

House Bill 2998

Sponsored by Representative HELM, Senator HANSELL, Representatives MCLAIN, BYNUM, MARSH; Representatives CATE, GOMBERG, HUDSON, LIVELY, OWENS, Senators DEMBROW, FREDERICK, GOLDEN, SOLLMAN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Oregon Soil Health Initiative. Describes goals of initiative. Describes responsibilities of state agencies and other entities participating in initiative.

Directs Institute for Natural Resources to convene Soil Health Advisory Committee.

Directs institute, in consultation with other entities, to develop Soil Health Roadmap.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to soil health; creating new provisions; amending ORS 352.808; and prescribing an effective
3 date.

4 Whereas Oregon's agriculture community is a key economic sector and soil health practices can
5 increase its economic resilience and profitability; and

6 Whereas soil health practices can increase water- and nutrient-holding capacity, reduce erosion,
7 improve plant health, including disease and pest resistance, reduce the need for agricultural inputs
8 and protect the health of workers; and

9 Whereas Oregon's agriculture community is increasingly impacted by extreme weather events
10 including drought, fire, extreme heat and wind; and

11 Whereas soil health practices make farms, ranches, orchards and vineyards more resilient to
12 drought and other extreme weather events and can increase their water security; and

13 Whereas soil health practices can sequester carbon in soil, improve water quality and increase
14 biodiversity and pollinator habitat; and

15 Whereas it is necessary to provide voluntary incentives to Oregon's farmers and ranchers so
16 that they have the resources they need to implement soil health practices; and

17 Whereas leveraging federal funding to incentivize voluntary adoption of soil health practices
18 will benefit the State of Oregon and Oregon's farmers and ranchers; now, therefore,

19 **Be It Enacted by the People of the State of Oregon:**

20 **SECTION 1. As used in sections 1 to 10 of this 2023 Act:**

21 (1) "Collaborating entity" means a public body required to participate in the Oregon Soil
22 Health Initiative that is:

23 (a) The State Department of Agriculture, the Oregon Watershed Enhancement Board,
24 the College of Agricultural Sciences of Oregon State University, the Oregon State University
25 Extension Service or the Institute for Natural Resources; or

26 (b) A public body or nongovernmental organization that voluntarily participates in the
27 Oregon Soil Health Initiative that is:

28 (A) A soil and water conservation district;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) A statewide organization that represents the interests of soil and water conservation
2 districts;

3 (C) An intertribal organization that represents tribal interests in the conservation, de-
4 velopment and use of tribal agricultural resources; or

5 (D) Any other entity with expertise, or representing interests, in soil health, that is
6 designated as a collaborating entity under section 2 (5) of this 2023 Act.

7 (2) "Soil and water conservation district" means a political subdivision of this state de-
8 scribed in ORS 568.550.

9 (3) "Soil health" means the capacity of soil to function as a vital living ecosystem that
10 sustains plants, animals and humans.

11 (4) "Soil health practice" means an agricultural practice that improves soil health con-
12 sistent with the following principles:

- 13 (a) Keeping the soil covered;
- 14 (b) Maintaining the presence of living roots;
- 15 (c) Enhancing biodiversity; and
- 16 (d) Limiting disturbances.

17 **SECTION 2.** (1) There is created the Oregon Soil Health Initiative. The purpose of the
18 initiative is to improve soil health in this state by collaborating on, and advancing, voluntary
19 incentive-based soil health strategies.

20 (2) The goals of the Oregon Soil Health Initiative are to:

21 (a) Improve agricultural viability and farm profitability by helping agricultural producers
22 implement soil health practices that:

- 23 (A) Build soil organic matter;
- 24 (B) Reduce soil erosion, soil compaction and agricultural production costs;
- 25 (C) Improve drought resilience, soil tilth, moisture infiltration, moisture retention and
26 disease suppression;
- 27 (D) Promote the beneficial activity of microbes, fungi, earthworms and other organisms;
28 and
- 29 (E) Reduce the costs of agricultural inputs and protect worker health.

30 (b) Improve environmental functions of agricultural soils by promoting strategies to
31 store carbon and build soil organic matter and other beneficial properties.

32 (c) Improve environmental functions and quality of water by reducing soil erosion, runoff
33 and leaching of nutrients and pollutants.

34 (3) To achieve the goals described in subsection (2) of this section, collaborating entities
35 shall jointly:

36 (a) Develop a shared and evolving understanding of soil health practices based on current
37 understandings of soil health and emerging soil science and informed by the experiences and
38 needs of agricultural producers and indigenous ecological knowledge.

39 (b) Assess gaps and needs related to soil health and fill those gaps and needs as practi-
40 cable or develop recommendations to fill those gaps and needs.

