A BILL FOR

1 An Act providing for a healthy soils and watersheds initiative, and including effective date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 161A.3, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 9A. "Healthy soils practice" means the same as defined in section 161H.1.

NEW SUBSECTION. 12A. "Soil health" means the same as defined in section 161H.1.

NEW SUBSECTION. 12B. "Soil health assessment" means the same as defined in section 161H.1.

NEW SUBSECTION. 15. "Watershed health" means the same as defined in section 161H.1.

Sec. 2. Section 161A.4, subsection 2, paragraph g, Code 2020, is amended to read as follows:

g. To assist each soil and water conservation district in developing a district soil and water resource conservation plan as provided under section 161A.7. The plan shall be developed according to rules adopted by the division to preserve and protect the public interest in the soil and water resources of this state for future generations and for this purpose to encourage, promote, facilitate, and where such public interest requires, to mandate the conservation and proper control of and use of the soil and water resources of this state, by measures including but not limited to the control of floods, the control of erosion by water or by wind, the improvement of soil health and quantity of healthy soil, the improvement of watershed health, the preservation of the quality of water for its optimum use for agricultural, irrigation, recreational, industrial, and domestic purposes, all of which shall be presumed to be conducive to the public health, convenience, and welfare, both present and future.

Sec. 3. Section 161A.4, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. To assist landowners or occupiers of land in developing soil health assessments.

Sec. 4. Section 161A.4, subsection 4, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:
(1) Six of the members shall be persons engaged in actual farming operations, one of whom shall have experience using healthy soils practices. One of the members shall be a resident of each of six geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa, and no more than one of whom shall be a resident of any one county. The boundaries of the geographic regions shall be established by rule.

Sec. 5. Section 161A.7, subsection 1, paragraphs f, h, and m, Code 2020, are amended to read as follows:

f. To make available on such terms as it shall prescribe, to landowners or occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, lime, and such other material or equipment as will assist such landowners or occupiers to carry on operations upon their lands for the conservation of soil resources and for the improvement of soil health and quantity of healthy soil; the prevention and control of soil erosion; and for the prevention of erosion, floodwater, and sediment damages.

h. To develop comprehensive plans for the conservation of soil resources, for the improvement of soil health and quantity of healthy soil, and for the control and prevention of soil erosion and for the prevention of erosion, floodwater, and sediment damages within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners and occupiers of lands within the district.

m. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation and healthy soils practices, as
a part of course work relating to conservation of natural
resources and environmental awareness required in rules adopted
by the state board of education pursuant to section 256.11,
subsections 3 and 4, and to offer technical assistance to
schools in developing such instructional programs.
Sec. 6. Section 161A.7, subsection 1, paragraph n,
subparagraph (1), subparagraph divisions (a) and (b), Code
2020, are amended to read as follows:
(a) Assessing the condition of soil and surface water in
the district, including an evaluation of the type, amount, and
quality of soil and water; soil health; watershed health; the
threat of soil erosion and erosion, floodwater, and sediment
damages; and necessary preventative and control measures.
(b) Developing methods to maintain or improve soil health
and water condition watershed health.
Sec. 7. Section 161A.42, subsection 9, paragraph b, Code
2020, is amended to read as follows:
b. "Temporary soil and water conservation practices" means
planting of annual or biennial crops, use of strip-cropping,
cover-cropping, contour planting, or minimum or mulch or
no tillage, healthy soils practices, and any agriculture,
silviculture, aquaculture, permaculture, or other cultural
practices approved by the committee.
Sec. 8. Section 161A.53, Code 2020, is amended to read as
follows:
161A.53 Cooperation with other agencies.
Soil and water conservation districts may enter into
agreements with the federal government or an agency of the
federal government, as provided by state law, or with the state
of Iowa or an agency of the state, any other soil and water
conservation district, or any other political subdivision of
this state, for cooperation in preventing, controlling, or
attempting to prevent or control soil erosion, or improving or
attempting to improve soil health or performing soil health
assessments. Soil and water conservation districts may accept,
as provided by state law, money disbursed for soil erosion
control, soil health improvement, or soil health assessment
purposes by the federal government or an agency of the federal
government, and expend the money for the purposes for which it
was received.

Sec. 9. NEW SECTION. 161H.1 Definitions.

1. "Department" means the department of agriculture and land
stewardship.

2. "Division" means the division of soil conservation and
water quality created within the department pursuant to section
159.5.

3. "Fund" means the healthy soils and watersheds initiative
fund created pursuant to section 161H.2.

4. "Healthy soils practice" means an agricultural practice
that improves the health of soil, including but not limited to
consideration of depth of topsoil horizons, water infiltration
rate, water holding capacity, organic matter content, nutrient
content, bulk density, biological activity, biological and
microbiological diversity, and minimizing of bare ground.

5. "Initiative" means the healthy soils and watersheds
initiative created in section 161H.3.

6. "Soil health" means the overall composition and fertility
of soil, including the amount of organic matter in and
water-holding capacity of the soil; and the continued capacity
of soil to function as a vital living ecosystem that sustains
plants, animals, and humans, and that supports the production
of diverse food, fiber, and other agricultural crops.

