

HB 202 - AS INTRODUCED

2025 SESSION

25-0041

07/08

HOUSE BILL 202

AN ACT relative to the duties of the fish and game commission.

SPONSORS: Rep. C. Harvey, Ches. 6; Rep. Almy, Graf. 17; Sen. Fenton, Dist 10

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill changes the duties of the fish and game commission which provide for consent, approval, or joint duties with the executive director of fish and game to be made as advisory or in consultation with the executive director.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the duties of the fish and game commission.

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

1 Land Conservation Investment Program; Management; Reference to Fish and Game Commission.

Amend RSA 162-C:9, II to read as follows:

II. No lands purchased in fee for permanent state ownership under the former RSA 221-A shall be posted to prohibit hunting or fishing, unless the council, by a majority vote of the voting members, deems such posting to be necessary to protect the interests of the state and the safety of its citizens,

or upon recommendation of the fish and game [~~commission~~] **department** or the division of forests and lands.

2 Name of Department. Amend RSA 206:1 to read as follows:

206:1 Commission Created; Name of Department. There shall be an agency of the state to be known hereafter as the fish and game department under [~~a commission to be known as~~] **an executive director and** the fish and game commission.

3 Duties of the Commission. Amend RSA 206:4-a to read as follows:

206:4-a Duties. In addition to other duties provided by law, it shall be the duty of the fish and game commissioners, as the citizens' representatives, to [~~be the~~] **assist the department as** stewards of the fish, wildlife, and marine resources of the state of New Hampshire and to [~~set~~] **advise the executive director on** general policy in the following areas:

4 Power of the Executive Director. Amend RSA 206:15-b to read as follows:

206:15-b Power of Executive Director. Notwithstanding the provisions of this chapter, the executive director, with the [~~consent~~] **advice** of the commission, shall have the power and authority to extend any season on fish, game, and game birds, including migratory birds and fur-bearing animals, when a season has been closed by an act of fire ban or other proclamation or any unpredictable cause. Such extension shall not exceed the total number of days permitted under the regular statutory season.

5 Cooperation with Other Parties. Amend RSA 206:23-a to read as follows:

206:23-a Cooperation with Private Parties. The executive director, with the [~~consent~~] **advice** of the commission, shall have the power and authority to enter into agreements with individuals, partnerships and corporations whether resident or nonresident for the purpose of implementing fishways or fish ladders and any other matters relative to the protection, propagation and preservation of fish, game and fur-bearing animals of this state.

6 Wildlife Population Reductions. Amend RSA 206:23-c, I to read as follows:

I. The executive director, with the [~~approval~~] **advice** of the commission, may conduct wildlife population reductions and initiate management actions necessary to protect against disease, genetic, ecological, environmental, health, safety, or welfare risks to persons or wildlife. The executive director may exercise such authority only on Long Island, town of Moultonborough; and to the species, sex, age, number, and timing of the population reduction or management action.

7 Conservation Officers; Compensation for Injuries. Amend RSA 206:26-c to read as follows:

206:26-c Compensation for Injuries in Line of Duty. Any injury, which is due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature, received by the executive director, any conservation officer, or any deputy conservation officer while on assignment, patrol, or official active duty which requires that the officer or executive director be hospitalized, or to the extent that the officer or executive director is unable to perform

normal or routine duties, shall not be charged against annual leave or sick leave for the time lost due to the injury. During such time the officer or executive director shall remain on the active payroll. The **executive director** of fish and game [~~commission~~] shall make any determination as to whether an injury is in the line of duty and due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by governor and council, the determination shall be final.

8 Special Areas in the White Mountains National Forest; Authority. Amend RSA 206:28 to read as follows:

206:28 Authority for Establishment. The forest service of the United States department of agriculture may make reasonable rules and regulations for the protection of game and other animals, birds, and fish on such area or areas in the White Mountain forest reserve as shall be designated from time to time by said forest service with the written approval of the [~~commission~~] **executive director of the fish and game department**. Said areas shall be designated as areas for the propagation, rearing, and protection of fish and game and other wildlife. A description of said area or areas and a plan or map thereof shall be filed [~~in the office of said commission~~] **with the fish and game department**.

9 White Mountain National Forest; Posting. Amend RSA 206:30 to read as follows:

206:30 Posting. A copy of any rule or regulation made under the provisions of RSA 206:28, attested by an official or employee of said forest service, shall be posted on the designated area to which said rules and regulations are made applicable and a like copy, with affidavit of posting thereon, shall be filed for record [~~in the office of the commission~~] **with the fish and game department** and in the office of the secretary of state.