41 (c) Collaborate with, and learn from, other organizations, including nongovernmental
42 organizations, agricultural organizations and tribal governments, in their efforts to advance
43 soil health on agricultural lands in this state.

44 (d) Use available data from existing soil health baseline assessments and inventories and
45 tools to guide policy and program priorities.

1 (e) Promote the continuation or expansion of agricultural producers' soil health practices
 2 and support agricultural producers' transition to new soil health practices.

3 (f) Strive to ensure that activities carried out by collaborating entities under sections 1
 4 to 10 of this 2023 Act are consistent with other conservation programs and utilize stream-
 5 lined application processes where practicable.

6 (4) The collaborating entities shall, to the greatest extent practicable, coordinate with
 7 other collaborating entities to avoid duplication of efforts when carrying out activities within
 8 the collaborating entity's existing authority and expertise to achieve the goals described in
 9 subsection (2) of this section.

10 (5) The collaborating entities may, by unanimous agreement, designate an entity that
 11 meets the criteria described in section 1 (1)(b)(D) of this 2023 Act to be a collaborating entity.

12 (6) In addition to the responsibilities for each collaborating entity described in sections
 13 1 to 10 of this 2023 Act, a collaborating entity is encouraged to pursue any other action de-
 14 signed to advance voluntary soil health practice adoption on Oregon's agricultural lands.

15 **SECTION 3.** The Institute for Natural Resources shall carry out administrative duties
 16 of the Oregon Soil Health Initiative, including:

17 (1) Establishing the time and place of meetings of the collaborating entities;

18 (2) Establishing a structure to facilitate ongoing communications between the collab-
 19 orating entities;

20 (3) Convening and providing staff support to the Soil Health Advisory Committee; and

21 (4) Developing the Soil Health Roadmap under section 10 of this 2023 Act.

22 **SECTION 4.** To achieve the goals described in section 2 of this 2023 Act, the State De-
 23 partment of Agriculture shall:

24 (1) Build relationships with state agencies outside of Oregon or with any other organ-
 25 ization that has an existing soil health program or initiative.

26 (2) Promote and support statewide or regional networks of farm service providers and
 27 others working to advance soil health.

28 (3) In coordination with the Oregon Watershed Enhancement Board, provide input to
 29 conservation funding programs and identify opportunities to leverage federal funding.

30 (4) Coordinate with the Natural Resources Conservation Service of the United States
 31 Department of Agriculture to incorporate previous and future soil health and soil science
 32 research, incentives and resources.

33 (5) Identify and promote public and private funding opportunities to incentivize voluntary
 34 soil health practice adoption.

35 (6) In coordination with Oregon State University, serve as a liaison to scientists
 36 throughout this state to advance research related to soil health solutions unique to farmers
 37 in this state, including cost benefit analyses of soil health solutions.

38 (7) Identify opportunities for funding projects to support emerging markets for Oregon
 39 food products grown using soil health practices.

40 (8) Coordinate an assessment of current adoption of soil health practices by region or
 41 crop type.

42 (9) Identify research needs and other opportunities for funding.

43 **SECTION 5.** To achieve the goals described in section 2 of this 2023 Act, the Oregon
 44 Watershed Enhancement Board shall:

45 (1) Using the board's existing authority, provide grants under ORS 541.984 for the vol-

1 ununtary implementation of soil health practices, including the continuation or expansion of
2 existing soil health practices and the transition to new soil health practices.

3 (2) Using the board's existing authority, provide grants to soil and water conservation
4 districts and other technical assistance providers to increase their capacity to provide tech-
5 nical assistance and equipment to agricultural producers to advance soil health.

6 (3) Identify opportunities to leverage federal funding to incentivize voluntary adoption
7 of soil health practices.

8 **SECTION 6.** (1) To achieve the goals described in section 2 of this 2023 Act, a soil and
9 water conservation district that participates in the Oregon Soil Health Initiative shall, as far
10 as is practicable and subject to available funds:

11 (a) Support agricultural producers by applying for grants under programs established
12 under ORS 541.984 to fund the voluntary implementation of soil health practices;

13 (b) Apply for grants under ORS 541.984 or for other technical assistance grants provided
14 by the Oregon Watershed Enhancement Board for providing technical assistance related to
15 soil health practices; and

16 (c) Consistent with other conservation programs, measure soil health on Oregon's farms
17 and ranches, with the voluntary consent of landowners, and provide the data to Oregon State
18 University to build an inventory of soil health data.

19 (2) A statewide organization that represents soil and water conservation districts may
20 act as a coordinating body for soil and water conservation districts to assist the districts in
21 fulfilling their responsibilities under sections 1 to 10 of this 2023 Act.

