

Bill as
Introduced

HB 199 - AS AMENDED BY THE HOUSE

7Apr2021... 0351h

2021 SESSION

21-0374
08/05

HOUSE BILL

199

AN ACT including soil health and soil conservation in the state soil conservation plan.

SPONSORS: Rep. Bixby, Straf. 17

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill amends current provisions relative to soil conservation to include soil health and climate and environmental change adaptation.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT including soil health and soil conservation in the state soil conservation plan.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 State Plan; Implementation of the Federal Soil Conservation. Amend RSA 432:3 to read as
2 follows:

3 432:3 State Plan. The department is hereby authorized, empowered and directed to formulate
4 and submit to the Secretary of Agriculture, in conformity with the provisions of said Soil
5 Conservation and Domestic Allotment Act, a state plan for each year. It shall be the purpose of each
6 such plan and each such plan shall be designed to promote such utilization of land and such farming
7 practices as the department finds will tend, in conjunction with the operation of such other plans as
8 may be approved for other states by the Secretary of Agriculture, to preserve and improve soil
9 fertility **and soil health; to promote adaptation to changes in climate and environment**; to
10 promote the economic use and conservation of land; to diminish exploitation and wasteful and
11 unscientific use of natural soil resources; to protect rivers and waterways against the results of soil
12 erosion and aid in flood control; and to reestablish and maintain the ratio between the purchasing
13 power of the net income per person on farms and that of the income per person not on farms, as
14 defined in subsection (a) of section 7 of the Soil Conservation and Domestic Allotment Act. Each
15 such plan shall provide for adjustments in utilization of land, and in farming practices through
16 agreements with producers or through other voluntary methods, and for benefit payments in
17 connection therewith, and for such methods of administration not in conflict with any law of the
18 state, and for such reports as the Secretary of Agriculture finds necessary for the effective
19 administration of the plan, and for ascertaining whether the plan is being carried out according to its
20 terms.

21 2 Declaration of Policy; Conservation Districts; Soil Conservation. Amend RSA 432:8 to read as
22 follows:

23 432:8 Declaration of Policy. It is hereby declared to be the policy of the state to provide for the
24 establishment of conservation districts under the supervision of a state conservation committee, said
25 districts to be composed of landowners and land occupiers within the district, who may join together
26 in the interest of the **health**, conservation, and development of the soil, water, and related natural
27 resources; ~~and~~ preventing soil erosion, floodwater and sediment damages; **promoting soil health**
28 **practices, drought resilience, and adaption to changes in climate and environment**. It is
29 the intent of this subdivision to facilitate the joint effort of landowners, land occupiers, and units of
30 government in carrying out measures for the conservation and development of lands within the

1 district, voluntarily and with such assistance as may be available for this purpose from local, state,
2 or federal governmental agencies.

3 3 Soil Conservation; Conservation Districts. Amend RSA 432:9 to read as follows:

4 432:9 Definitions. As used in this subdivision the following words shall have the following
5 meanings:

6 ***I. "Adaptation" means the process of adjustment to actual or scientifically projected***
7 ***conditions.***

8 [H] ***II.*** "District" or "conservation district" means the territory included within the
9 boundaries of a county, organized in accordance with the provisions of this subdivision.

10 [H] ***III.*** "Land occupier" or "occupier of land" includes any person who shall hold title to, or
11 shall be in lawful possession of, any parcel of land lying within a district organized under the
12 provisions of this subdivision.

13 [HH] ***IV.*** "District supervisor" or "supervisor" shall mean a member of the governing body
14 appointed in accordance with the provisions of this subdivision.

15 ***V. "Soil health" means the overall composition of the soil, including the amount of***
16 ***organic matter in and water holding capacity of the soil, and the continued capacity of soil***
17 ***to function as a vital living ecosystem that sustains plants, animals, and humans.***

18 ***VI. "Healthy soils practices" mean agricultural practices that improve the health of***
19 ***soils, including but not limited to consideration of depth of topsoil horizons, water***
20 ***infiltration rate, organic carbon content, nutrient content, bulk density, biological activity,***
21 ***biological and microbiological diversity, and minimization of bare ground.***

22 4 Creation of Conservation Districts; Soil Health. Amend RSA 432:12 to read as follows:

23 432:12 Creation of Conservation Districts. There are hereby established, as governmental
24 subdivisions of this state and public bodies corporate and politic, 10 conservation districts as follows:

25 (1) each of the 10 counties within the state is hereby incorporated into a conservation district; (2)
26 each of the 10 districts shall be known by the name of the county to which its boundaries conform.

27 Upon the appointment of the district supervisors as hereinafter provided the districts shall become
28 duly organized and thereafter the districts and the supervisors thereof shall have all powers and
29 duties conferred upon them by this subdivision; provided, however, that no such district shall
30 exercise any of the powers conferred on districts or the supervisors thereof under this subdivision
31 until after the state conservation committee shall adopt a resolution determining that there is a
32 need, in the interest of public health, safety and welfare, for such district to function and that a
33 substantial proportion of the land occupiers of such districts are in favor of its operation. In making
34 such determinations the committee may accept petitions and conduct such public meetings and
35 referenda as it deems necessary, and shall give due consideration to the distribution and intensity of
36 erosion, floodwaters and sediment damages, ***the effects of drought,*** need for land drainage, [~~and~~]
37 changes in land use, [~~and~~] the conservation[~~r~~] and development of the natural resources, ***the impact***

1 *of changing climate and environment, and capacity of soil health to improve resilience* on
 2 land within the said district, and to other relevant factors. From and after the date of adoption by
 3 the committee of a resolution in favor of the operation of a particular district, such district shall be
 4 deemed to be duly organized, and the supervisors of such district shall thereupon be entitled to
 5 exercise the powers conferred on them by this subdivision. A certified copy of such resolution shall
 6 be evidence of the due organization of such districts. All districts heretofore organized under RSA
 7 430 or 430-B shall be identified as "conservation districts" and shall have all the powers and duties
 8 provided in this subdivision for conservation districts.

9 5 Conservation Districts; Powers of Districts and Supervisors; Soil Conservation. Amend RSA
 10 432:16 to read as follows:

11 432:16 Powers of Districts and Supervisors. A conservation district organized under the
 12 provisions of this subdivision, and the supervisors thereof, shall have the following powers, in
 13 addition to others granted in other sections of this subdivision:

14 I. To conduct surveys, investigations and research relating to the character of soil erosion;
 15 floodwater and sediment damages; land drainage; the *health*, conservation, and development of the
 16 soil, water, and related natural resources; *the impact of drought, and the promotion of*
 17 *practices to adapt to a changing climate and environment;* and the preventive and control
 18 measures and works of improvement needed, to publish the results of such surveys, investigations,
 19 or research, and to disseminate information concerning such preventive and control measures and
 20 works of improvement; provided, however, that in order to avoid duplication of research activities, no
 21 district shall initiate any research program except in cooperation with the government of this state
 22 or any of its agencies, or with the United States or any of its agencies;

23 II. To conduct demonstrational projects within the district on lands owned or controlled by
 24 this state or any of its agencies, with the cooperation and consent of the agency administering and
 25 having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of
 26 the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate
 27 by example the means, methods, and measures by which soil and soil resources may be
 28 conserved *and soil health improved*, and how soil erosion in the form of soil blowing and soil
 29 washing may be prevented and controlled, and how land may be drained and floodwater and
 30 sediment damages may be prevented; and how other works of improvement for
 31 the *health*, conservation, and development of the soil, water, and related natural resources may be
 32 carried out; *and how healthy soils practices can aid in adaptation to changes in climate*
 33 *and environment;*

34 III. To carry out preventive and control measures and works of improvement for
 35 the *health*, conservation, and development of the soil, water, and related natural resources within
 36 the district including, but not limited to, engineering operations, methods of cultivation, the growing
 37 of vegetation, the drainage of land and changes in use of land, and measures for the prevention of

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1 floodwater and sediment damages, on lands owned or controlled by this state or any of its agencies,
2 with the cooperation and consent of the agency administering and having jurisdiction thereof, and on
3 any other land within the district upon obtaining the consent of the occupier of such lands or the
4 necessary rights or interests in such lands;

5 IV. To cooperate, or enter into agreements with and to furnish financial or other aid to, any
6 agency, governmental or otherwise, or any occupier of lands within the district, in carrying out the
7 erosion control, flood prevention, drainage, watershed protection, and resource conservation and
8 development projects or other works of improvement for the *health*, conservation, and development
9 of the soil, water, and related natural resources within the district, subject to such conditions as the
10 supervisors may deem necessary to advance the purposes of this subdivision;

