

## 1 SENATE BILL NO. 180

2 INTRODUCED BY P. FLOWERS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SUBCOMMITTEE OF THE ENVIRONMENTAL  
5 QUALITY COUNCIL TO STUDY THE VIABILITY, STRUCTURE, AND PURPOSE OF A SOIL HEALTH  
6 PROGRAM IN MONTANA; REQUIRING A REPORT TO THE 68TH LEGISLATURE; AND PROVIDING AN  
7 IMMEDIATE EFFECTIVE DATE."

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9 WHEREAS, agriculture is Montana's top industry, generating \$3.5 billion in revenue; and

10 WHEREAS, Montana is home to more than 27,000 agricultural producers who are reporting less farm-  
11 related income and more bankruptcies; and

12 WHEREAS, as of 2007, an average of 6.4 tons of topsoil per acre were lost every year due to erosion  
13 in Montana, compromising the productivity of agriculture in the state; and

14 WHEREAS, farmers and ranchers are already experiencing hotter and drier summers, drought, water  
15 shortages, and more intense weeds and pests; and

16 WHEREAS, healthy soil increases nutrient availability and helps capture, retain, and store more water,  
17 increasing the economic viability of farms and ranches, the availability of water for municipalities and  
18 recreational uses, and in-stream flows for power generation, fish, and wildlife; and

19 WHEREAS, as soil organic carbon increases, so does its water holding capacity, increasing  
20 agriculture's resilience to drought and water shortages; and

21 WHEREAS, there is a growing understanding of the link between human health and soil health; and

22 WHEREAS, farming and ranching are vital to economic development for Montana's tribes and rural  
23 communities; and

24 WHEREAS, national agricultural and conservation groups have issued a joint recommendation for the  
25 United States Department of Agriculture to establish a grant program to help states improve soil health on  
26 agricultural lands; and

27 WHEREAS, appropriate planning, coordination, and collaboration is needed to accelerate the adoption  
28 of soil building practices throughout the state.

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2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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4 NEW SECTION. **Section 1. Interim study of soil health -- subcommittee -- membership --**5 **funding.** (1) The environmental quality council provided for in Title 5, chapter 16, shall establish a  
6 subcommittee to conduct a study of policies and practices to improve soil health and report to the full council.7 (2) Subcommittee members must be appointed by the chair of the environmental quality council with  
8 concurrence of the vice chair. SUBCOMMITTEE MEMBERS MUST HAVE EXPERTISE IN SOIL HEALTH AND REPRESENT A  
9 DIVERSITY OF LIVESTOCK AND CROPPING SYSTEMS AND GEOGRAPHIC REGIONS OF THE STATE. The subcommittee  
10 must include:

- 11 (a) two members of the environmental quality council, one representing each party;
- 12 (b) one representative of the department of natural resources and conservation;
- 13 (c) one representative of the department of agriculture;
- 14 (d) one tribal representative;
- 15 (e) one representative of the Montana state university-Bozeman extension service;
- 16 (f) one representative of the Montana university system;
- 17 (g) one representative of a tribal college;
- 18 (h) one representative of the agricultural experiment station;
- 19 (i) one representative of conservation districts, WHO SHALL SERVE AS PRESIDING OFFICER;
- 20 (j) one representative of an organization that advocates on behalf of ~~small-sized to mid-sized~~ farmers  
21 and ranchers;
- 22 (k) one representative of the United States department of agriculture's natural resources conservation  
23 service who works with Montana farmers and ranchers on soil health programs; and
- 24 (l) four representatives composed of two farmers and two ranchers who represent the diversity of  
25 Montana's farming and ranching systems, including at least:
  - 26 (i) one whose farm or ranch is certified organic;
  - 27 (ii) one who has demonstrated use of soil health practices; and
  - 28 (iii) one who serves on a conservation district board of supervisors.

1 (3) Members are entitled to the same compensation and reimbursement as members of the  
2 environmental quality council unless compensation to participate in the subcommittee is paid by another local,  
3 state, federal, or tribal entity.

4 (4) The environmental quality council will pay compensation and expenses pursuant to this section.  
5 The environmental quality council may accept grants, gifts, transfers, bequests, donations, and appropriations  
6 from any source for the purposes of [sections 1 through 3].

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8 **NEW SECTION. Section 2. Subcommittee duties.** (1) The subcommittee shall study:

- 9 (a) the general status of soil health conditions in the state and which ranching and cropping systems  
10 are currently benefiting from soil health investments;
- 11 (b) the existing statutory direction for soil health conservation as well as associated programs and  
12 their effectiveness;
- 13 (c) the barriers for utilizing and scaling up VOLUNTARY soil building practices on more acres;
- 14 (d) which suite of soil building practices have the highest adoption potential among crop and livestock  
15 producers;
- 16 (e) the policy and market opportunities for increasing the adoption of agricultural practices that build  
17 soil health;
- 18 (f) which state agency has the responsibility for managing, collecting data on, and monitoring soil  
19 health, and, if no state agency has this responsibility, examine what state agency or agencies should oversee  
20 management, data collection, and monitoring of soil health;
- 21 (g) the role of federal programs and funding in increasing adoption of VOLUNTARY soil building  
22 practices; and
- 23 (h) the benefits of establishing incentives for landowners to monitor soil health and contribute to a  
24 state monitoring program.

25 (2) The subcommittee shall recommend:

- 26 (a) how a state soil health program can be designed to benefit the state and its farmers and ranchers;
- 27 (b) the objectives of a statewide soil health program;
- 28 (c) how a soil health program would be adopted, administered, monitored, evaluated, and funded;

1 (d) how agencies can collaborate with one another and with external stakeholders, including federal  
2 programs, to expand the program's outreach and data gathering;

3 (e) how best to communicate with and facilitate outreach to producers; and

4 (f) how to update the legislature on a soil health program's impact.

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6 **NEW SECTION. Section 3. Final report.** The environmental quality council shall complete the study  
7 by September 15, 2022 and file a report in accordance with 5-11-210 to the 68th legislature on its findings and  
8 recommendations, including any recommendations for legislation.

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10 **NEW SECTION. Section 4. Notification to tribal governments.** The secretary of state shall send a  
11 copy of [this act] to each federally recognized tribal government in Montana.

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13 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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