

**House File 2346 - Introduced**

HOUSE FILE 2346

BY ISENHART and BEARINGER

**A BILL FOR**

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

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 161A.3, Code 2020, is amended by adding  
2 the following new subsections:

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

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

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

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

11 Sec. 2. Section 161A.4, subsection 2, paragraph g, Code  
12 2020, is amended to read as follows:

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

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

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

34 Sec. 4. Section 161A.4, subsection 4, paragraph a,  
35 subparagraph (1), Code 2020, is amended to read as follows:

1 (1) Six of the members shall be persons engaged in actual  
2 farming operations, ~~one of whom~~ at least two of whom shall have  
3 experience using healthy soils practices. One of the members  
4 shall be a resident of each of six geographic regions in the  
5 state, including northwest, southwest, north central, south  
6 central, northeast, and southeast Iowa, and no more than one of  
7 whom shall be a resident of any one county. The boundaries of  
8 the geographic regions shall be established by rule.

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

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

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

33 *m.* To encourage local school districts to provide  
34 instruction in the importance of and in some of the basic  
35 methods of soil conservation and healthy soils practices, as

1 a part of course work relating to conservation of natural  
2 resources and environmental awareness required in rules adopted  
3 by the state board of education pursuant to section 256.11,  
4 subsections 3 and 4, and to offer technical assistance to  
5 schools in developing such instructional programs.

6 Sec. 6. Section 161A.7, subsection 1, paragraph n,  
7 subparagraph (1), subparagraph divisions (a) and (b), Code  
8 2020, are amended to read as follows:

9 (a) Assessing the condition of soil and surface water in  
10 the district, including an evaluation of the type, amount, and  
11 quality of soil and water~~;~~ soil health; watershed health; the  
12 threat of soil erosion and erosion, floodwater, and sediment  
13 damages; and necessary preventative, ~~and~~ control measures.

14 (b) Developing methods to maintain or improve soil health  
15 and ~~water condition~~ watershed health.

16 Sec. 7. Section 161A.42, subsection 9, paragraph b, Code  
17 2020, is amended to read as follows:

18 *b. "Temporary soil and water conservation practices"* means  
19 planting of annual or biennial crops, use of strip-cropping,  
20 cover-cropping, contour planting, or minimum or mulch or  
21 no tillage, healthy soils practices, and any agriculture,  
22 silviculture, aquaculture, permaculture, or other cultural  
23 practices approved by the committee.

24 Sec. 8. Section 161A.53, Code 2020, is amended to read as  
25 follows:

26 **161A.53 Cooperation with other agencies.**

27 Soil and water conservation districts may enter into  
28 agreements with the federal government or an agency of the  
29 federal government, as provided by state law, or with the state  
30 of Iowa or an agency of the state, any other soil and water  
31 conservation district, or any other political subdivision of  
32 this state, for cooperation in preventing, controlling, or  
33 attempting to prevent or control soil erosion, or improving or  
34 attempting to improve soil health or performing soil health  
35 assessments. Soil and water conservation districts may accept,

1 as provided by state law, money disbursed for soil erosion  
2 control, soil health improvement, or soil health assessment  
3 purposes by the federal government or an agency of the federal  
4 government, and expend the money for the purposes for which it  
5 was received.

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

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

9 2. "*Division*" means the division of soil conservation and  
10 water quality created within the department pursuant to section  
11 159.5.

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

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

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

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

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

32 8. "*Watershed health*" means the continued capacity of  
33 surface water and groundwater sources to function as a vital  
34 living ecosystem that is resilient to drought and storm events  
35 and that sustains plants, animals, and humans.

1     Sec. 10. NEW SECTION. 161H.2 **Healthy soils and watersheds**  
2 **initiative fund.**

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

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

9     3. Moneys in the fund are appropriated to the division  
10 and shall be used exclusively by the division to support the  
11 healthy soils and watersheds initiative created in section  
12 161H.3, and shall not require further special authorization by  
13 the general assembly.

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

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

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

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

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

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

33     4. In administering the initiative, the division shall  
34 support activities that enhance soil health and watershed  
35 health by doing any of the following:

1     *a.* (1) Controlling soil erosion and sedimentation,  
2 including by keeping soil covered or minimizing soil  
3 disturbance and external inputs. The division shall support  
4 conservation tillage or no-till, cover-cropping, planned  
5 grazing, integrated crop-livestock systems, integrated pest  
6 management, nutrient best management practices, and those  
7 practices described in the most recent field office technical  
8 guide published by the United States department of agriculture.

9     (2) Increasing the quantity of healthy soils.

10    (3) Maximizing the presence of living roots.

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

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

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

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

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

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

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

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

35    *b.* An entity structured and operated on a cooperative

1 basis pursuant to 26 U.S.C. §1381(a), if the entity meets the  
2 definitional requirements of a cooperative association as  
3 provided in 12 U.S.C. §1141j(a) or an association as provided  
4 in 7 U.S.C. §291.

5 6. The division may support an activity by providing  
6 financial incentives in the form of a grant, loan, or on a  
7 cost-share basis.

8 7. The initiative may be used to establish soil and water  
9 conservation practices as provided in chapter 161A, the  
10 development of soil health assessments, and efforts to further  
11 the education, training, employment, income, productivity, or  
12 retention of persons working or aspiring to work in occupations  
13 associated with healthy soils practices.

14 8. In awarding financial incentives, the division shall  
15 provide a preference to an individual belonging to a socially  
16 disadvantaged farmer or rancher as defined in 7 U.S.C.  
17 §2279(a).

18 Sec. 12. NEW SECTION. 161H.4 Report.

19 By January 10 of each year, the division shall prepare  
20 and submit a report to the governor and general assembly  
21 regarding receipts and expenditures of the fund. The report  
22 shall include information regarding the initiative, including  
23 demonstrated progress in furthering its purposes.

24 Sec. 13. EFFECTIVE DATE. This Act, being deemed of  
25 immediate importance, takes effect upon enactment.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 This bill creates a healthy soils and watersheds initiative  
30 (initiative) administered by the division of soil conservation  
31 and water quality (division) created within the department  
32 of agriculture and land stewardship. The purposes of the  
33 initiative include preserving, optimizing, and improving soil  
34 health, watershed health, biodiversity, and wildlife habitat.  
35 Soil health refers to the overall composition of soil, its



1 water-holding capacity, and its capacity to function as a vital  
2 living ecosystem. Watershed health refers to the capacity of  
3 surface water and groundwater sources to function as a vital  
4 living ecosystem.

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

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

26 The bill takes effect upon enactment.