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

I. Notwithstanding any other provision of law to the contrary, individual gifts and donations not exceeding \$2,500 in value in a year may be received by the fish and game department [~~with the consent of the commission and~~] without the approval of the governor or the governor and council. Individual gifts and donations exceeding \$2,500 in value in a year may be received by the fish and game department [~~with the consent of the commission and~~] with the approval of the governor and council.

11 Agreements With Nonprofit Partners. Amend RSA 206:33-c, I to read as follows:

I. The [~~commission, in consultation with the~~] executive director, **in consultation with the commission**, may designate one or more nonprofit foundations as an official nonprofit partner of the department for the purpose of accepting gifts, grants, bequests, and donations to further department goals.

12 Wildlife Legacy Initiative. Amend RSA 206:33-d, III to read as follows:

III. There is established an account within the fish and game fund to be known as the wildlife legacy initiative account. All gifts and donations received through the wildlife legacy initiative shall be deposited in this account. Notwithstanding any other provision of law to the contrary, donations made to the wildlife legacy initiative shall not require acceptance by the ~~[commission]~~ **department** or the governor and council. Moneys deposited in the wildlife legacy initiative account are nonlapsing and continually appropriated to the fish and game department and may be used **by the executive director**, with ~~[approval]~~ **the advice** of the fish and game commission for the purposes stated in paragraphs I and II.

13 Game Management Account. Amend RSA 206:34-b, I to read as follows:

I. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the game management account. Each month the department shall determine the number of licenses, applications, or permits sold for moose, bear, turkey, and waterfowl and, for each, transfer \$10 to the game management account. The moneys in this account shall be used exclusively for the implementation of a comprehensive population and habitat management program, including research and management, protection, education, and outreach for game as defined in RSA 207:1, IX, fur-bearing animals as defined in RSA 207:1, VIII, and migratory game birds as defined in RSA 209:5 to include waterfowl, snipe, and woodcock. Funds in the game management account are hereby continually appropriated for said purposes. Said funds shall be expended for the purposes of this section as determined by the executive director with ~~[approval]~~ **the advice** of the commission.

14 Pheasant Stamp Revenues. Amend RSA 206:35-a to read as follows:

206:35-a Pheasant License Revenues. The state treasurer shall establish a separate account to which shall be credited all moneys collected by the fish and game department from issuance of pheasant licenses under RSA 214:9, X. The moneys in said account shall be used only for purchase or propagation of pheasants, and is hereby appropriated for said purposes. Said funds shall be expended for the purposes hereof as determined by the executive director with the ~~[approval]~~ **advice** of the commission. The moneys in said account shall be nonlapsing.

15 Fish Food Sales. Amend RSA 206:35-c to read as follows:

206:35-c Fish Food Sales Revenues. The state treasurer shall establish a separate account to which shall be credited all monies collected by the fish and game department from the sale of fish food at hatchery vending machines. The moneys in said account shall be used for the acquisition and maintenance of fish hatchery equipment and/or emergency trout or salmon egg purchase and are hereby appropriated for said purposes. Said funds shall be nonlapsing and are to be expended for the purposes of this section as determined by the executive director with the ~~[approval]~~ **advice** of the commission.

16 Fish and Game Funds; Expenditures. Amend RSA 206:38 to read as follows:

206:38 Purposes of Expenditures. The executive director, [~~under the supervision~~] **with the advice** of the commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration of fish, game, fur-bearing animals and marine species, all funds of the state acquired for the protection, conservation, propagation or restoration of fish, game, fur-bearing animals and marine species, arising from state appropriations, licenses, gifts or otherwise.

17 Hunting License Revoked; Shooting Human Being. Amend RSA 207:37-b, III to read as follows:

III. A license to hunt may be granted or restored following a hearing before the executive director [~~and the commission~~] at any time following the full revocation period under paragraph I and following application for a license and successful completion of a hunter education program pursuant to RSA 214:23-a.

18 Moose Permits. Amend RSA 208:1-a, I and II to read as follows:

I. No person shall hunt, take, or possess any moose or any part of the carcass of a moose taken in this state without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the [~~consent~~] **advice** of the commission, may establish, by rules adopted under RSA 541-A, a hunting season for moose in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the mode by which moose may be taken; the length of the season; requirements for reporting by hunters; sex limitations; and total take in any one year. The rules shall require that no moose shall be taken with rimfire firearms or with shotguns using shot loads including buckshot, and that in towns restricting weapon types for deer pursuant to RSA 207:3-b, 208:3, 208:3-a, 208:3-b, and 208:3-c, only weapon types allowed for deer shall be permitted for the taking of moose.