11 V. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest,
12 devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain,
13 administer, and improve any properties acquired; to receive income from such properties and to
14 expend such income in carrying out the purposes and provisions of this subdivision; and to sell,
15 lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes
16 and provisions of this subdivision;

17 VI. To make available, on such terms as it shall prescribe, to land occupiers within the
18 district, *incentives, education, technical assistance*, agricultural and engineering machinery,
19 equipment, fertilizer, seeds, seedlings, and such other material or equipment as will assist such land
20 occupiers to carry on operations upon their lands for the *health*, conservation, and development of
21 soil, water, and related natural resources, *for the promotion of practices to foster drought*
22 *resilience and adapt to a changing climate and environment*, for the drainage of land, for the
23 prevention and control of soil erosion, and for the prevention of floodwater and sediment damages;

24 VII. To construct, improve, operate and maintain such structures as may be necessary or
25 convenient for the performance of any of the operations authorized in this subdivision;

26 VIII. To develop comprehensive plans for changes in land use and for the conservation, and
27 development of the *healthy* soil, water, and related natural resources, for the control and prevention
28 of soil erosion, for land drainage, ~~and~~ for the prevention of floodwater and sediment damages
29 within the *district, for the promotion of drought resilience and for adaptation to changes in*
30 *climate and environment*, which plans shall specify in such detail as may be possible the acts,
31 procedures, performances, and avoidances which are necessary or desirable for the effectuation of
32 such plans, including the specification of engineering operations, methods of cultivation, the growing
33 of vegetation, cropping programs, tillage practices, and changes in use of lands; and to publish such
34 plans and information and bring them to the attention of occupiers of lands within the district;

35 IX. To take over by purchase, lease, or otherwise, and to administer any *soil health*, soil
36 conservation, drainage, *drought resilience*, flood prevention, erosion control, erosion prevention,
37 watershed protection, or resource conservation and development project, or other works of

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1 improvement for the *health*, conservation, and development of soil, water, and related natural
2 resources or combinations thereof, located within its boundaries undertaken by the United States or
3 any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or
4 any of its agencies, or of this state or any of its agencies, any *soil health*, soil conservation, *drought*
5 *resilience*, drainage, flood prevention, erosion control, erosion prevention, watershed protection, or
6 resource conservation and development project, or other works of improvement for
7 the *health*, conservation, and development of soil, water, and related natural resources or
8 combinations thereof within its boundaries; to act as agent for the United States, or any of its
9 agencies, or for this state or any of its agencies, in connection with the acquisition, construction,
10 operation, or administration of any *soil health*, soil conservation, drainage, *drought*
11 *resilience*, flood prevention, erosion control, erosion prevention, watershed protection, or resource
12 conservation and development project or other works of improvement for
13 the *health*, conservation, and development of soil, water, and related natural resources or
14 combinations thereof within its boundaries; to accept donations, gifts, and contributions in money,
15 services, materials, or otherwise, from the United States or any of its agencies or from this state or
16 any of its agencies, and to use or expend such moneys, services, materials, or other contributions in
17 carrying on its operations;

18 X. As a condition to the extending of any benefits under this subdivision to, or the
19 performance of work upon, any lands not owned or controlled by this state or any of its agencies, the
20 supervisors may require contributions in money, services, materials, or otherwise to any operations
21 conferring such benefits, and may require land occupiers to enter into and perform such agreements
22 or covenants as to the permanent use of such lands as will tend to provide drainage, prevent or
23 control erosion, prevent floodwater and sediment damages, and otherwise provide for the
24 conservation and development of the resources thereon.

25 6 Effective Date. This act shall take effect 60 days after its passage.

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6 such plan and each such plan shall be designed to promote such utilization of land and such farming
7 practices as the department finds will tend, in conjunction with the operation of such other plans as
8 may be approved for other states by the Secretary of Agriculture, to preserve and improve soil
9 **fertility and soil health; to promote adaptation to changes in climate and environment;** to
10 promote the economic use and conservation of land; to diminish exploitation and wasteful and
11 unscientific use of natural soil resources; to protect rivers and waterways against the results of soil
12 erosion and aid in flood control; and to reestablish and maintain the ratio between the purchasing
13 power of the net income per person on farms and that of the income per person not on farms, as
14 defined in subsection (a) of section 7 of the Soil Conservation and Domestic Allotment Act. Each
15 such plan shall provide for adjustments in utilization of land, and in farming practices through
16 agreements with producers or through other voluntary methods, and for benefit payments in
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27 resources; ~~and~~ preventing soil erosion, floodwater and sediment damages; **promoting soil health**
28 **practices, drought resilience, and adaption to changes in climate and environment.** It is
29 the intent of this subdivision to facilitate the joint effort of landowners, land occupiers, and units of
30 government in carrying out measures for the conservation and development of lands within the

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2 or federal governmental agencies.

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9 boundaries of a county, organized in accordance with the provisions of this subdivision.

10 **[H] III.** "Land occupier" or "occupier of land" includes any person who shall hold title to, or
11 shall be in lawful possession of, any parcel of land lying within a district organized under the
12 provisions of this subdivision.

13 **[H] IV.** "District supervisor" or "supervisor" shall mean a member of the governing body
14 appointed in accordance with the provisions of this subdivision.

15 ***V. "Soil health" means the overall composition of the soil, including the amount of***
16 ***organic matter in and water holding capacity of the soil, and the continued capacity of soil***
17 ***to function as a vital living ecosystem that sustains plants, animals, and humans.***

18 ***VI. "Healthy soils practices" mean agricultural practices that improve the health of***
19 ***soils, including but not limited to consideration of depth of topsoil horizons, water***
20 ***infiltration rate, organic carbon content, nutrient content, bulk density, biological activity,***
21 ***biological and microbiological diversity, and minimization of bare ground.***

22 ***VII. "Plant biostimulant" means a substance, microorganism, or mixtures thereof,***
23 ***that, when applied to seeds, plants, the rhizosphere, soil or other growth media, act to***
24 ***support a plant's natural nutrition processes independently of the plant biostimulant's***
25 ***nutrient content, improving nutrient availability, uptake or use efficiency, tolerance to***
26 ***abiotic stress, and consequent growth, development, quality or yield.***

27 4 Creation of Conservation Districts; Soil Health. Amend RSA 432:12 to read as follows:

28 432:12 Creation of Conservation Districts. There are hereby established, as governmental
29 subdivisions of this state and public bodies corporate and politic, 10 conservation districts as follows:

30 (1) each of the 10 counties within the state is hereby incorporated into a conservation district; (2)
31 each of the 10 districts shall be known by the name of the county to which its boundaries conform.

32 Upon the appointment of the district supervisors as hereinafter provided the districts shall become
33 duly organized and thereafter the districts and the supervisors thereof shall have all powers and
34 duties conferred upon them by this subdivision; provided, however, that no such district shall
35 exercise any of the powers conferred on districts or the supervisors thereof under this subdivision
36 until after the state conservation committee shall adopt a resolution determining that there is a
37 need, in the interest of public health, safety and welfare, for such district to function and that a

1 substantial proportion of the land occupiers of such districts are in favor of its operation. In making
 2 such determinations the committee may accept petitions and conduct such public meetings and
 3 referenda as it deems necessary, and shall give due consideration to the distribution and intensity of
 4 erosion, floodwaters and sediment damages, *the effects of drought*, need for land drainage, [and]
 5 changes in land use, [and] the conservation[,] and development of the natural resources, *the impact*
 6 *of changing climate and environment, and capacity of soil health to improve resilience* on
 7 land within the said district, and to other relevant factors. From and after the date of adoption by
 8 the committee of a resolution in favor of the operation of a particular district, such district shall be
 9 deemed to be duly organized, and the supervisors of such district shall thereupon be entitled to
 10 exercise the powers conferred on them by this subdivision. A certified copy of such resolution shall
 11 be evidence of the due organization of such districts. All districts heretofore organized under RSA
 12 430 or 430-B shall be identified as "conservation districts" and shall have all the powers and duties
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14 5 Conservation Districts; Powers of Districts an Supervisors; Soil Conservation. Amend RSA
 15 432:16 to read as follows:

16 432:16 Powers of Districts and Supervisors. A conservation district organized under the
 17 provisions of this subdivision, and the supervisors thereof, shall have the following powers, in
 18 addition to others granted in other sections of this subdivision:

19 I. To conduct surveys, investigations and research relating to the character of soil erosion;
 20 floodwater and sediment damages; land drainage; the *health*, conservation, and development of the
 21 soil, water, and related natural resources; *the impact of drought, and the promotion of*
 22 *practices to adapt to a changing climate and environment*; and the preventive and control
 23 measures and works of improvement needed, to publish the results of such surveys, investigations,
 24 or research, and to disseminate information concerning such preventive and control measures and
 25 works of improvement; provided, however, that in order to avoid duplication of research activities, no
 26 district shall initiate any research program except in cooperation with the government of this state
 27 or any of its agencies, or with the United States or any of its agencies;

28 II. To conduct demonstrational projects within the district on lands owned or controlled by
 29 this state or any of its agencies, with the cooperation and consent of the agency administering and
 30 having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of
 31 the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate
 32 by example the means, methods, and measures by which soil and soil resources may be
 33 conserved *and soil health improved*, and how soil erosion in the form of soil blowing and soil
 34 washing may be prevented and controlled, and how land may be drained and floodwater and
 35 sediment damages may be prevented; and how other works of improvement for
 36 the *health*, conservation, and development of the soil, water, and related natural resources may be

1 carried out; *and how healthy soils practices can aid in adaptation to changes in climate*
 2 *and environment;*

3 III. To carry out preventive and control measures and works of improvement for
 4 the *health*, conservation, and development of the soil, water, and related natural resources within
 5 the district including, but not limited to, engineering operations, methods of cultivation, the growing
 6 of vegetation, the drainage of land and changes in use of land, and measures for the prevention of
 7 floodwater and sediment damages, on lands owned or controlled by this state or any of its agencies,
 8 with the cooperation and consent of the agency administering and having jurisdiction thereof, and on
 9 any other land within the district upon obtaining the consent of the occupier of such lands or the
 10 necessary rights or interests in such lands;

11 IV. To cooperate, or enter into agreements with and to furnish financial or other aid to, any
 12 agency, governmental or otherwise, or any occupier of lands within the district, in carrying out the
 13 erosion control, flood prevention, drainage, watershed protection, and resource conservation and
 14 development projects or other works of improvement for the *health*, conservation, and development
 15 of the soil, water, and related natural resources within the district, subject to such conditions as the
 16 supervisors may deem necessary to advance the purposes of this subdivision;

17 V. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest,
 18 devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain,
 19 administer, and improve any properties acquired; to receive income from such properties and to
 20 expend such income in carrying out the purposes and provisions of this subdivision; and to sell,
 21 lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes
 22 and provisions of this subdivision;

23 VI. To make available, on such terms as it shall prescribe, to land occupiers within the
 24 district, *incentives, education, technical assistance*, agricultural and engineering machinery,
 25 equipment, fertilizer, *plant biostimulant*, seeds, seedlings, and such other material or equipment
 26 as will assist such land occupiers to carry on operations upon their lands for
 27 the *health*, conservation, and development of soil, water, and related natural resources, *for the*
 28 *promotion of practices to foster drought resilience and adapt to a changing climate and*
 29 *environment*, for the drainage of land, for the prevention and control of soil erosion, and for the
 30 prevention of floodwater and sediment damages;

31 VII. To construct, improve, operate and maintain such structures as may be necessary or
 32 convenient for the performance of any of the operations authorized in this subdivision;

33 VIII. To develop comprehensive plans for changes in land use and for the conservation, and
 34 development of the *healthy* soil, water, and related natural resources, for the control and prevention
 35 of soil erosion, for land drainage, [~~and~~] for the prevention of floodwater and sediment damages
 36 within the *district, for the promotion of drought resilience and for adaptation to changes in*
 37 *climate and environment*, which plans shall specify in such detail as may be possible the acts,

1 procedures, performances, and avoidances which are necessary or desirable for the effectuation of
 2 such plans, including the specification of engineering operations, methods of cultivation, the growing
 3 of vegetation, cropping programs, tillage practices, and changes in use of lands; and to publish such
 4 plans and information and bring them to the attention of occupiers of lands within the district;

5 IX. To take over by purchase, lease, or otherwise, and to administer any *soil health*, soil
 6 conservation, drainage, *drought resilience*, flood prevention, erosion control, erosion prevention,
 7 watershed protection, or resource conservation and development project, or other works of
 8 improvement for the *health*, conservation, and development of soil, water, and related natural
 9 resources or combinations thereof, located within its boundaries undertaken by the United States or
 10 any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or
 11 any of its agencies, or of this state or any of its agencies, any *soil health*, soil conservation, *drought*
 12 *resilience*, drainage, flood prevention, erosion control, erosion prevention, watershed protection, or
 13 resource conservation and development project, or other works of improvement for
 14 the *health*, conservation, and development of soil, water, and related natural resources or
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 16 agencies, or for this state or any of its agencies, in connection with the acquisition, construction,
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 24 carrying on its operations;

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 26 performance of work upon, any lands not owned or controlled by this state or any of its agencies, the
 27 supervisors may require contributions in money, services, materials, or otherwise to any operations
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 29 or covenants as to the permanent use of such lands as will tend to provide drainage, prevent or
 30 control erosion, prevent floodwater and sediment damages, and otherwise provide for the
 31 conservation and development of the resources thereon.

32 6 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 167
HB 199 - FINAL VERSION

7Apr2021... 0351h
24Jun2021... 1983CofC

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COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill amends current provisions relative to soil conservation to include soil health and climate and environmental change adaptation.

This bill also defines plant biostimulant and allows the department of agriculture, markets, and foods to make rules relative to the sale and use of plant biostimulants.

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19 administration of the plan, and for ascertaining whether the plan is being carried out according to its
20 terms.

21 167:2 Declaration of Policy; Conservation Districts; Soil Conservation. Amend RSA 432:8 to
22 read as follows:

23 432:8 Declaration of Policy. It is hereby declared to be the policy of the state to provide for the
24 establishment of conservation districts under the supervision of a state conservation committee, said
25 districts to be composed of landowners and land occupiers within the district, who may join together
26 in the interest of the **health**, conservation, and development of the soil, water, and related natural
27 resources; ~~and~~ preventing soil erosion, floodwater and sediment damages; **promoting soil health**
28 **practices, drought resilience, and adaption to changes in climate and environment.** It is
29 the intent of this subdivision to facilitate the joint effort of landowners, land occupiers, and units of

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- Page 2 -

1 government in carrying out measures for the conservation and development of lands within the
2 district, voluntarily and with such assistance as may be available for this purpose from local, state,
3 or federal governmental agencies.

4 167:3 Soil Conservation; Conservation Districts. Amend RSA 432:9 to read as follows:

5 432:9 Definitions. As used in this subdivision the following words shall have the following
6 meanings:

7 ***I. "Adaptation" means the process of adjustment to actual or scientifically projected***
8 ***conditions.***

9 ~~[I]~~ ***II.*** "District" or "conservation district" means the territory included within the
10 boundaries of a county, organized in accordance with the provisions of this subdivision.

11 ~~[II]~~ ***III.*** "Land occupier" or "occupier of land" includes any person who shall hold title to, or
12 shall be in lawful possession of, any parcel of land lying within a district organized under the
13 provisions of this subdivision.

14 ~~[III]~~ ***IV.*** "District supervisor" or "supervisor" shall mean a member of the governing body
15 appointed in accordance with the provisions of this subdivision.

16 ***V. "Soil health" means the overall composition of the soil, including the amount of***
17 ***organic matter in and water holding capacity of the soil, and the continued capacity of soil***
18 ***to function as a vital living ecosystem that sustains plants, animals, and humans.***

19 ***VI. "Healthy soils practices" mean agricultural practices that improve the health of***
20 ***soils, including but not limited to consideration of depth of topsoil horizons, water***
21 ***infiltration rate, organic carbon content, nutrient content, bulk density, biological activity,***
22 ***biological and microbiological diversity, and minimization of bare ground.***

23 167:4 Creation of Conservation Districts; Soil Health. Amend RSA 432:12 to read as follows:

24 432:12 Creation of Conservation Districts. There are hereby established, as governmental
25 subdivisions of this state and public bodies corporate and politic, 10 conservation districts as follows:

26 (1) each of the 10 counties within the state is hereby incorporated into a conservation district; (2)
27 each of the 10 districts shall be known by the name of the county to which its boundaries conform.