7. "Soil health assessment" means a suite of soil-health
indicator measures, including but not limited to soil organic
matter, soil structure, infiltration and bulk density, water
holding capacity, microbial biomass, and soil respiration.

8. "Watershed health" means the continued capacity of
surface water and groundwater sources to function as a vital
living ecosystem that is resilient to drought and storm events
and that sustains plants, animals, and humans.
Sec. 10. NEW SECTION. 161H.2 Healthy soils and watersheds initiative fund.

1. A healthy soils and watersheds initiative fund is created in the state treasury under the control of the department.

2. The fund is composed of moneys appropriated by the general assembly to the fund and moneys available to and obtained or accepted by the department from the United States, the state, or any other source for placement in the fund.

3. Moneys in the fund are appropriated to the division and shall be used exclusively by the division to support the healthy soils and watersheds initiative created in section 161H.3, and shall not require further special authorization by the general assembly.

4. a. The moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

b. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 11. NEW SECTION. 161H.3 Healthy soils and watersheds initiative.

1. A healthy soils and watersheds initiative is created in the department to be administered by the division.

2. The initiative is a voluntary program to assist in furthering the purposes of preserving, optimizing, and improving soil health, watershed health, biodiversity, and wildlife habitat in the state.

3. The division shall administer the initiative to the extent that funding is available. The division shall administer the initiative in consultation and coordination with the department of natural resources and soil and water conservation districts.

4. In administering the initiative, the division shall support activities that enhance soil health and watershed health by doing any of the following:
a. (1) Controlling soil erosion and sedimentation, including by keeping soil covered or minimizing soil disturbance and external inputs. The division shall support conservation tillage or no-till, cover-cropping, planned grazing, integrated crop-livestock systems, integrated pest management, nutrient best management practices, and those practices described in the most recent field office technical guide published by the United States department of agriculture.

(2) Increasing the quantity of healthy soils.

(3) Maximizing the presence of living roots.

b. Improving water quality and reliable water availability, including by supporting activities that do any of the following:

(1) Manage nitrogen and phosphorus applied to fields to minimize nutrient runoff and reduce downstream nutrient loading.

(2) Avoid, control, and trap nutrient runoff, while maintaining agricultural productivity.

(3) Manage water runoff and drainage water for improved local and downstream water quality.

(4) Improve water infiltration rates and water holding capacities of soils for improved stormwater management and flood control, drought resilience, and groundwater supply.

c. Integrating animals into land and water management, including for use by grazing animals, birds, beneficial insects, or keystone species such as earthworms.

5. The division shall by rule establish criteria for persons to participate in the initiative. A participant may include any person determined by the division who will further the purposes of the initiative as described in subsection 2, including but not limited to any of the following:

a. A person holding a legal or equitable interest in land that is used for farming, regardless of whether the land is located within a city.

b. An entity structured and operated on a cooperative
basis pursuant to 26 U.S.C. §1381(a), if the entity meets the
definitional requirements of a cooperative association as
provided in 12 U.S.C. §1141j(a) or an association as provided
6. The division may support an activity by providing
financial incentives in the form of a grant, loan, or on a
cost-share basis.
7. The initiative may be used to establish soil and water
conservation practices as provided in chapter 161A, the
development of soil health assessments, and efforts to further
the education, training, employment, income, productivity, or
retention of persons working or aspiring to work in occupations
associated with healthy soils practices.
8. In awarding financial incentives, the division shall
provide a preference to an individual belonging to a socially
disadvantaged farmer or rancher as defined in 7 U.S.C.
§2279(a).
Sec. 12. NEW SECTION. 161H.4 Report.
By January 10 of each year, the division shall prepare
and submit a report to the governor and general assembly
regarding receipts and expenditures of the fund. The report
shall include information regarding the initiative, including
demonstrated progress in furthering its purposes.
Sec. 13. EFFECTIVE DATE. This Act, being deemed of
immediate importance, takes effect upon enactment.
EXPLANATION
The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.
This bill creates a healthy soils and watersheds initiative
(Initiative) administered by the division of soil conservation
and water quality (division) created within the department
of agriculture and land stewardship. The purposes of the
initiative include preserving, optimizing, and improving soil
health, watershed health, biodiversity, and wildlife habitat.
Soil health refers to the overall composition of soil, its
water-holding capacity, and its capacity to function as a vital living ecosystem. Watershed health refers to the capacity of surface water and groundwater sources to function as a vital living ecosystem.

The division is required, to the extent that funding is available, to support measures that further the purposes of the initiative, including controlling soil erosion, improving water quality and reliable water availability, and integrating animals into land and water management practices. The bill authorizes the division to support activities by use of financial incentives in the form of a grant, loan, or on a cost-share basis. Financial incentives may be used to assist in the development of soil health assessments, and to further efforts of persons interested in occupations associated with healthy soils practices. Activities are supported by a healthy soils and watersheds initiative fund. The division is required to prepare an annual report for submission to the governor and general assembly.

The bill amends a number of provisions in Code chapter 161A, providing soil and water conservation practices and erosion control practices administered by the division, the state soil conservation and water quality committee, and commissioners of soil and water conservation districts. The bill requires that at least two members of the committee have experience using healthy soils practices.

The bill takes effect upon enactment.