22 **SECTION 7.** To achieve the goals described in section 2 of this 2023 Act, the College of
23 Agricultural Sciences of Oregon State University shall:

24 (1) In coordination with the State Department of Agriculture and the Natural Resources
25 Conservation Service of the Unites States Department of Agriculture, maintain and expand
26 a baseline assessment of soil health in Oregon, including a database to track soil health data
27 over time. Information used in the database collected from farms and ranches in this state
28 shall be collected on a voluntary basis.

29 (2) Identify funding opportunities to advance Oregon-specific research in the area of soil
30 health.

31 (3) Train technical service providers to collect soil samples and provide free or low-cost
32 soil health testing to voluntary participants.

33 **SECTION 8.** (1) To achieve the goals described in section 2 of this 2023 Act, the Oregon
34 State University Extension Service and soil and water conservation districts participating in
35 the Oregon Soil Health Initiative shall, as far as is practicable and subject to available funds:

36 (a) Provide technical assistance to land managers to increase voluntary adoption of soil
37 health practices.

38 (b) Promote soil health principles and practices to Oregon's agricultural communities by:

39 (A) Conducting outreach and education, including trainings for agricultural producers to
40 promote soil health across this state's diverse regions and production types;

41 (B) Promoting farmer-to-farmer learning;

42 (C) Collaborating with local partners and landowners to conduct soil health demon-
43 stration projects to showcase soil health research and practices and build statewide aware-
44 ness and understanding; and

45 (D) Highlighting existing soil health improvement efforts by Oregon farmers and

1 ranchers.

2 (c) Ensure that technical assistance, outreach and education described in this subsection
 3 are accessible on an equitable basis to agricultural producers across Oregon’s diverse agri-
 4 cultural communities and geographies including, but not limited to, veteran farmers or
 5 ranchers, beginning farmers or ranchers or socially disadvantaged farmers or ranchers, as
 6 those terms are defined in 7 U.S.C. 2279, and women.

7 (2) The Oregon State University Extension Service shall provide extension specialist ca-
 8 pacity in both eastern and western regions of this state to carry out the activities described
 9 in this section.

10 **SECTION 9.** (1) The Institute for Natural Resources shall convene a Soil Health Advisory
 11 Committee to advise collaborating entities on the work of the Oregon Soil Health Initiative.
 12 Members of the advisory committee shall be appointed by the director of the institute, in
 13 consultation with collaborating entities, from among highly qualified individuals. As far as
 14 is practicable, the director shall appoint members to represent the following areas of exper-
 15 tise:

- 16 (a) Soil science;
- 17 (b) Plant science;
- 18 (c) Animal science;
- 19 (d) Rural sociology;
- 20 (e) Environmental economics;
- 21 (f) Technical assistance;
- 22 (g) Agricultural labor;
- 23 (h) Tribal communities or interests;
- 24 (i) Education and outreach;
- 25 (j) Partnership development or cross-sectoral collaboration; and
- 26 (k) Each of the following types of production agriculture:
 - 27 (A) Fruits and vegetables;
 - 28 (B) Commodity crops;
 - 29 (C) Livestock or poultry;
 - 30 (D) Orchards or agroforestry;
 - 31 (E) Vineyards;
 - 32 (F) Nurseries; and
 - 33 (G) Seed production.

34 (2) Of the members described in subsection (1)(k) of this section, as far as is practicable:

35 (a) At least one shall be certified as a producer pursuant to the federal Organic Foods
 36 Production Act, 7 U.S.C. 6501, et. seq.;

37 (b) At least one shall represent farms with annual gross cash farm income under
 38 \$250,000; and

39 (c) At least three shall be current producers of the crop types they represent.

40 (3) The director shall ensure that the advisory committee membership reflects the cul-
 41 tural, geographic and economic diversity of this state.

42 (4) The advisory committee shall meet at the times and places established by the insti-
 43 tute.

44 (5) The institute shall provide staff support to the advisory committee.

45 (6) Members of the committee are not entitled to compensation but may be reimbursed

1 for actual and necessary travel or other expenses incurred by them in performance of their
2 official duties in the manner and amounts provided for in ORS 292.495. Reimbursements
3 under this subsection shall be paid out of funds appropriated to the institute for that pur-
4 pose.

5 **SECTION 10.** (1) The Institute for Natural Resources, in consultation with the other
6 collaborating entities and the Soil Health Advisory Committee convened under section 9 of
7 this 2023 Act, shall study and develop recommendations for strategies and actions to advance
8 soil health and incentivize the voluntary adoption of soil health practices on agricultural
9 lands, including rangelands. The institute shall record its findings in a report, which shall
10 be known as the Soil Health Roadmap.

11 (2) The Soil Health Roadmap may include recommendations for legislation or identify
12 funding needed to assist collaborating entities in carrying out the goals of the Oregon Soil
13 Health Initiative described in section 2 of this 2023 Act.