28 Upon the appointment of the district supervisors as hereinafter provided the districts shall become
29 duly organized and thereafter the districts and the supervisors thereof shall have all powers and

30 duties conferred upon them by this subdivision; provided, however, that no such district shall
31 exercise any of the powers conferred on districts or the supervisors thereof under this subdivision

32 until after the state conservation committee shall adopt a resolution determining that there is a
33 need, in the interest of public health, safety and welfare, for such district to function and that a

34 substantial proportion of the land occupiers of such districts are in favor of its operation. In making
35 such determinations the committee may accept petitions and conduct such public meetings and

36 referenda as it deems necessary, and shall give due consideration to the distribution and intensity of
37 erosion, floodwaters and sediment damages, ***the effects of drought,*** need for land drainage, ~~and~~

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1 changes in land use, ~~and~~ the conservation~~]~~ and development of the natural resources, *the impact*
2 *of changing climate and environment, and capacity of soil health to improve resilience on*
3 land within the said district, and to other relevant factors. From and after the date of adoption by
4 the committee of a resolution in favor of the operation of a particular district, such district shall be
5 deemed to be duly organized, and the supervisors of such district shall thereupon be entitled to
6 exercise the powers conferred on them by this subdivision. A certified copy of such resolution shall
7 be evidence of the due organization of such districts. All districts heretofore organized under RSA
8 430 or 430-B shall be identified as "conservation districts" and shall have all the powers and duties
9 provided in this subdivision for conservation districts.

10 167:5 Conservation Districts; Powers of Districts and Supervisors; Soil Conservation. Amend
11 RSA 432:16 to read as follows:

12 432:16 Powers of Districts and Supervisors. A conservation district organized under the
13 provisions of this subdivision, and the supervisors thereof, shall have the following powers, in
14 addition to others granted in other sections of this subdivision:

15 I. To conduct surveys, investigations and research relating to the character of soil erosion;
16 floodwater and sediment damages; land drainage; the *health*, conservation, and development of the
17 soil, water, and related natural resources; *the impact of drought, and the promotion of*
18 *practices to adapt to a changing climate and environment;* and the preventive and control
19 measures and works of improvement needed, to publish the results of such surveys, investigations,
20 or research, and to disseminate information concerning such preventive and control measures and
21 works of improvement; provided, however, that in order to avoid duplication of research activities, no
22 district shall initiate any research program except in cooperation with the government of this state
23 or any of its agencies, or with the United States or any of its agencies;

24 II. To conduct demonstrational projects within the district on lands owned or controlled by
25 this state or any of its agencies, with the cooperation and consent of the agency administering and
26 having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of
27 the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate
28 by example the means, methods, and measures by which soil and soil resources may be
29 conserved *and soil health improved*, and how soil erosion in the form of soil blowing and soil
30 washing may be prevented and controlled, and how land may be drained and floodwater and
31 sediment damages may be prevented; and how other works of improvement for
32 the *health*, conservation, and development of the soil, water, and related natural resources may be
33 carried out; *and how healthy soils practices can aid in adaptation to changes in climate*
34 *and environment;*

35 III. To carry out preventive and control measures and works of improvement for
36 the *health*, conservation, and development of the soil, water, and related natural resources within
37 the district including, but not limited to, engineering operations, methods of cultivation, the growing

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1 of vegetation, the drainage of land and changes in use of land, and measures for the prevention of
2 floodwater and sediment damages, on lands owned or controlled by this state or any of its agencies,
3 with the cooperation and consent of the agency administering and having jurisdiction thereof, and on
4 any other land within the district upon obtaining the consent of the occupier of such lands or the
5 necessary rights or interests in such lands;

6 IV. To cooperate, or enter into agreements with and to furnish financial or other aid to, any
7 agency, governmental or otherwise, or any occupier of lands within the district, in carrying out the
8 erosion control, flood prevention, drainage, watershed protection, and resource conservation and
9 development projects or other works of improvement for the *health*, conservation, and development
10 of the soil, water, and related natural resources within the district, subject to such conditions as the
11 supervisors may deem necessary to advance the purposes of this subdivision;

12 V. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest,
13 devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain,
14 administer, and improve any properties acquired; to receive income from such properties and to
15 expend such income in carrying out the purposes and provisions of this subdivision; and to sell,
16 lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes
17 and provisions of this subdivision;

18 VI. To make available, on such terms as it shall prescribe, to land occupiers within the
19 district, *incentives, education, technical assistance*, agricultural and engineering machinery,
20 equipment, fertilizer, seeds, seedlings, and such other material or equipment as will assist such land
21 occupiers to carry on operations upon their lands for the *health*, conservation, and development of
22 soil, water, and related natural resources, *for the promotion of practices to foster drought*
23 *resilience and adapt to a changing climate and environment*, for the drainage of land, for the
24 prevention and control of soil erosion, and for the prevention of floodwater and sediment damages;

25 VII. To construct, improve, operate and maintain such structures as may be necessary or
26 convenient for the performance of any of the operations authorized in this subdivision;

27 VIII. To develop comprehensive plans for changes in land use and for the conservation, and
28 development of the *healthy* soil, water, and related natural resources, for the control and prevention of
29 soil erosion, for land drainage, ~~and~~ for the prevention of floodwater and sediment damages
30 within the *district, for the promotion of drought resilience and for adaptation to changes in*
31 *climate and environment*, which plans shall specify in such detail as may be possible the acts,
32 procedures, performances, and avoidances which are necessary or desirable for the effectuation of
33 such plans, including the specification of engineering operations, methods of cultivation, the growing
34 of vegetation, cropping programs, tillage practices, and changes in use of lands; and to publish such
35 plans and information and bring them to the attention of occupiers of lands within the district;

36 IX. To take over by purchase, lease, or otherwise, and to administer any *soil health*, soil
37 conservation, drainage, *drought resilience*, flood prevention, erosion control, erosion prevention,

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1 watershed protection, or resource conservation and development project, or other works of
2 improvement for the *health*, conservation, and development of soil, water, and related natural
3 resources or combinations thereof, located within its boundaries undertaken by the United States or
4 any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or
5 any of its agencies, or of this state or any of its agencies, any *soil health*, soil conservation, *drought*
6 *resilience*, drainage, flood prevention, erosion control, erosion prevention, watershed protection, or
7 resource conservation and development project, or other works of improvement for
8 the *health*, conservation, and development of soil, water, and related natural resources or
9 combinations thereof within its boundaries; to act as agent for the United States, or any of its
10 agencies, or for this state or any of its agencies, in connection with the acquisition, construction,
11 operation, or administration of any *soil health*, soil conservation, drainage, *drought*
12 *resilience*, flood prevention, erosion control, erosion prevention, watershed protection, or resource
13 conservation and development project or other works of improvement for
14 the *health*, conservation, and development of soil, water, and related natural resources or
15 combinations thereof within its boundaries; to accept donations, gifts, and contributions in money,
16 services, materials, or otherwise, from the United States or any of its agencies or from this state or
17 any of its agencies, and to use or expend such moneys, services, materials, or other contributions in
18 carrying on its operations;

19 X. As a condition to the extending of any benefits under this subdivision to, or the
20 performance of work upon, any lands not owned or controlled by this state or any of its agencies, the
21 supervisors may require contributions in money, services, materials, or otherwise to any operations
22 conferring such benefits, and may require land occupiers to enter into and perform such agreements
23 or covenants as to the permanent use of such lands as will tend to provide drainage, prevent or
24 control erosion, prevent floodwater and sediment damages, and otherwise provide for the
25 conservation and development of the resources thereon.

26 167:6 New Paragraph; Definitions; Plant Biostimulant. Amend RSA 431:3 by inserting after
27 paragraph XVII the following new paragraph:

28 XVII-a. "Plant biostimulant" means a substance, microorganism, or mixture thereof, that,
29 when applied to seeds, plants, the rhizosphere, soil or other growth media, acts to support a plant's
30 natural nutrition processes independently of the plant biostimulant's nutrient content, improving
31 nutrient availability, uptake or use efficiency, tolerance to abiotic stress, and consequent growth,
32 development, quality or yield. The commissioner may clarify the definition of plant biostimulant by
33 rule in order to maintain consistency with United States Department of Agriculture requirements.

34 167:7 Rules; Plant Biostimulants. Amend RSA 431:13 to read as follows:

35 431:13 Rulemaking. For the enforcement of this subdivision, the commissioner shall adopt
36 under RSA 541-A, after public hearing, such rules relating to investigational allowances, definitions,

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1 records, distribution, storage, use, and application of fertilizers *and plant biostimulants* as may be
2 necessary to carry into effect the full intent and meaning of this subdivision.

167:8 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 30, 2021

Effective Date: September 28, 2021

Amendments

Sen. Avard, Dist 12
May 14, 2021
2021-1498s
08/11

Amendment to HB 199

1 Amend RSA 432:9 as inserted by section 3 of the bill by inserting after paragraph VI the following
2 new paragraph:

3

4 VII. "Plant biostimulant" means a substance, microorganism, or mixtures thereof, that,
5 when applied to seeds, plants, the rhizosphere, soil or other growth media, act to support a plant's
6 natural nutrition processes independently of the plant biostimulant's nutrient content, improving
7 nutrient availability, uptake or use efficiency, tolerance to abiotic stress, and consequent growth,
8 development, quality or yield.