II. The executive director, with the [~~consent~~] **advice** of the commission, shall also adopt rules under RSA 541-A to regulate the issuance of licenses or permits, including the establishment of a lottery for awarding of permits to applicants, and to set fees for applications, licenses, or permits for both resident and nonresident applicants, provided the fee for nonresident permits shall be at least \$450.

19 Coyote Hunting at Night. Amend RSA 208:1-e to read as follows:

208:1-e Coyote Hunting at Night. The executive director of fish and game, with the [~~consent~~] advice of the commission, shall establish, by rules adopted under RSA 541-A, a night hunting season for coyote. Such rules shall include, but not be limited to, the method and manner of taking, reporting requirements, length of the season and requirements for landowner permission. Coyote may be taken from baited areas pursuant to RSA 207:3-d.

20 Taking Game by Crossbow. Amend RSA 208:7-a, I and II to read as follows:

I. The executive director of fish and game, with the [~~consent~~] **advice** of the commission, may adopt rules under RSA 541-A to allow for the taking of deer by crossbow during the regular firearms season and the regular muzzleloader season, for persons holding a valid firearms or muzzleloader deer tag,

or as specified in RSA 206:23-c. Persons 68 years of age or older holding an archery license under RSA 208:5 may use a crossbow as an alternative to traditional bow and arrow during the archery deer season without obtaining an additional permit.

II. The executive director of fish and game, with the ~~[consent]~~ **advice** of the commission, may adopt rules under RSA 541-A to allow for the taking by crossbow of any game bird or any game animal, other than deer, during the regular firearms season set for that species.

21 Wild Black Bear. Amend RSA 208:22, I to read as follows:

I. The executive director, with the ~~[consent]~~ **advice** of the commission, shall adopt rules, pursuant to RSA 541-A, relative to opening and closing the seasons for the taking of wild black bear, fixing the number of wild black bear that may be taken and any other conditions governing the methods and manner of taking and reporting of the same. The authority of the executive director as granted by this section may be exercised with reference to the state as a whole or for any specified county or part of a county. Dog training shall be permitted in accordance with RSA 207:12-a.

22 Wild Turkey. Amend RSA 209:12-a, III to read as follows:

III. In addition to wild turkey licenses and permits issued under RSA 214:9, XI, the executive director, with the ~~[consent]~~ **advice** of the commission, may adopt rules under RSA 541-A, relative to issuing permits for a special season for wild turkey, including bag limits, fees for applications and permits, and the establishment of a lottery for awarding the special permits.

23 Falconry. Amend RSA 209-A:3 to read as follows:

209-A:3 Falconry.

I. Notwithstanding RSA 207:14 and in accordance with any applicable federal regulations, the executive director may issue falconry permits for the capture and possession of raptors for falconry purposes, raptor propagation, or for salvage or rehabilitation purposes. No person shall engage in the sport of falconry without a valid falconry permit and applicable license to hunt issued under RSA 214.

The initial fee for a falconry permit shall be \$50 and renewal fees and procedures for issuance of permits shall be established under rules adopted by the executive director, with the ~~[approval]~~ **advice** of the fish and game commission, pursuant to RSA 541-A.

II. Revenues from fees and renewals under paragraph I shall be deposited in the nongame species account established in RSA 212-B:6.

III. The executive director, with the ~~[consent]~~ **advice** of the commission, may establish, by rules under RSA 541-A, an open season or closed season for the taking of certain game animals, game birds, and small game by the use of raptors in falconry in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the length of the season, bag limits, and methods of taking.

IV. Any person permitted under this section shall be exempt from the requirements of RSA 207:14, when the permittee's activities pertain to falconry.

24 Fur Bearing Animals; Seasons. Amend RSA 210:23 to read as follows:

210:23 Authority of Fish and Game Executive Director. The executive director of the fish and game department with the ~~[approval]~~ **advice** of the commission may declare an open season or closed season on any fur-bearing animals in any town and county in the state. The executive director may make such other rules as necessary as to lengthening or shortening the seasons, bag limits, reporting requirements, and the method and manner of taking, in accordance with RSA 541-A.

25 Trapping Education. Amend RSA 210:25 to read as follows:

210:25 Trapping Education. There is hereby established a program to provide education to the citizens of the state of New Hampshire on the practice of trapping fur-bearing animals as a recognized conservation and management tool as well as a traditional sport avocation. The program shall be established within the department of fish and game and shall be administered by the executive director, with the ~~[approval]~~ **advice** of the fish and game commission.

