LEGISLATIVE COMMITTEE MINUTES

SB17

Bill as Introduced

SB 17 - AS INTRODUCED

2023 SESSION

23-0761
04/08

SENATE BILL ***17***

AN ACT establishing a gifts and donations account within the fish and game fund.

SPONSORS: Sen. Lang, Dist 2; Sen. Carson, Dist 14; Sen. Innis, Dist 7; Sen. Avard, Dist 12; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Abbas, Dist 22; Rep. Bogert, Belk. 5; Rep. Coker, Belk. 2

COMMITTEE: Ways and Means

ANALYSIS

This bill provides that gifts, grants, and donations to the nongame species management fund shall not require the approval of the fish and game commission or the governor and council.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0761
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT establishing a gifts and donations account within the fish and game fund.

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

1 Fish and Game Fund; Gifts and Donations. Amend RSA 206:33-a, III to read as follows:

III. This section shall not apply to gifts, grants, bequests, or donations received pursuant to RSA 206:33-c ***or RSA 212-B:6.***

2 New Paragraph; Nongame Species Management Fund; Exception. Amend RSA 212-B:6 by inserting after paragraph II the following new paragraph:

III. Gifts, grants, bequests, or donations made to this account shall not require consent or approval of the fish and game commission nor the governor or governor and council.

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

CHAPTER 49
SB 17 - FINAL VERSION

2023 SESSION

23-0761
04/08

SENATE BILL *17*

AN ACT establishing a gifts and donations account within the fish and game fund.

SPONSORS: Sen. Lang, Dist 2; Sen. Carson, Dist 14; Sen. Innis, Dist 7; Sen. Avard, Dist 12; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Abbas, Dist 22; Rep. Bogert, Belk. 5; Rep. Coker, Belk. 2

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ANALYSIS

This bill provides that gifts, grants, and donations to the nongame species management fund shall not require the approval of the fish and game commission or the governor and council.

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.

CHAPTER 49
SB 17 - FINAL VERSION

23-0761
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT establishing a gifts and donations account within the fish and game fund.

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

49:1 Fish and Game Fund; Gifts and Donations. Amend RSA 206:33-a, III to read as follows:

III. This section shall not apply to gifts, grants, bequests, or donations received pursuant to RSA 206:33-c ***or RSA 212-B:6***.

49:2 New Paragraph; Nongame Species Management Fund; Exception. Amend RSA 212-B:6 by inserting after paragraph II the following new paragraph:

III. Gifts, grants, bequests, or donations made to this account shall not require consent or approval of the fish and game commission nor the governor or governor and council.

49:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 01, 2023
Effective Date: July 31, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Ways and Means

Sen Timothy Lang, Chair
Sen Lou D'Allesandro, Vice Chair
Sen Keith Murphy, Member
Sen Daniel Innis, Member
Sen Cindy Rosenwald, Member

Date: January 12, 2023

HEARINGS

Wednesday	01/18/2023
(Day)	(Date)

Ways and Means	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**SB 19-FN**	relative to bingo dates.
9:15 a.m.	**SB 20-FN**	relative to keno license applications and fees.
9:30 a.m.	**SB 17**	establishing a gifts and donations account within the fish and game fund.
9:45 a.m.	**SB 18**	relative to the purchase of duck stamps and the suspension or revocation of a license issued by the fish and game commission.
10:00 a.m.	**SB 51-FN**	creating a commission to study charitable gaming and historical horse races and relative to the moratorium on licensed historical horse racing facilities.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 19-FN			
Sen. Avard	Sen. Rosenwald	Sen. Gannon	Sen. Carson
Sen. Watters	Sen. Innis	Sen. Soucy	Sen. Birdsell
Sen. Murphy	Sen. Lang	Sen. Pearl	
SB 20-FN			
Sen. Lang	Sen. Gannon	Sen. Innis	Sen. Birdsell
Sen. Pearl	Sen. Abbas	Rep. Moffett	
SB 17			
Sen. Lang	Sen. Carson	Sen. Innis	Sen. Avard
Sen. Murphy	Sen. Pearl	Sen. Abbas	Rep. Bogert
Rep. Coker			
SB 18			
Sen. Lang	Sen. Innis	Sen. Pearl	Sen. Abbas
Rep. Spillane	Rep. Moffett		
SB 51-FN			
Sen. Lang	Sen. D'Allesandro	Sen. Pearl	Rep. Moffett

Sonja Caldwell 271-2117

Timothy Lang
Chairman

Senate Ways and Means Committee

Sonja Caldwell 271-2117

SB 17, establishing a gifts and donations account within the fish and game fund.