9

10 Amend RSA 432:16, VI as inserted by section 5 of the bill by replacing it with the following:

11

12 VI. To make available, on such terms as it shall prescribe, to land occupiers within the
13 district, *incentives, education, technical assistance*, agricultural and engineering machinery,
14 equipment, fertilizer, *plant biostimulant*, seeds, seedlings, and such other material or equipment
15 as will assist such land occupiers to carry on operations upon their lands for
16 the *health*, conservation, and development of soil, water, and related natural resources, *for the*
17 *promotion of practices to foster drought resilience and adapt to a changing climate and*
18 *environment*, for the drainage of land, for the prevention and control of soil erosion, and for the
19 prevention of floodwater and sediment damages;

Sen. Bradley, Dist 3
Sen. Avar, Dist 12
Sen. Giuda, Dist 2
May 19, 2021
2021-1581s
08/05

Floor Amendment to HB 199

1 Amend RSA 432:9 as inserted by section 3 of the bill by inserting after paragraph VI the following
2 new paragraph:

3

4 ***VII. "Plant biostimulant" means a substance, microorganism, or mixtures thereof,***
5 ***that, when applied to seeds, plants, the rhizosphere, soil or other growth media, act to***
6 ***support a plant's natural nutrition processes independently of the plant biostimulant's***
7 ***nutrient content, improving nutrient availability, uptake or use efficiency, tolerance to***
8 ***abiotic stress, and consequent growth, development, quality or yield.***

9

10 Amend RSA 432:16, VI as inserted by section 5 of the bill by replacing it with the following:

11

12 VI. To make available, on such terms as it shall prescribe, to land occupiers within the
13 district, ***incentives, education, technical assistance,*** agricultural and engineering machinery,
14 equipment, fertilizer, ***plant biostimulant,*** seeds, seedlings, and such other material or equipment
15 as will assist such land occupiers to carry on operations upon their lands for
16 the ***health,*** conservation, and development of soil, water, and related natural resources, ***for the***
17 ***promotion of practices to foster drought resilience and adapt to a changing climate and***
18 ***environment,*** for the drainage of land, for the prevention and control of soil erosion, and for the
19 prevention of floodwater and sediment damages;

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Bob Giuda, Vice Chair
Sen James Gray, Member
Sen David Watters, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 15, 2021

HEARINGS

Monday	04/19/2021	
(Day)	(Date)	
Energy and Natural Resources	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. HB 199	including soil health and soil conservation in the state soil conservation plan.	
1:10 p.m. HB 249	relative to animal shelter facilities.	
1:20 p.m. HB 250	relative to pet vendors.	
1:30 p.m. HB 338-FN	relative to penalties for dog theft and tampering with a dog's radio collar.	
2:30 p.m.	Presentation by Matthew Mailloux of the Governor's Office on the Department of Energy	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92312108551>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +19292056099,,92312108551# or +13017158592,,92312108551#
4. Webinar ID: [923 1210 8551](https://www.zoom.us/j/92312108551)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWvRA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 199

Rep. Bixby

HB 249

Rep. Pearl

HB 250

Rep. Pearl

Rep. G. Griffin

HB 338-FN

Rep. Sullivan

Rep. Lang

Rep. Abramson

Rep. Moffett

Rep. Rollins

Rep. Moffett

Rep. Lang

Rep. Goley

Rep. Kennedy

Rep. Comtois

Griffin Roberge 271-3042

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee
Griffin Roberge 271-3042

HB 199, including soil health and soil conservation in the state soil conservation plan.

Hearing Date: April 19, 2021.

Time Opened: 1:06 p.m.

Time Closed: 1:31 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill amends current provisions relative to soil conservation to include soil health and climate and environmental change adaptation.

Sponsors:
Rep. Bixby

Who supports the bill: Representative Susan Almy, Grafton - District 13; John Ballentine; David Beaudreau, Responsible Industry for a Sound Environment; Representative Peter Bixby, Strafford - District 17; Representative Donald Bouchard, Hillsborough - District 11; Representative Tony Caplan, Merrimack - District 6; Representative Roger Dontonville, Grafton - District 10; Mary Eisner; Representative Chuck Grassie, Strafford - District 11; Representative Joan Hamblet, Rockingham - District 31; Anne Hunnewell; Richard Hunnewell; Robert Johnson, II, NH Farm Bureau Federation; Janet Lucas; Nisa Marks; Representative Megan Murray, Hillsborough - District 22; Stephanie Osborne; Representative Howard Pearl, Merrimack - District 26; Representative Maria Perez, Hillsborough - District 23; Erick Sawtelle, Lee, NH; Valerie Scarborough; Representative Dianne Schuett, Merrimack - District 20; Representative Joyce Weston, Grafton - District 8.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Peter Bixby
Strafford - District 17

- HB 199 is a reintroduction of HB 1562 (2020). HB 1562 was recommended "ought to pass with amendment" by the House Environment and Agriculture Committee. The full House adopted the committee's recommendation on a voice vote. However, the bill was tabled in the Senate and died there due to the COVID-19 pandemic and the suspension of legislative activity.
- Back in the 1930s, the federal government recognized something needed to be done to protect agricultural soils following the Dust Bowl. The federal government required states to create state soil conservation plans (SCPs) and created the Soil Conservation Service. Today, the Soil Conservation Service is known as the Natural Resources Conservation Service (NRCS).
- NH's SCP is a guiding statute for county soil conservation districts (SCDs), which provide education and technical assistance on soil and natural resource conservation to farmers and landowners based on the best

soil science available at the time. The last major revision to NH's SCP was in 1984 with minor changes in 1995. These changes highlighted the relationship between soil conservation and water conservation.

- In the 1980s, the current soil science had a focus on physical soil structure and soil nutrient chemistry. Since that time, there has been more development in soil science. There is a growing recognition of the biological activity and organic matter in soil. More biological activity and soil organic matter lead to improved water retention, aeration, and nutrient retention. Soils with biological activity are more resilient to climate and ecological events. A soil's resiliency is known as soil health. SCDs have placed a growing focus on cover cropping and provided equipment at low rental costs for soil projects that promote soil health.
- HB 199 seeks to insert the notion of soil health into state statutes that govern SCDs, bringing the science in NH's SCP up to date. HB 199 refers to soil health and its connection to drought resilience and adaptation to climate and environmental changes. A soil's retention can prevent the spread of nutrients into public waterbodies, such as Great Bay.
- HB 199 will provide stronger support for SCDs when they apply for grants. Each county has a SCD and county funds largely cover a SCD's administrative costs and a small part of their program budget. A large part of a SCD's program budget comes from federal or private grants to help further their mission. SCDs are constantly looking for grant funding to help further their mission. Several private foundations look to promote soil health to develop climate resilience. These foundations will often look at an SCD's mission statement. Many SCD mission statements refer to NH's state soil health statutes in RSA 432. Including the idea of soil health in RSA 432 through HB 199 gives SCDs the means to apply for additional grants.
- HB 199 does not impose any regulations on the agricultural community or impose any requirements on SCDs. The bill merely helps SCDs do what they are already doing.
- Senator Watters referenced a University of New Hampshire press release that detailed three researchers who received federal research grants totaling over \$4.6 million. One grant from the US Department of Agriculture (USDA) offered \$2 million to study the impact of seasonal freezing and thawing which is a dominant control on nutrient and carbon cycles and affects soils in forests, urban settings, and agricultural ecosystems. Senator Watters asked if Representative Bixby was aware of that press release.
 - Representative Bixby said he was not aware of the press release.
- Senator Watters said increased precipitation rates and warmer winters in NH can have an impact on the nitrogen and fertility cycles for soil health. He asked if Representative Bixby could comment on that.
 - Representative Bixby said nitrogen is the most important nutrient for plant growth – if plants do not have nitrogen, they cannot grow. Nitrogen is soluble when available to plants. Soil health creates a reservoir for biological activity. All these biological activities help retain a soil's nitrogen to advance plant growth. Poor soil health fails to effectively retain nitrogen for plant growth. Instead, that nitrogen can leech out of the soil and end up in public waterbodies, which can have a harmful impact as seen in Great Bay.
- Representative Bixby followed up on Mr. Beaudreau's testimony. A lot of detail was given in a previous version of HB 199 as to what constitutes "healthy soils practices," such as cover cropping and organic agriculture. Some felt that adding too many practices may give the impression that a practice was not approved if it was not listed. The definition for "healthy soils practices" was changed to list broad goals. Any practice that achieved the goals as outlined in the "healthy soils practices" definition, such as the use of plant biostimulants, cover cropping, or organic agriculture, is something that should be accepted. Referencing plant biostimulants elsewhere in state statute may be a good idea but should be done in other legislation.

