

Amendment to HB 199

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

2

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

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

23 2 Declaration of Policy; Conservation Districts; Soil Conservation. Amend RSA 432:8 to read as
24 follows:

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

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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 [F] ***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 [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 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^[5] 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 an 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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AMENDED ANALYSIS

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