resource resiliency, and the associated influences on human health and quality of life. The relative quality and availability of the state's ground water and surface waters are directly impacted by the health of the land, particularly its agricultural soil;

(4) It is not uncommon to find nitrate levels in excess of federal drinking water standards in wells across the state. Elevated levels of nitrates in Nebraska's ground water are alarming as approximately eighty-five percent of Nebraska residents rely on drinking water pumped from the ground. While nitrate levels in Nebraska's ground water are gradually improving in some areas, they remain at troublesome levels elsewhere, particularly in the central and northeastern parts of Nebraska;

(5) The Healthy Soils Task Force created under section 2-402 concluded that healthier soils produced through best soil management practices improve yield stability, produce greater financial returns over time, reduce the need for chemical inputs, increase water infiltration rates and water storage capacity making soil more resilient to drought, flooding, and erosion, and protect and improve water quality. The task force also concluded that two significant barriers to adoption of healthy soil management practices by agricultural producers are uncertainty of the positive economic return on investment in healthy soil management practices and the lack of education and information available to a broader audience; and

(6) With the general public's growing interest in how food is grown relative to human health and long-term resiliency of our natural resources, greater adoption of healthy soil management practices is beneficial to both rural and urban contingencies. A voluntary grassroots effort to accelerate the means to protect and enhance Nebraska's soil and receive the benefits described in the task force report should be encouraged and supported.

Sec. 3. The purposes of the Resilient Soils and Water Quality Act are to (1) initiate first steps to accelerate the use and scope of best practices for healthy soil management, (2) protect and improve soil and water quality throughout the state, (3) protect the public's health and enhance agricultural production and profitability, (4) address soil health economics, resource stewardship, and managerial and environmental issues, (5) increase awareness, education, and promotion of healthy soil best practices through producer-to-producer, peer-to-peer, and mentoring relationships, networking, and sharing of technical information, and (6) provide observational proof of healthy soil benefits through access to demonstration and research farms and data.

Sec. 4. For purposes of the Resilient Soils and Water Quality Act:

(1) Demonstration and research farms means large-scale field and pasture settings located across the state that provide a demonstration of healthy soil practices in support of the educational and research programs of the producer learning community;

(2) Department means the Department of Natural Resources; and

(3) Producer learning community means an agricultural producer-led, nonprofit, voluntary membership organization dedicated to fostering learning, skills, and abilities and the gathering and sharing of knowledge for the purpose of carrying out the Resilient Soils and Water Quality Act.

Sec. 5. (1) The department shall provide technical and legal assistance in the formation of a producer learning community comprised of active agricultural producers, landowners, and others who have an interest in soil

health and water quality. The department shall assist the producer learning community in building awareness and knowledge relating to soil health and water quality to guide agricultural producers and landowners in making informed decisions in order to bring about a more rapid and widespread adoption of best management practices. The department shall hire a facilitator to lead a collaborative effort to organize the producer learning community and assist the producer learning community in acquiring gifts, grants, and sponsorships. The department shall authorize the facilitator to serve as an ex officio member of the producer learning community and may locate the facilitator outside of the city of Lincoln.

(2) The department may partner or contract with any entity or entities that have resources that would assist in the formation of the producer learning community, including, but not limited to, the University of Nebraska and any association of natural resources districts. The department may also collaborate with the Corn Development, Utilization, and Marketing Board, the Soybean Development, Utilization, and Marketing Board, the Grain Sorghum Development, Utilization, and Marketing Board, the Nebraska Wheat Development, Utilization, and Marketing Board, and any private farm and ranch associations or membership organization.

(3) Because of the state's diversity of soils, topography, rainfall, cropping systems, and other environmental factors, one set of healthy soil management practices will not fit the entire state and such practices will differ by region. The department shall divide the state into different regions in which to establish demonstration and research farms that are representative of each region's particular agricultural diversity. In establishing such regions, the department may use the land management areas of the Natural Resources Conservation Service of the United States Department of Agriculture, the state's natural resources district boundaries, and the Nebraska Extension Engagement Zones of the University of Nebraska Institute of Agriculture and Natural Resources as guidance in establishing boundaries. The department may enter into lease agreements with private landowners for the purpose of establishing demonstration and research farms.

(4) Beginning in 2022 and through 2027, the department shall submit an annual report on or before December 31 to the Governor and electronically to the Agriculture Committee of the Legislature and the Natural Resources Committee of the Legislature to report on the status and progress of implementing the Resilient Soils and Water Quality Act and any impacts and accomplishments made in protecting and improving soil and water quality across the state.

Sec. 6. It is the intent of the Legislature to appropriate two hundred fifty thousand dollars beginning in FY2022-23 through FY2026-27 to carry out the Resilient Soils and Water Quality Act.