Hearing Date: January 18, 2023

Members of the Committee Present: Senators Lang, Murphy and Innis

Members of the Committee Absent : Senators D'Allesandro and Rosenwald

Bill Analysis: This bill provides that gifts, grants, and donations to the nongame species management fund shall not require the approval of the fish and game commission or the governor and council.

Sponsors:

Sen. Lang	Sen. Carson	Sen. Innis
Sen. Avard	Sen. Murphy	Sen. Pearl
Sen. Abbas	Rep. Bogert	Rep. Coker

Who supports the bill: Sen. Lang, Meredith Hatfield (Nature Conservancy), Mike Marchand (Fish & Game), Marty Mobley (Fish & Game), Paul Nickerson (Audubon Society), Roger Stephenson, Sen. Murphy, Sen. Carson, Sen. Innis

Who opposes the bill: no one

Who is neutral on the bill: no one

Summary of testimony presented in support:

Sen. Lang

- This bill was requested by the Fish and Game Department and the Commission itself. It will allow donations received by Fish and Game for the nongame species fund, established by RSA 212-B:6 to be exempt from approval by the Governor and Executive Council and the Fish and Game Commission.
- Currently, any monies received for this fund are deposited in an account managed by the Treasurer and then transferred to Fish and Game after approval by the Executive Council for the express purposes of managing nongame species programs.
- This will streamline and simplify the donation process.

Mike Marchand –Supervisor of the Nongame and Endangered Wildlife Program at Fish and Game

- The nongame program was set up in 1988.
- The program covers all the species not actively hunted, fished, or trapped for. Successful program working in partnership with others.

- Their funding structure is unique. They operate like a nonprofit in that they depend on donations. They do not receive funds from fishing or hunting license sales.
- The donations are critical to operate the program as well as to help match state and federal grants.
- It has been a longstanding interpretation of the program that because of the program being a dedicated account and being set up to require donations to achieve their purpose, that their program not require further authority. This streamlines and clarifies the intent of that act.
- They have raised over $100,000 a year representing over 4,500 donors a year.
- They want to make sure donations can go where they are intended and be spent in a timely and efficient manner.
- With their donor base changing over time, donors use financial institutions or charitable foundations to provide their support, and many have expressed concerns over their donations needing additional approval, especially those setting up wills.

Paul Nickerson – NH Audubon
The Audubon was helpful in establishing a cooperative agreement between New Hampshire and the Fish and Wildlife Service to enable the state to receive federal funding for nongame and endangered species work. He expressed support for the bill to streamline and simplify the process.

sc
Date Hearing Report completed: January 18, 2023

Speakers

SENATE WAYS & MEANS COMMITTEE

Date 01/18/23 Time 9:30 a.m. Public Hearing on **SB17**

(establishing a gifts and donations account within the fish and game fund.)

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☐	☒	☐	Meredith Hatfield	The Nature Conservancy
☒	☒	☐	Sen Lang	Dist #3
☒	☒	☐	Mike Marchand	Fish & Game
☐	☒	☐	Marty Mobley	Fish & Game
☒	☒	☐	Paul Nickerson	Audubon Society
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SENATE WAYS & MEANS COMMITTEE

Date 01/18/23 Time 9:30 a.m. Public Hearing on **SB17**

(establishing a gifts and donations account within the fish and game fund.)

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☐	☑	☐	Not Speaking Roger Stephenson, Strafford	Self
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Senate Remote Testify

Ways and Means Committee Testify List for Bill SB17 on 2023-01-18

Support: 4 Oppose: 0

Name	Title	Representing	Position
Lang, Senator Tim	An Elected Official	Senate District 2	Support
Murphy, Keith	An Elected Official	Myself	Support
Carson, Senator Sharon	An Elected Official	Myself	Support
Innis, Senator Dan	An Elected Official	SD7	Support

Testimony

New Hampshire
Fish and Game Department

11 Hazen Drive, Concord, NH 03301-6500
Headquarters: (603) 271-3421
Website: www.WildNH.com

TDD Access: Relay NH 1-800-735-2964
Fax: (603) 271-1438
Email: info@wildlife.nh.gov

Scott R. Mason
Executive Director

New Hampshire Fish and Game Department
Testimony in **support of SB17** relative to gifts and donations within the fish and game fund
Ways and Means Committee
January 18, 2023

Good morning Ways and Means Committee Members,

My name is Mike Marchand and I serve as the supervisor of the Nongame and Endangered Wildlife Program for the New Hampshire Fish and Game Department. I'm here representing the Fish and Game Department and Commission in **support of SB17**, an act that provides that gifts, grants, and donations to the nongame species management fund shall not require the approval of the fish and game commission or the governor and council.

