

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 124, enabling a municipal forest committee or conservation commission to offer surplus money to the municipality for deposit in the municipal unreserved fund balance.

Hearing Date: April 22, 2025

Time Opened: 9:19 a.m.

Time Closed: 9:26 a.m.

Members of the Committee Present: Senators Perkins Kwoka, Lang, Gray, Rochefort and Long

Members of the Committee Absent: None

Bill Analysis: This bill enables a municipal forest committee or conservation commission to determine there is a surplus in the special forest maintenance fund and offer such surplus to the municipality for deposit into the municipal unreserved fund balance.

Sponsors:

Rep. A. Davis

Rep. Cole

Rep. Ouellet

Rep. Tierney

Rep. Michael Murphy

Rep. Durkin

Rep. Korzen

Who supports the bill: Rep. Arnold Davis, Rep. Diane Pauer, Rep. Eleana Colby, Brodie Deshaies, Eric Pauer

Who opposes the bill: No one

Summary of testimony presented:

Representative Arnold Davis, Prime sponsor, Coos-District 2

- This amends RSA 31:113 by adding one sentence to it.
- There are over 200 town or community forests in New Hampshire. For example, his hometown of Milan has 3,500 acres with a goal of having 5,000 acres.
- A lot of towns generate money from harvesting timber. Milan, for example, generates \$50,000 per year, and the money is placed into a forest fund. The Town of Errol has about 8,500 acres and generates about \$200,000 annually.

- The money can be spent on buying more land, maintaining the forest, or buying something for the town that benefits the forest. An example is that the Department of Revenue Administration approved the purchase of a firetruck for the town of Errol, as it would help to maintain the forest.
- Errol doesn't want to purchase more land, and they have a maintenance fund, so they don't need the money for maintenance. Errol wanted to offer the surplus to the town for tax relief, but DRA said that wouldn't be permissible under current law.
- For that to be allowed, one sentence had to be added to the RSA, essentially saying that if the committee that runs the town forest deems there's a surplus, they can offer the money to the selectboard.

Senator Gray asked about the use of "or" on line 7. He believes the "or" may cause issues if the forestry and conservation committees disagree.

- Rep Davis said the "or" is there because they are separate entities.

Senator Gray suggested replacing the word "or" with "and" and add "as applicable" at the end.

- Rep. Davis agreed that adding "as applicable" would be good and that the reason for the "or" is that no town has both.

Senator Gray asked if Rep. Davis could assure him that no town has both.

- Rep. Davis was not sure if there are any towns that have both.

Senator Gray stated that this is his issue with "or." If there is a town with both, who gets to choose, or can one override the other?

- Rep. Davis agreed and said he has no problem with the amendment.

Brodie Deshaies, NH Municipal Association

- Weighed in on the discussion regarding "or" vs. "and."
- NHMA interprets "or" as a non-exclusive term; either group can return the surplus.
- Enables the notwithstanding in RSA 31:95-b.
- Adding an "and" could suggest that both groups must act in lockstep when returning the money.
- Having "or" provides flexibility.
- Knows that most municipalities with a forest committee tend not to have a conservation commission, although a few towns might have both.
- Most municipalities have a conservation commission.
- The House committee included the conservation commission in the bill because it frequently performs many of the duties associated with forest committees.

Senator Lang asked if the language could be changed to say that the “spending authority” can authorize the return.

- NHMA would be pleased with that kind of language. However, as it stands, either the forest commission or the conservation commission must determine whether they have a surplus.

Senator Gray asked who would decide if they have both groups.

- Mr. Deshaies stated that both groups would have distinct funds, as they would manage different lands.

Senator Gray said he does not see that in the bill.