Representative Howard Pearl

Merrimack – District 26 and Chairman of the House Environment and Agriculture Committee

- The House Environment and Agriculture Committee recommended HB 199 "ought to pass with amendment" by a vote of 18-1. The committee placed the bill on the House consent calendar. The full House adopted the committee's recommendation on a voice vote.
- HB 199 underwent significant review in the House Environment and Agriculture Committee. HB 199 as introduced did not have a lot of support. Representative Bixby and committee members worked together to find common ground and the bill received bipartisan support.

Representative Tony Caplan - provided written testimony

Merrimack – District 6

- HB 199 updates NH's SCP to include provisions for agricultural practices that increase soil capacity to increase fertility and to reduce NH's carbon footprint by increasing carbon uptake from the atmosphere into the soil.

- HB 199 is a win for farmers, consumers, and the environment. The practices that increase the carbon uptake in the soil are also the practices that lower the input costs for farmers and complement the type of small-scale, mixed use farms that fit well in NH.
- Soil conservation and the agricultural practices that soil conservation promotes are essential for a healthy planet and a health food system.

David Beaudreau

Responsible Industry for a Sound Environment (RISE)

- RISE is a national trade association representing manufacturers, formulators, distributors involved in the pesticide and fertilizer industry. Some members sell a category of products called plant biostimulants, which have a beneficial impact on soil and have a positive effect on plant growth. They can prevent the leeching of important nutrients from the soil.
- Recommended a definition of plant biostimulants in HB 199. This emerging product category can play a role in improving soil health.
- Senator Avard asked if HB 199 made any reference to plant biostimulants.
 - Mr. Beaudreau said he has not seen reference to plant biostimulants in HB 199. The USDA has been discussing a definition for plant biostimulants. The USDA issued a report to Congress at the end of 2019 where they formally defined what a plant biostimulant is. RISE could follow up with the committee with that definition.
- Senator Avard asked where Mr. Beaudreau would like to see a definition for plant biostimulants in HB 199.
 - Mr. Beaudreau suggested inserting the language under Section 3, paragraph VI on page 2, lines 18-21. That part of the bill defines “healthy soils practices.” A lot of the attributes of healthy soils practices can be found in plant biostimulants.
- Senator Watters suggested that Mr. Beaudreau may want to talk with Representative Bixby about RISE’s proposed change. The definition of “healthy soils practices” appeared to be a generic and broad definition that might include plant biostimulants.
 - Mr. Beaudreau said RISE would be willing to circle back with Representative Bixby. There has been a lack of a state and federal definition for plant biostimulants for several years. Getting it formally defined would be beneficial for regulators and product users.
- Senator Avard asked if plant biostimulants could be considered genetically modified organisms (GMOs).
 - Mr. Beaudreau said plant biostimulants are not considered GMOs.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

GJR

Date Hearing Report completed: April 19, 2021.

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB199 on 2021-04-19

Support: 23 Oppose: 0 Neutral: 0 Total to Testify: 4

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Support	No	4/17/2021 5:42 PM
Ballentine, John M	mikeb@btine.com	Not Given	A Member of the Public	Myself	Support	No	4/19/2021 2:25 PM
Beaudreau, David	dbeaudreau@dclrs.com	202.360.0649	A Member of the Public	RISE	Support	Yes	4/16/2021 10:09 AM
Bixby, Peter	peter.bixby@leg.state.nh.us	603.749.5659	An Elected Official	Prime Sponsor	Support	Yes	4/19/2021 8:22 AM
Bouchard, Donald	donaldjbouchard@gmail.com	603.622.0388	An Elected Official	Myself	Support	No	4/19/2021 12:42 PM
Caplan, Tony	anthonycaplan1@gmail.com	603.428.7042	An Elected Official	Merrimack 6	Support	Yes	4/17/2021 8:28 AM
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Support	No	4/19/2021 9:17 AM
Eisner, Mary	nhdem@msn.com	16034323192	A Member of the Public	Myself	Support	No	4/17/2021 3:43 PM
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Support	No	4/18/2021 11:03 PM
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Support	No	4/19/2021 2:35 PM
Hunnewell, Anne	ahunne@roadrunner.com	603.536.4015	A Member of the Public	Myself	Support	No	4/18/2021 8:25 PM
Hunnewell, Richard	hunnewell.richard@gmail.com	603.536.4015	A Member of the Public	Myself	Support	No	4/18/2021 8:25 PM
Johnson, II, Robert	robj@nhfarmbureau.org	Not Given	A Lobbyist	NH Farm Bureau Federation	Support	No	4/19/2021 12:01 PM
Lucas, Janet	janluca1953@gmail.com	16037267614	A Member of the Public	Myself	Support	No	4/19/2021 8:17 AM
Marks, Nisa	Not Given	703.217.3248	A Member of the Public	New Hampshire Audubon	Support	No	4/19/2021 8:50 AM
Murray, Megan	megan.murray@leg.state.nh.us	Not Given	An Elected Official	Hillsborough 22	Support	No	4/19/2021 7:16 AM
Osborne, Stephanie	Not Given	(603) 238-31	A Member of the Public	Myself	Support	No	4/17/2021 8:47 AM
Pearl, Howard	Howard.pearl@leg.state.nh.us	603.231.1482	An Elected Official	E&A Chair	Support	Yes	4/18/2021 6:03 PM
perez, maria	mariaeli63@gmail.com	603.801.7867	An Elected Official	District 23	Support	No	4/19/2021 8:59 AM
SAWTELLE, ERICK	esawtelles@aol.com	603.234.7907	A Member of the Public	Myself	Support	No	4/16/2021 3:09 PM
Scarborough, Valerie	val7@roadrunner.com	603.536.1164	A Member of the Public	Myself	Support	No	4/17/2021 9:18 PM
Schuett, Dianne	dianne.schuett@leg.state.nh.us	603.224.0314	An Elected Official	Merr. County, Dist. 20	Support	No	4/19/2021 4:52 PM
Weston, Joyce	jweston14@roadrunner.com	Not Given	An Elected Official	Myself	Support	No	4/17/2021 7:18 AM

Testimony

Griffin Roberge

From: Tony Caplan
Sent: Tuesday, April 20, 2021 4:58 PM
To: Griffin Roberge
Subject: Re: HB 199 Written Testimony
Attachments: Testimony Representative Tony Caplan.docx

Hi Griffin,

Attached please find testimony on HB 199.

Regards,

Rep. Tony Caplan
Merrimack County, District 6
810 Ray Road
Henniker, NH 03242

From: Griffin Roberge <Griffin.Roberge@leg.state.nh.us>
Sent: Tuesday, April 20, 2021 2:49 PM
To: Tony Caplan <Tony.Caplan@leg.state.nh.us>
Cc: Griffin Roberge <Griffin.Roberge@leg.state.nh.us>
Subject: HB 199 Written Testimony

Representative Caplan:

Thanks for taking my call a few moments ago.

As we discussed, I was wondering if you could send along any written remarks you had read from during your testimony on Representative Bixby's HB 199. Senator Avard likes to make sure that any written comments are added to the committee's record.

I do not need the written testimony right away, but wanted to reach out sooner rather than later. Please e-mail them to me when you have a moment.

Very best,

Griffin Roberge
Legislative Aide to Senator Bob Giuda
Legislative Aide to the Senate Energy & Natural Resources Committee
Phone: (603) 271-3042
E-mail: griffin.roberge@leg.state.nh.us

Representative Tony Caplan
NH House of Representatives
Merrimack 6
810 Ray Rd.
Henniker, NH 03242

Testimony on HB 199 in Senate Energy and Natural Resources Committee 4/19/2021

Senators,

This is a fitting beginning to Earth Week as you hear testimony on this bill that would seek to update the state's Soil Conservation Plan to include provisions for agricultural practices that increase soil capacity, not only for productivity but also as an additional means to reducing our state's carbon footprint, by seeking to increase carbon uptake from the atmosphere into the natural carbon sink of the soil.

This bill would be a win for the environment, and also for farmers and consumers, as the practices that would increase carbon uptake in the soil are also the practices that lower input costs for farmers and complement the type of small-scale, mixed use farms that fit well into the New Hampshire landscape and provide the backbone of a healthy, sustainable, and resilient local food system.

With this bill we acknowledge that soil conservation and the practices that encourage soil conservation are essential both for a healthy planet and a healthy local food system, and I urge you to take this bill, that came out of my committee, the E & A Committee of the House with a near unanimous vote, and speed it on its way.