The Fish and Game Department supports this bill because:

- In the Nongame Species Management Act, the legislature finds and declares that: Native wildlife constitutes an invaluable natural resource with ecological, scientific, educational, historical, recreational, economic, and aesthetic values to the citizens of New Hampshire and that it shall be the policy of the state to maintain and manage this resource for future generations. The Nongame Program has responsibility for those species not hunted, fished, or trapped which includes 80% of the vertebrate species found in New Hampshire as well as thousands of species of invertebrates.

- New Hampshire's Nongame and Endangered Wildlife Program has been highly successful and represents significant benefit to the state and its people by keeping common species common, by recovering highly valued species such as Bald Eagles, Ospreys, and American Martens, and coordinating with the public and partners on statewide efforts through the development and implementation of the NH Wildlife Action Plan.

- The Nongame Program has a unique funding structure within state government that depends on donations and the Act was established with the understanding that donations would be necessary for the Program to succeed. The Nongame Program does not receive revenue generated from the sale of fishing and hunting licenses. Donations are critical for the various conservation programs conducted by the Nongame Program including species monitoring, management, research, education, and technical assistance to private landowners. The donations also provide critical necessary matching funds for state and federal grants.

- The Nongame Species Management Act is a dedicated account with a legislative directive to seek donations from the public in order to receive state matching funds and achieve legislative identified purposes. As such, it has been the long-standing interpretation of the Department that donations to the Nongame Program didn't require additional approvals of the NHFG Commission and G&C. **The proposed bill seeks to clarify the donation approval procedures and align with those in place for RSA 206:33c, another program that receives donations to implement the Department's mission without further approvals.**

- New Hampshire's citizenry places a high value on the state's nongame program as reflected by annual donations exceeding $100,000/yr received by the Department and **over 4,500 annual donors**. We are extremely grateful for all the support the Nongame Program has received over the years. **SB17 will streamline the Nongame Program's procedures for accepting donations from the public and maximize the value of those donations and timeliness of applying those donations to their intended purposes.**

- Finally, a growing portion of the Program's donors are shifting to annual contributions through financial and charitable organizations and have expressed concern about their personal donations needing additional annual approvals, in some cases following their passing as identified in a will.

Thank you for your time and consideration.

Respectfully,



Michael Marchand
Nongame & Endangered Wildlife Program

NH AUDUBON
Protecting our environment since 1914

STATEWIDE OFFICES
84 Silk Farm Road
Concord, NH 03301
Phone 603-224-9909
Fax 603-226-0902
nha@nhaudubon.org
www.nhaudubon.org

REGIONAL CENTERS

MASSABESIC CENTER
26 Audubon Way
Auburn, NH 03032
Phone 603-668-2045

MCLANE CENTER
84 Silk Farm Road
oncord, NH 03301
hone 603-224-9909

NEWFOUND CENTER
Summer Mailing Address:
50 North Shore Road
Hebron, NH 03241
Location:
290 North Shore Road
Hebron, NH 03241
Phone 603-744-3516

January 18, 2023

The Honorable Timothy Lang
Senate Ways and Means Committee
State House Room 100
Concord, NH 03301

Re: Support for SB17 establishing a gifts and donations account within the fish and game fund

Dear Chair Lang and Members of the Committee:

Thank you for this opportunity to provide testimony in support of SB17 on behalf of NH Audubon. We are a statewide conservation organization dedicated to protecting New Hampshire's environment for wildlife and for people.

RSA 212-B:6 established the nongame species account to accept federal grants, state appropriations, and private donations for the purpose of supporting a comprehensive nongame species management program within the NH Fish and Game Department (Department). The citizens of New Hampshire have been highly supportive of this program, resulting in many donations annually.

At the present time, these donations must be approved by the Fish and Game Commission (Commission) and the Governor and Council (G&C) before they can be accepted by the Department. This requires unnecessary administrative time both for the two approving bodies and for the staff that prepare meeting materials. It also delays application of the funds to the purpose for which they are intended. Passage of SB17 eliminates the requirement for Commission and G&C approval of these funds and enables the Department to put them to use in a timely manner.

Please streamline and simplify the process for accepting donations to the New Hampshire Nongame and Endangered Wildlife Program by voting SB17 OUGHT TO PASS.

