

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 729**

Introduced by Walz, 15.

Read first time January 23, 2019

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to agriculture; to adopt the Soil Health and
- 2 Productivity Incentive Act; and to provide an operative date.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 6 of this act shall be known and may be  
2 cited as the Soil Health and Productivity Incentive Act.

3           Sec. 2. The purposes of the Soil Health and Productivity Incentive  
4 Act are to (1) improve soil health and productivity throughout the state  
5 through the planting of diverse cover crops, (2) incentivize farmers to  
6 plant cover crops, (3) increase farmer yields and profitability through  
7 improved soil health farming practices, and (4) improve degraded  
8 waterways to protect the public's health through increased water  
9 filtration with the application of cover crops.

10          Sec. 3. For purposes of the Soil Health and Productivity Incentive  
11 Act:

12           (1) Agricultural land and horticultural land has the same meaning as  
13 in section 77-1359;

14           (2) Cover crop means a crop planted on agricultural land and  
15 horticultural land primarily to manage soil erosion, soil fertility, soil  
16 quality, water quality, water holding capacity, weeds, pests, diseases,  
17 biodiversity, or wildlife;

18           (3) Department means the Department of Agriculture;

19           (4) Incentive means a cash payment made pursuant to the Soil Health  
20 and Productivity Incentive Act;

21           (5) Qualified claimant means any individual or legal entity that  
22 owns agricultural land and horticultural land and that has no more than  
23 eight full-time employees who work as part of a farming operation. An  
24 individual animal feeding operation that is tied to a larger industrial  
25 operation with more than eight full-time employees is not a qualified  
26 claimant;

27           (6) Zone 1 means the following areas within this state:

28           (a) Any land that lies within two and one-half miles of the Elkhorn  
29 River and is located in Madison County, Stanton County, Cuming County,  
30 Dodge County, Washington County, or Douglas County;

31           (b) Any land that lies within two and one-half miles of Logan Creek

1 and is located in Cedar County, Dixon County, Thurston County, Burt  
2 County, or Dodge County; and

3 (c) Any land that lies within two and one-half miles of Maple Creek  
4 and is located in Colfax County or Dodge County;

5 (7) Zone 2 means the following areas within this state:

6 (a) Any land that lies within two and one-half miles of the Platte  
7 River and is located in Butler County, Colfax County, Dodge County,  
8 Saunders County, Sarpy County, or Cass County; and

9 (b) Any land that lies within two and one-half miles of Shell Creek  
10 and is located in Madison County, Platte County, or Colfax County;

11 (8) Zone 3 means the following areas within this state:

12 (a) Any land that lies within two and one-half miles of the Platte  
13 River and is located in Dawson County, Buffalo County, Hall County,  
14 Gosper County, or Adams County; and

15 (b) Any land that lies within two and one-half miles of the Big Blue  
16 River and is located in Hamilton County, Polk County, Butler County,  
17 Seward County, Saline County, or Gage County; and

18 (9) Zone 4 means any land in this state that is not part of Zone 1,  
19 2, or 3 and that lies within two and one-half miles of any river or  
20 creek.

21 Sec. 4. (1) The department shall award incentives under the Soil  
22 Health and Productivity Incentive Act in order to encourage farmers to  
23 plant cover crops. The funding for the act shall come from federal,  
24 state, and local grants and any other funds designated for the purposes  
25 of the act. The department shall accept applications for incentives  
26 according to the following schedule:

27 (a) For calendar year 2020, the department shall accept applications  
28 from qualified claimants who plant a cover crop during such calendar year  
29 on agricultural land and horticultural land that is owned by such  
30 qualified claimant and that is located in zone 1;

31 (b) For calendar year 2021, the department shall accept applications

1 from qualified claimants who plant a cover crop during such calendar year  
2 on agricultural land and horticultural land that is owned by such  
3 qualified claimant and that is located in zone 1 or zone 2;

4 (c) For calendar year 2022, the department shall accept applications  
5 from qualified claimants who plant a cover crop during such calendar year  
6 on agricultural land and horticultural land that is owned by such  
7 qualified claimant and that is located in zone 1, zone 2, or zone 3;

8 (d) For calendar year 2023, the department shall accept applications  
9 from qualified claimants who plant a cover crop during such calendar year  
10 on agricultural land and horticultural land that is owned by such  
11 qualified claimant and that is located in zone 2, zone 3, or zone 4;

12 (e) For calendar year 2024, the department shall accept applications  
13 from qualified claimants who plant a cover crop during such calendar year  
14 on agricultural land and horticultural land that is owned by such  
15 qualified claimant and that is located in zone 3 or zone 4; and

16 (f) For calendar year 2025, the department shall accept applications  
17 from qualified claimants who plant a cover crop during such calendar year  
18 on agricultural land and horticultural land that is owned by such  
19 qualified claimant and that is located in zone 4.

20 (2) The incentives awarded to a qualified claimant under the act  
21 shall be in an amount equal to:

22 (a) For a single species cover crop, twenty dollars multiplied by  
23 the number of acres within the applicable zone upon which the cover crop  
24 is planted; or

25 (b) For a multi-species cover crop, forty-five dollars multiplied by  
26 the number of acres within the applicable zone upon which the cover crop  
27 is planted.

28 (3) Applications for incentives shall be submitted on a form  
29 prescribed by the department and shall include:

30 (a) The name of the qualified claimant;

31 (b) The location of the agricultural land and horticultural land

1 within the applicable zone and the number of acres upon which a cover  
2 crop is planted;

3 (c) An indication of whether the cover crop is a single species  
4 cover crop or a multi-species cover crop;

5 (d) A receipt showing the purchase of seed for the applicable cover  
6 crop; and

7 (e) Such other information as is required by the department to  
8 determine eligibility for incentives.

9 Sec. 5. (1) If the department determines that the qualified  
10 claimant qualifies for incentives, the department shall approve the  
11 application within the limits set forth in this section and shall pay the  
12 incentives to the qualified claimant.

13 (2) The maximum amount of incentives that may be approved for a  
14 single qualified claimant in any calendar year is forty-five thousand  
15 dollars.

16 Sec. 6. The department may adopt and promulgate rules and  
17 regulations to carry out the Soil Health and Productivity Incentive Act.

18 Sec. 7. This act becomes operative on January 1, 2020.