Thank you.

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # <i>1B 199</i>

Hearing Date: 04/19/2021

Executive Session Date: 05/17/2021

Motion of: Amendment 1448s Vote: —

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: OTA Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Avard

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Monday, May 17, 2021

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 199**

AN ACT

including soil health and soil conservation in the
state soil conservation plan.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Kevin Avard
For the Committee

Griffin Roberge 271-3042

ENERGY AND NATURAL RESOURCES

HB 199, including soil health and soil conservation in the state soil conservation plan.

Ought to Pass, Vote 4-0.

Senator Kevin Avard for the committee.

Docket of HB199

Docket Abbreviations

Bill Title: including soil health and soil conservation in the state soil conservation plan.**Official Docket of HB199.:**

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Environment and Agriculture HJ 2 P. 39
1/20/2021	H	Public Hearing: 01/27/2021 03:45 pm Members of the public may attend using the following links: To join the webinar: https://www.zoom.us/j/92887623403 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/18/2021	H	Committee Report: Ought to Pass with Amendment #2021-0351h (Vote 18-1; CC) HC 18 P. 10
4/7/2021	H	Amendment #2021-0351h : AA VV 04/07/2021 HJ 5 P. 14
4/7/2021	H	Ought to Pass with Amendment 2021-0351h: MA VV 04/07/2021 HJ 5 P. 14
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Energy and Natural Resources; SJ 11
4/19/2021	S	Remote Hearing : 04/19/2021, 01:00 pm; Links to join the hearing can be found in the Senate Calendar; SC 20
5/17/2021	S	Committee Report: Ought to Pass, 05/20/2021; SC 24A
5/20/2021	S	Sen. Bradley Floor Amendment #2021-1581s , RC 13Y-9N, AA; 05/20/2021; SJ 16
5/20/2021	S	Ought to Pass with Amendment 2021-1581s, MA, VV; OT3rdg; 05/20/2021; SJ 16
6/7/2021	H	House Non-Concurs with Senate Amendment 2021-1581s and Requests CofC (Reps. Pearl, Aron, Homola, Bixby): MA VV 06/04/2021 HJ 9 P. 51
6/10/2021	S	Sen. Avard Accedes to House Request for Committee of Conference, MA, VV; 06/10/2021; SJ 19
6/10/2021	S	President Appoints: Senators Avard, Bradley, Perkins Kwoka; 06/10/2021; SJ 19
6/15/2021	H	Conference Committee Meeting: 06/15/2021 09:00 am LOB 301-303
6/14/2021	S	Conferee Change; Senator Watters Replaces Senator Perkins Kwoka; SJ 20
6/17/2021	S	Conference Committee Report Filed, #2021-1983c ; 06/24/2021
6/24/2021	S	Conference Committee Report #2021-1983c , Adopted, VV; 06/24/2021; SJ 20
6/24/2021	H	Conference Committee Report 2021-1983c: Adopted, VV 06/24/2021
7/15/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/15/2021	H	Enrolled (in recess of) 06/24/2021
8/3/2021	H	Signed by Governor Sununu 07/30/2021; Chapter 167; Eff: 09/28/2021

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 199

Senate Committee: ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

- amendment # 14985 _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 1581 _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 1983

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office AK

June 15, 2021
2021-1983-CofC
08/10

1 Committee of Conference Report on HB 199, including soil health and soil conservation in the state
2 soil conservation plan.

3

4 Recommendation:

5 That the House recede from its position of nonconcurrence with the Senate amendment, and

6 That the Senate recede from its position in adopting its amendment to the bill, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 House, and pass the bill as so amended:

9

10 Amend the bill by replacing all after the enacting clause with the following:

11

12 1 State Plan; Implementation of the Federal Soil Conservation. Amend RSA 432:3 to read as
13 follows:

14 432:3 State Plan. The department is hereby authorized, empowered and directed to formulate
15 and submit to the Secretary of Agriculture, in conformity with the provisions of said Soil
16 Conservation and Domestic Allotment Act, a state plan for each year. It shall be the purpose of each
17 such plan and each such plan shall be designed to promote such utilization of land and such farming
18 practices as the department finds will tend, in conjunction with the operation of such other plans as
19 may be approved for other states by the Secretary of Agriculture, to preserve and improve soil
20 fertility *and soil health; to promote adaptation to changes in climate and environment*; to
21 promote the economic use and conservation of land; to diminish exploitation and wasteful and
22 unscientific use of natural soil resources; to protect rivers and waterways against the results of soil
23 erosion and aid in flood control; and to reestablish and maintain the ratio between the purchasing
24 power of the net income per person on farms and that of the income per person not on farms, as
25 defined in subsection (a) of section 7 of the Soil Conservation and Domestic Allotment Act. Each
26 such plan shall provide for adjustments in utilization of land, and in farming practices through
27 agreements with producers or through other voluntary methods, and for benefit payments in
28 connection therewith, and for such methods of administration not in conflict with any law of the
29 state, and for such reports as the Secretary of Agriculture finds necessary for the effective
30 administration of the plan, and for ascertaining whether the plan is being carried out according to its
31 terms.

32 2 Declaration of Policy; Conservation Districts; Soil Conservation. Amend RSA 432:8 to read as
33 follows:

Committee of Conference Report on HB 199

- Page 2 -

1 432:8 Declaration of Policy. It is hereby declared to be the policy of the state to provide for the
2 establishment of conservation districts under the supervision of a state conservation committee, said
3 districts to be composed of landowners and land occupiers within the district, who may join together
4 in the interest of the *health*, conservation, and development of the soil, water, and related natural
5 resources; ~~and~~ preventing soil erosion, floodwater and sediment damages; *promoting soil health*
6 *practices, drought resilience, and adaption to changes in climate and environment*. It is
7 the intent of this subdivision to facilitate the joint effort of landowners, land occupiers, and units of
8 government in carrying out measures for the conservation and development of lands within the
9 district, voluntarily and with such assistance as may be available for this purpose from local, state,
10 or federal governmental agencies.

11 3 Soil Conservation; Conservation Districts. Amend RSA 432:9 to read as follows:

12 432:9 Definitions. As used in this subdivision the following words shall have the following
13 meanings:

14 *I. "Adaptation" means the process of adjustment to actual or scientifically projected*
15 *conditions.*

16 ~~I~~ *II. "District" or "conservation district" means the territory included within the*
17 *boundaries of a county, organized in accordance with the provisions of this subdivision.*

18 ~~II~~ *III. "Land occupier" or "occupier of land" includes any person who shall hold title to, or*
19 *shall be in lawful possession of, any parcel of land lying within a district organized under the*
20 *provisions of this subdivision.*

21 ~~III~~ *IV. "District supervisor" or "supervisor" shall mean a member of the governing body*
22 *appointed in accordance with the provisions of this subdivision.*

23 *V. "Soil health" means the overall composition of the soil, including the amount of*
24 *organic matter in and water holding capacity of the soil, and the continued capacity of soil*
25 *to function as a vital living ecosystem that sustains plants, animals, and humans.*

26 *VI. "Healthy soils practices" mean agricultural practices that improve the health of*
27 *soils, including but not limited to consideration of depth of topsoil horizons, water*
28 *infiltration rate, organic carbon content, nutrient content, bulk density, biological activity,*
29 *biological and microbiological diversity, and minimization of bare ground.*

30 4 Creation of Conservation Districts; Soil Health. Amend RSA 432:12 to read as follows:

31 432:12 Creation of Conservation Districts. There are hereby established, as governmental
32 subdivisions of this state and public bodies corporate and politic, 10 conservation districts as follows:

33 (1) each of the 10 counties within the state is hereby incorporated into a conservation district; (2)
34 each of the 10 districts shall be known by the name of the county to which its boundaries conform.

35 Upon the appointment of the district supervisors as hereinafter provided the districts shall become
36 duly organized and thereafter the districts and the supervisors thereof shall have all powers and
37 duties conferred upon them by this subdivision; provided, however, that no such district shall

Committee of Conference Report on HB 199

- Page 3 -

1 exercise any of the powers conferred on districts or the supervisors thereof under this subdivision
2 until after the state conservation committee shall adopt a resolution determining that there is a
3 need, in the interest of public health, safety and welfare, for such district to function and that a
4 substantial proportion of the land occupiers of such districts are in favor of its operation. In making
5 such determinations the committee may accept petitions and conduct such public meetings and
6 referenda as it deems necessary, and shall give due consideration to the distribution and intensity of
7 erosion, floodwaters and sediment damages, *the effects of drought*, need for land drainage, [~~and~~]
8 changes in land use, [~~and~~] the conservation[~~]~~ and development of the natural resources, *the impact*
9 *of changing climate and environment, and capacity of soil health to improve resilience* on
10 land within the said district, and to other relevant factors. From and after the date of adoption by
11 the committee of a resolution in favor of the operation of a particular district, such district shall be
12 deemed to be duly organized, and the supervisors of such district shall thereupon be entitled to
13 exercise the powers conferred on them by this subdivision. A certified copy of such resolution shall
14 be evidence of the due organization of such districts. All districts heretofore organized under RSA
15 430 or 430-B shall be identified as "conservation districts" and shall have all the powers and duties
16 provided in this subdivision for conservation districts.

