

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 291-FN, relative to the penalty for incorrect application of fertilizers.

Hearing Date: April 1, 2025

Time Opened: 1:50 p.m.

Time Closed: 2:04 p.m.

Members of the Committee Present: Senators Gannon, Abbas, McConkey and Altschiller

Members of the Committee Absent : Senator Reardon

Bill Analysis: This bill establishes graduated penalties for the incorrect application of fertilizer depending on whether it is a first, second, or third offense.

Sponsors:

Rep. Layon

Rep. J. Aron

Who supports the bill: 146 individuals signed in support of HB 291-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: Two individuals signed in opposition to HB 291-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Erica Layon

Rockingham- District 13

- Representative Layon stated that she introduced HB 291-FN because last term there was a similar bill that the legislature overturned the governor's veto on.
 - Rep. Layon realized there was an issue with the language of that bill because it addressed the sale of fertilizers, but not their application.
- HB 291 set consequences for individuals and companies which applied fertilizer incorrectly.
- Rep. Layon added that many people had old bags of fertilizer in their garage, and many people shopped out of state so they may be unaware of the regulations pertinent to the application of fertilizer.
- HB 291-FN was amended in the House Criminal Justice Committee to make an initial violation a warning, a second violation a fine, and a third violation a misdemeanor.

- Rep. Layon stated that if someone misapplied fertilizer on multiple properties within a neighborhood on the same day, they could be subject to a misdemeanor penalty.
- Sen. Gannon asked if an offender would need a prior conviction for four offenses in one day to be prosecuted with a misdemeanor.
 - Rep. Layon stated that it was her understanding that a person would be charged with a misdemeanor and clarified that it was not her expertise.
- Sen. Altschiller asked if anyone was speaking in addition to Rep. Layon.
 - Rep. Layon stated that her cosponsor, the chair of the Environmental Agriculture Committee, supports the bill.
 - Additionally, the New Hampshire Lakes Association support the bill, as well as members in the House of Representatives.
- Sen. Altschiller asked if she was correct that if a lawn care company fertilized four different lawns in one day they would be charged with one offense as opposed to four individual offenses.
 - Rep Layon stated that she is not certain, but the motivation for the bill was to go after offenders who were violating the law on multiple occasions within the same day.
 - Rep. Layon said she would be open to an amendment if the committee deemed it necessary. The general goal of the current language was to make it so the average homeowner cannot be charged with a misdemeanor simply because their neighbor did not like them.
- Sen. McConkey asked if an offender would be prosecuted with a misdemeanor after the third offense.
 - Rep. Layon stated that it was her understanding that three offenses would be a misdemeanor, adding that the bill was also providing a broader application to the general homeowner so they would not be prosecuted in attempts to go after commercial landscapers for repeat violations.

Representative Judy Aron

Sullivan County- District 4

- Representative Aron testified as a cosponsor to HB 291-FN.
- Rep. Aron explained that the House Environmental and Agriculture Committee found last year's fertilizer law unclear regarding the penalties for violators.
- HB 291-FN sought to amend the language to make the penalty appropriate to the violation. Rep. Aron reiterated her support and her committee's support for the measure.

Andrea LaMoreaux

President of the New Hampshire Lakes Association

- Ms. LaMoreaux stated that she supported the bill.
- Ms. LaMoreaux appreciated the opportunity to work with the House Committee to bring HB 291-FN forward.

- Ms. LaMoreaux reiterated that the goal of the bill was to protect average homeowners that may be ignorant of the laws while seeking to combat bad actors who continually allowed fertilizer to end up in lakes.
- Lake Winnepesaukee has had water quality issues attributable to the misapplication of fertilizer.
- Senator Altschiller thanked Ms. LaMoreaux for her activism and asked how people would know that the law would be taking effect.
 - Ms. LaMoreaux stated that education would be incorporated into all outreach efforts to provide awareness through social media and programs for lakefront homeowners.
- Senator Altschiller stated that her mother, who lived out of state, was delivered a letter by the Department of Environmental Services via a collaboration with private landscapers to notify homeowners of newer regulations. Sen. Altschiller asked Ms. LaMoreaux for her thoughts of such a program.
 - Ms. LaMoreaux thought it was a great idea and said the association was building relationships with landscapers.

PM

Date Hearing Report completed: April 4, 2025