14 (3) The institute shall submit the Soil Health Roadmap in the manner provided by ORS
15 192.245 to the Governor and the interim committees of the Legislative Assembly related to
16 agriculture no later than September 15, 2024, and submit updates to the Soil Health Roadmap
17 no later than September 15 of each even-numbered year.

18 **SECTION 11.** ORS 352.808 is amended to read:

19 352.808. (1) The Institute for Natural Resources is established at Oregon State University. In
20 administering the institute, Oregon State University may seek the cooperation of other public uni-
21 versities listed in ORS 352.002.

22 (2) The Institute for Natural Resources shall serve the following purposes:

23 (a) Serve as a clearinghouse for scientifically based natural resources information.

24 (b) Provide scientifically based natural resources information to the public in integrated and
25 accessible formats.

26 (c) Coordinate efforts with other state agencies and bodies to provide natural resources infor-
27 mation to the public in a comprehensive manner.

28 (d) Facilitate and conduct research.

29 (e) Provide information and technical tools to assist decision-making on natural resources issues.

30 (f) Assist the State Parks and Recreation Commission in carrying out the Natural Areas Pro-
31 gram by maintaining a data bank that contains a classification of natural heritage resources and
32 an inventory of the locations of the resources. At a minimum, the institute shall record in the data
33 bank the location of state natural areas, the natural heritage resources in those areas, sites that
34 are inhabited by rare species, and lists that rank by rarity species, plant communities and ecosystem
35 types. The institute shall make the information included in the data bank available to private land-
36 owners, researchers and local, state and federal agencies.

37 (g) Assist the State Parks and Recreation Department in carrying out the Natural Areas Pro-
38 gram by reviewing and providing recommendations on proposals for registration and dedication of
39 natural areas.

40 (h) Carry out the administrative duties of the Oregon Soil Health Initiative described in
41 section 3 of this 2023 Act.

42 (3) When making observations on private land, an employee of Oregon State University, or an-
43 other public university listed in ORS 352.002 that is providing administrative support, who is com-
44 piling information for the Natural Areas Program pursuant to subsection (2)(f) of this section must
45 obtain permission from the landowner before entering private land, collecting information or enter-

1 ing the information into the data bank.

2 (4) Using existing resources, state agencies designated by the Governor shall enter into a
 3 memorandum of understanding, or other agreement deemed appropriate by the Governor, with the
 4 institute that defines and clarifies the roles and responsibilities of the agencies in order to prevent
 5 duplication of effort and to ensure that agency resources are used efficiently.

6 (5) State agencies may contract with the institute to fulfill agency needs regarding the col-
 7 lection, storage, integration, analysis, dissemination and monitoring of natural resources information
 8 and natural resources research and training.

9 **SECTION 12.** In addition to and not in lieu of any other appropriation, there is appro-
 10 priated to the State Department of Agriculture, for the biennium beginning July 1, 2023, out
 11 of the General Fund, the amount of \$480,000, for the purpose of carrying out the provisions
 12 of section 4 (8) of this 2023 Act.

13 **SECTION 13.** In addition to and not in lieu of any other appropriation, there is appro-
 14 priated to the Oregon Watershed Enhancement Board, for the biennium beginning July 1,
 15 2023, out of the General Fund, the following amounts for the following purposes:

- 16 (1) \$2,000,000 for the purpose of providing grants under section 5 (1) of this 2023 Act; and
- 17 (2) \$480,000 for the purpose of providing grants under section 5 (2) of this 2023 Act.

18 **SECTION 14.** In addition to and not in lieu of any other appropriation, there is appro-
 19 priated to the Higher Education Coordinating Commission, for the biennium beginning July
 20 1, 2023, out of the General Fund, the following amounts for the following purposes:

- 21 (1) \$250,000 for distribution to the College of Agricultural Sciences of Oregon State Uni-
 22 versity for the purpose of carrying out the provisions of section 7 (1) of this 2023 Act;
- 23 (2) \$225,000 for distribution to the College of Agricultural Sciences of Oregon State Uni-
 24 versity for the purpose of carrying out the provisions of section 7 (3) of this 2023 Act.
- 25 (3) \$480,000 for distribution to Oregon State University Extension Service for the purpose
 26 of carrying out the provisions of section 8 (2) of this 2023 Act.
- 27 (4) \$420,000 for distribution to the Institute for Natural Resources for the purposes de-
 28 scribed in section 3 of this 2023 Act.
- 29 (5) \$5,000 for distribution to the Institute for Natural Resources for the purpose of pro-
 30 viding reimbursements under section 9 (6) of this 2023 Act.

31 **SECTION 15.** This 2023 Act takes effect on the 91st day after the date on which the 2023
 32 regular session of the Eighty-second Legislative Assembly adjourns sine die.