17 5 Conservation Districts; Powers of Districts an Supervisors; Soil Conservation. Amend RSA
18 432:16 to read as follows:

19 432:16 Powers of Districts and Supervisors. A conservation district organized under the
20 provisions of this subdivision, and the supervisors thereof, shall have the following powers, in
21 addition to others granted in other sections of this subdivision:

22 I. To conduct surveys, investigations and research relating to the character of soil erosion;
23 floodwater and sediment damages; land drainage; the *health*, conservation, and development of the
24 soil, water, and related natural resources; *the impact of drought, and the promotion of*
25 *practices to adapt to a changing climate and environment*; and the preventive and control
26 measures and works of improvement needed, to publish the results of such surveys, investigations,
27 or research, and to disseminate information concerning such preventive and control measures and
28 works of improvement; provided, however, that in order to avoid duplication of research activities, no
29 district shall initiate any research program except in cooperation with the government of this state
30 or any of its agencies, or with the United States or any of its agencies;

31 II. To conduct demonstrational projects within the district on lands owned or controlled by
32 this state or any of its agencies, with the cooperation and consent of the agency administering and
33 having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of
34 the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate
35 by example the means, methods, and measures by which soil and soil resources may be
36 conserved *and soil health improved*, and how soil erosion in the form of soil blowing and soil
37 washing may be prevented and controlled, and how land may be drained and floodwater and

Committee of Conference Report on HB 199

- Page 4 -

1 sediment damages may be prevented; and how other works of improvement for
2 the *health*, conservation, and development of the soil, water, and related natural resources may be
3 carried out; *and how healthy soils practices can aid in adaptation to changes in climate*
4 *and environment;*

5 III. To carry out preventive and control measures and works of improvement for
6 the *health*, conservation, and development of the soil, water, and related natural resources within
7 the district including, but not limited to, engineering operations, methods of cultivation, the growing
8 of vegetation, the drainage of land and changes in use of land, and measures for the prevention of
9 floodwater and sediment damages, on lands owned or controlled by this state or any of its agencies,
10 with the cooperation and consent of the agency administering and having jurisdiction thereof, and on
11 any other land within the district upon obtaining the consent of the occupier of such lands or the
12 necessary rights or interests in such lands;

13 IV. To cooperate, or enter into agreements with and to furnish financial or other aid to, any
14 agency, governmental or otherwise, or any occupier of lands within the district, in carrying out the
15 erosion control, flood prevention, drainage, watershed protection, and resource conservation and
16 development projects or other works of improvement for the *health*, conservation, and development
17 of the soil, water, and related natural resources within the district, subject to such conditions as the
18 supervisors may deem necessary to advance the purposes of this subdivision;

19 V. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest,
20 devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain,
21 administer, and improve any properties acquired; to receive income from such properties and to
22 expend such income in carrying out the purposes and provisions of this subdivision; and to sell,
23 lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes
24 and provisions of this subdivision;

25 VI. To make available, on such terms as it shall prescribe, to land occupiers within the
26 district, *incentives, education, technical assistance*, agricultural and engineering machinery,
27 equipment, fertilizer, seeds, seedlings, and such other material or equipment as will assist such land
28 occupiers to carry on operations upon their lands for the *health*, conservation, and development of
29 soil, water, and related natural resources, *for the promotion of practices to foster drought*
30 *resilience and adapt to a changing climate and environment*, for the drainage of land, for the
31 prevention and control of soil erosion, and for the prevention of floodwater and sediment damages;

32 VII. To construct, improve, operate and maintain such structures as may be necessary or
33 convenient for the performance of any of the operations authorized in this subdivision;

34 VIII. To develop comprehensive plans for changes in land use and for the conservation, and
35 development of the *healthy* soil, water, and related natural resources, for the control and prevention
36 of soil erosion, for land drainage, [and] for the prevention of floodwater and sediment damages
37 within the *district, for the promotion of drought resilience and for adaptation to changes in*

Committee of Conference Report on HB 199

- Page 5 -

1 *climate and environment*, which plans shall specify in such detail as may be possible the acts,
2 procedures, performances, and avoidances which are necessary or desirable for the effectuation of
3 such plans, including the specification of engineering operations, methods of cultivation, the growing
4 of vegetation, cropping programs, tillage practices, and changes in use of lands; and to publish such
5 plans and information and bring them to the attention of occupiers of lands within the district;

6 IX. To take over by purchase, lease, or otherwise, and to administer any *soil health*, soil
7 conservation, drainage, *drought resilience*, flood prevention, erosion control, erosion prevention,
8 watershed protection, or resource conservation and development project, or other works of
9 improvement for the *health*, conservation, and development of soil, water, and related natural
10 resources or combinations thereof, located within its boundaries undertaken by the United States or
11 any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or
12 any of its agencies, or of this state or any of its agencies, any *soil health*, soil conservation, *drought*
13 *resilience*, drainage, flood prevention, erosion control, erosion prevention, watershed protection, or
14 resource conservation and development project, or other works of improvement for
15 the *health*, conservation, and development of soil, water, and related natural resources or
16 combinations thereof within its boundaries; to act as agent for the United States, or any of its
17 agencies, or for this state or any of its agencies, in connection with the acquisition, construction,
18 operation, or administration of any *soil health*, soil conservation, drainage, *drought*
19 *resilience*, flood prevention, erosion control, erosion prevention, watershed protection, or resource
20 conservation and development project or other works of improvement for
21 the *health*, conservation, and development of soil, water, and related natural resources or
22 combinations thereof within its boundaries; to accept donations, gifts, and contributions in money,
23 services, materials, or otherwise, from the United States or any of its agencies or from this state or
24 any of its agencies, and to use or expend such moneys, services, materials, or other contributions in
25 carrying on its operations;

26 X. As a condition to the extending of any benefits under this subdivision to, or the
27 performance of work upon, any lands not owned or controlled by this state or any of its agencies, the
28 supervisors may require contributions in money, services, materials, or otherwise to any operations
29 conferring such benefits, and may require land occupiers to enter into and perform such agreements
30 or covenants as to the permanent use of such lands as will tend to provide drainage, prevent or
31 control erosion, prevent floodwater and sediment damages, and otherwise provide for the
32 conservation and development of the resources thereon.

33 6 New Paragraph; Definitions; Plant Biostimulant. Amend RSA 431:3 by inserting after
34 paragraph XVII the following new paragraph:

35 XVII-a. "Plant biostimulant" means a substance, microorganism, or mixture thereof, that,
36 when applied to seeds, plants, the rhizosphere, soil or other growth media, acts to support a plant's
37 natural nutrition processes independently of the plant biostimulant's nutrient content, improving

Committee of Conference Report on HB 199

- Page 6 -

1 nutrient availability, uptake or use efficiency, tolerance to abiotic stress, and consequent growth,
2 development, quality or yield. The commissioner may clarify the definition of plant biostimulant by
3 rule in order to maintain consistency with United States Department of Agriculture requirements.

4 7 Rules; Plant Biostimulants. Amend RSA 431:13 to read as follows:

5 431:13 Rulemaking. For the enforcement of this subdivision, the commissioner shall adopt
6 under RSA 541-A, after public hearing, such rules relating to investigational allowances, definitions,
7 records, distribution, storage, use, and application of fertilizers *and plant biostimulants* as may be
8 necessary to carry into effect the full intent and meaning of this subdivision.

9 8 Effective Date. This act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on HB 199, including soil health and soil conservation in the state soil conservation plan.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Avard, Dist. 12

Rep. Pearl, Merr. 26

Sen. Bradley, Dist. 3

Rep. Aron, Sull. 7

Sen. Watters, Dist. 4

Rep. Homola, Hills. 27

Rep. Bixby, Straf. 17

Committee of Conference Report on HB 199
- Page 7 -

2021-1983-CofC

AMENDED ANALYSIS

This bill amends current provisions relative to soil conservation to include soil health and climate and environmental change adaptation.

This bill also defines plant biostimulant and allows the department of agriculture, markets, and foods to make rules relative to the sale and use of plant biostimulants.