Sincerely,

Carol R. Foss

Carol R. Foss
Senior Advisor for Science and Policy

Voting Sheets

Senate Ways & Means Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # SB17

Hearing date: 1-18-23

Executive Session date: _____

Motion of: OTP **Vote:** 3-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Lang, Chair	☐	☐	☐	☑	☐
Sen. D'Allesandro, VC	☐	☐	☐	☐	☐
Sen. Murphy	☐	☐	☑	☑	☐
Sen. Innis	☐	☑	☐	☑	☐
Sen. Rosenwald	☐	☐	☐	☐	☐

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Lang, Chair	☐	☐	☐	☐	☐
Sen. D'Allesandro VC	☐	☐	☐	☐	☐
Sen. Murphy	☐	☐	☐	☐	☐
Sen. Innis	☐	☐	☐	☐	☐
Sen. Rosenwald	☐	☐	☐	☐	☐

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Lang, Chair	☐	☐	☐	☐	☐
Sen. D'Allesandro, VC	☐	☐	☐	☐	☐
Sen. Murphy	☐	☐	☐	☐	☐
Sen. Innis	☐	☐	☐	☐	☐
Sen. Rosenwald	☐	☐	☐	☐	☐

Reported out by: Lang

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, January 18, 2023

THE COMMITTEE ON Ways and Means

to which was referred **SB 17**

AN ACT establishing a gifts and donations account within the fish and game fund.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-0

Senator Timothy Lang
For the Committee

Sonja Caldwell 271-2117

General Court of New Hampshire - Bill Status System

Docket of SB17

Docket Abbreviations

Bill Title: establishing a gifts and donations account within the fish and game fund.

Official Docket of **SB17.**:

Date	Body	Description
1/5/2023	S	**Introduced** 01/05/2023 and Referred to Ways and Means; **SJ 4**
1/12/2023	S	**Hearing:** 01/18/2023, Room 100, SH, 09:30 am; **SC 6**
1/18/2023	S	Committee Report: Ought to Pass, 01/26/2023; **SC 7**
1/26/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 01/26/2023; **SJ 5**
3/20/2023	H	Introduced (in recess of) 03/16/2023 and referred to Ways and Means
4/4/2023	H	Public Hearing: 04/18/2023 01:00 pm LOB 202-204
4/19/2023	H	Executive Session: 04/26/2023 01:30 pm LOB 202-204
4/27/2023	H	Committee Report: Ought to Pass 04/26/2023 **(Vote 20-0; CC)**
5/4/2023	H	**Ought to Pass**: MA VV 05/04/2023 **HJ 13** P. 19
5/23/2023	H	Enrolled (in recess of) 05/18/2023 **HJ 14**
5/23/2023	S	Enrolled Adopted, VV, (In recess 05/18/2023); **SJ 16**
6/2/2023	S	Signed by the Governor on 06/01/2023; Chapter 0049; Effective 07/31/2023

NH House	NH Senate

SB17

Bill Details

Title: establishing a gifts and donations account within the fish and game fund.

Sponsors: *(Prime)* Lang (r), Carson (R), Innis (R), Avard (R), Keith Murphy (R), Pearl (r), Abbas (r), Bogert (R), Coker (D)

LSR Number: **23-0761**
General Status: **SIGNED BY GOVERNOR**
Chapter Number: **49**
House:
Committee: Ways and Means
Due Out: 6/1/2023
Status: PASSED/ADOPTED
Senate:
Committee: Ways and Means
Floor Date: 1/26/2023
Status: PASSED/ADOPTED

Body	Description
S	Introduced 01/05/2023 and Referred to Ways and Means; SJ 4
S	Hearing: 01/18/2023, Room 100, SH, 09:30 am; SC 6
S	Committee Report: Ought to Pass, 01/26/2023; SC 7
S	Ought to Pass: MA, VV; OT3rdg; 01/26/2023; SJ 5
H	Introduced (in recess of) 03/16/2023 and referred to Ways and Means
H	Public Hearing: 04/18/2023 01:00 pm LOB 202-204
H	Executive Session: 04/26/2023 01:30 pm LOB 202-204
H	Committee Report: Ought to Pass 04/26/2023 (Vote 20-0; CC)
H	Ought to Pass: MA VV 05/04/2023 HJ 13 P. 19
H	Enrolled (in recess of) 05/18/2023 HJ 14
S	Enrolled Adopted, VV, (In recess 05/18/2023); SJ 16
S	Signed by the Governor on 06/01/2023; Chapter 0049; Effective 07/31/2023

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB17 **Senate Committee:** Ways & Means

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

___ 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 # _____ ___ - 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 # _____ ___ - 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):

___ 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:

SLC 7-25-23

Committee Aide **Date**

Senate Clerk's Office AV