

HB 145 – AS INTRODUCED

2015 SESSION

15-0150
10/03

HOUSE BILL **145**

AN ACT allowing municipalities to dedicate a percentage of timber yield taxes to the conservation fund.

SPONSORS: Rep. Manley, Hills 3

COMMITTEE: Municipal and County Government

ANALYSIS

This bill enables municipalities to adopt a requirement that normal yield tax revenue be held in a yield tax fund and that a specified percentage of such yield taxes be deposited in the conservation fund for use by the conservation commission.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT allowing municipalities to dedicate a percentage of timber yield taxes to the conservation fund.

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

1 1 New Paragraph; Conservation Commissions; Revenues. Amend RSA 36-A:5 by inserting after
2 paragraph III the following new paragraph:

3 IV. In the municipality that has adopted the provisions of RSA 79:13-a, the specified
4 percentage or amount, or percentage and amount, of the revenues received pursuant to RSA 79:13-a
5 shall be placed in the conservation fund.

6 2 Yield Tax; Disposition of Normal Yield Tax. Amend RSA 79:13 to read as follows:

7 79:13 Disposition of the Normal Yield Tax. The normal yield tax collected under RSA 79:3 shall
8 be paid by the tax collectors of cities and towns *either* into their respective treasuries for the general
9 use of the city or town, *or as provided in RSA 79:13-a*.

10 3 New Sections; Deposit of Revenues in Conservation Fund; Procedure for Adoption by Towns
11 and Cities. Amend RSA 79 by inserting after section 13 the following new sections:

12 79:13-a Deposit of Revenues in Conservation Fund.

13 I.(a) The legislative body of the town or city may, by majority vote, elect to place the whole or
14 a specified percentage, amount, or any combination of percentage and amount, of the revenues of all
15 future payments collected pursuant to this chapter in a conservation fund in accordance with
16 RSA 36-A:5, IV. The whole or specified percentage or amount, or percentage and amount, of such
17 revenues shall be deposited in the conservation fund at the time of collection.

18 (b) If adopted by a town or city, the provisions of paragraph II shall take effect in the tax
19 year beginning on April 1 following the vote and shall remain in effect until altered or rescinded.

20 (c) In any town or city that has adopted the provisions of paragraph II, the legislative
21 body may vote to rescind its action or change the percentage or amount, or percentage and amount,
22 of revenues to be placed in the conservation fund. Any such action to rescind or change the
23 percentage or amount, or percentage and amount, shall not take effect before the tax year beginning
24 April 1 following the vote.

25 II.(a) Towns and cities may, pursuant to RSA 79:13-b, vote to account for all revenues
26 collected pursuant to this chapter in a yield tax fund separate from the general fund. After a vote
27 pursuant to RSA 79:13-b, no yield tax revenue collected under this chapter shall be recognized as
28 general fund revenue for the fiscal year in which it is received, except to the extent that such revenue
29 is appropriated pursuant to subparagraph (b). Any yield tax revenue collected pursuant to this
30 chapter which is to be placed in a conservation fund in accordance with this section, shall first be

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1 accounted for as revenue to the yield tax fund before being transferred to the conservation fund at
2 the time of collection.

3 (b) After any transfer to the conservation fund required, the surplus remaining in the
4 yield tax fund shall not be deemed part of the general fund nor shall any surplus be expended for any
5 purpose or transferred to any appropriation until such time as the legislative body shall have had the
6 opportunity at an annual meeting to appropriate a specific amount from said fund for any purpose
7 not prohibited by the laws or by the constitution of this state. At the end of an annual meeting, any
8 unappropriated balance of yield tax revenue received during the prior fiscal year shall be recognized
9 as general fund revenue for the current fiscal year.

10 79:13-b Procedure for Adoption.

11 I. Any town may adopt the provisions of RSA 79:13-a to account for all revenues received
12 pursuant to this chapter in a yield tax fund separate from the general fund in the following manner:

13 (a) In a town, the question shall be placed on the warrant of a special or annual town
14 meeting by the selectmen, or by petition under RSA 39:3, and shall be voted on by ballot. The
15 question shall not be placed on the official ballot.

16 (b) The selectmen shall hold a public hearing on the question at least 15 days but not
17 more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at
18 least 2 public places in the municipality and published in a newspaper of general circulation at least
19 7 days before the hearing.

20 (c) The wording of the question shall be: “Shall we adopt the provisions of RSA 79:13-a to
21 account for revenues received from the yield tax in a fund separate from the general fund? Any
22 surplus remaining in the yield tax fund shall not be part of the general fund until such time as the
23 legislative body shall have had the opportunity at an annual meeting to vote to appropriate a specific
24 amount from the yield tax fund for any purpose not prohibited by the laws or by the constitution of
25 this state. After an annual meeting any unappropriated balance of the yield tax revenue received
26 during the prior fiscal year shall be recognized as general fund revenue for the current fiscal year.”

27 II. If a majority of those voting on the question vote “Yes,” RSA 79:13-a shall apply within
28 the town, effective immediately.

29 III. If the question is not approved, the question may later be voted on according to the
30 provisions of paragraph I.

31 IV. Any town which has adopted the provisions of RSA 79:13-a shall maintain a yield tax
32 fund until such time as the legislative body votes to rescind its action.

33 (a) Any town may consider rescinding its action in the manner prescribed in paragraph
34 I(a) and (b). The wording of the question shall be: “Shall we rescind the provisions of RSA 79:13-a
35 which account for revenues received from the yield tax in a fund separate from the general fund?
36 Any unappropriated surplus remaining in the yield tax fund, and any future yield tax revenues
37 received shall immediately be deemed general fund revenue.”

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1 (b) If a majority of those voting on the question vote “Yes,” RSA 79:13-a shall no longer
2 apply within the town, effective immediately.

3 V. The legislative body of any city may adopt the provisions of RSA 79:13-a in the same
4 manner in which it adopts ordinances or bylaws, and may rescind its action in like manner.

5 4 Effective Date. This act shall take effect 60 days after its passage.