CHAPTER 167
HB 199 - FINAL VERSION

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

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.

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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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

167:1 State Plan; Implementation of the Federal Soil Conservation. Amend RSA 432:3 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

432:12 Creation of Conservation Districts. There are hereby established, as governmental subdivisions of this state and public bodies corporate and politic, 10 conservation districts as follows: (1) each of the 10 counties within the state is hereby incorporated into a conservation district; (2) each of the 10 districts shall be known by the name of the county to which its boundaries conform. Upon the appointment of the district supervisors as hereinafter provided the districts shall become duly organized and thereafter the districts and the supervisors thereof shall have all powers and duties conferred upon them by this subdivision; provided, however, that no such district shall exercise any of the powers conferred on districts or the supervisors thereof under this subdivision until after the state conservation committee shall adopt a resolution determining that there is a need, in the interest of public health, safety and welfare, for such district to function and that a substantial proportion of the land occupiers of such districts are in favor of its operation. In making such determinations the committee may accept petitions and conduct such public meetings and referenda as it deems necessary, and shall give due consideration to the distribution and intensity of erosion, floodwaters and sediment damages, ***the effects of drought,*** need for land drainage, [~~and~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

records, distribution, storage, use, and application of fertilizers ***and plant biostimulants*** as may be 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