26 Advisory Committee on Marine Fisheries. Amend RSA 211:60, I to read as follows:

I. There is established an advisory committee on marine fisheries to recommend programs and policies regarding marine fisheries to the fish and game ~~[commission]~~ **department**. The advisory committee shall consist of 5 members and one alternate member, all with expertise in marine fisheries, who shall be residents of the tidewater towns, as defined in RSA 206:2-a, appointed by the governor and council.

27 Advisory Committee on Marine Fisheries; Clams; Lobsters. Amend RSA 211:61 to read as follows:

211:61 Clams, Lobsters. The advisory committee on marine fisheries as appointed under RSA 211:60 may recommend to the fish and game ~~[commission]~~ **department** such rules ~~[and regulations]~~ as may be necessary for the propagation, preservation, and taking of clams, clam worms, lobsters, crabs, oysters, and other marine species. All laws and ~~[regulations]~~ **rules** relative to the taking, sale, possession, and transportation of lobsters, crabs, clams, clam worms, oysters, and other marine species shall remain in full force and effect until such time as they are changed under the authority contained in this section.

28 Marine Species; Rules. Amend RSA 211:62, I to read as follows:

I. Rules relating to the taking, inspection, and processing of marine species may be made by the executive director of the fish and game department with the ~~[approval]~~ **advice** of the fish and game commission, and upon the advice and cooperation of the advisory committee on marine fisheries.

29 Nongame Species Management; Rules. Amend RSA 212-B:4 to read as follows:

212-B:4 Adoption of Rules. The executive director, with the ~~[consent]~~ **advice** of the commission, may adopt rules under RSA 541-A regulating the taking, possession, and handling of nongame species. Such authority shall extend to rules for the enhancement, protection, and propagation of nongame species.

30 Wildlife Habitat Stamp. Amend RSA 214:1-f, IV to read as follows:

IV. The executive director, with the ~~[approval]~~ **advice** of the commission, shall adopt rules, pursuant to RSA 541-A, relative to the manner of issuance of the wildlife habitat license.

31 Wildlife Habitat Account. Amend RSA 214:1-f, IX to read as follows:

IX. The executive director, with the ~~[approval]~~ **advice** of the commission, shall expend the funds in the wildlife habitat account. Prior to the expenditure of any funds, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility. No funds in the wildlife habitat account shall be expended for the purchase of equipment or materials, with the exception of expenditures for necessary equipment purchases, leases, or rentals for the completion of projects authorized under subparagraphs VII(a)(1) and (2).

32 Fisheries Habitat Account. Amend RSA 214:1-g, VI to read as follows:

VI. The executive director, with the ~~[approval]~~ **advice** of the commission, shall expend the funds in the fisheries habitat account. Prior to the expenditure of any funds, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility. No funds in the fisheries habitat account shall be expended for the purchase of equipment or materials, with the exception of expenditures for necessary equipment purchases, leases, or rentals for the completion of projects authorized under subparagraph IV(a).

33 Stamps or Permits for Taking Wildlife. Amend RSA 214:9-e, I and II to read as follows:

I. The executive director ~~[and the commission jointly]~~, **with the advice of the commission**, may, after notice and public hearing, issue permits for the taking of any species of wildlife. ~~[A majority of the commission and the executive director shall agree to take such action before it shall be authorized. The decision to issue such permit shall be recorded in the minutes of the commission which shall also indicate the agreement of the executive director to such action.]~~ Notwithstanding RSA 214:1, the purchase of such permit where authorized shall permit the taking of such species and the purchase of such permit shall be required before such species may be taken. The decision to authorize such permits shall not be considered a rule subject to the provisions of RSA 541-A.

II. The executive director ~~[and the commission jointly]~~, **with the advice of the commission**, may, after notice and public hearing, rescind any action taken under paragraph I of this section ~~[by~~

~~following the same procedure specified in paragraph I of this section for authorizing the issuance of a permit].~~

34 Promotion Activities. Amend RSA 214:9-f to read as follows:

214:9-f Promotion Activities; Reductions in Fees Authorized. The executive director, with ~~[approval]~~ **advice** of the commission, may take such marketing actions to promote fisheries and wildlife resources, and attract hunters and anglers to the state as deemed necessary, which may include the reduction or the waiver of the fees for certain types of licenses available to the public for specified periods of time and at specified locations, to promote license sales for hunting, fishing, and trapping in the state. This may include coordination of activities between the public and private sectors and utilization of promotional advertising, exhibits, brochures, technical assistance, and expertise as necessary to develop and promote hunting, fishing, and other wildlife-related activities within the state. A description of the reductions, waivers, and activities under this section shall be included in the biennial report of the department under RSA 206:9-a.

35 Fill and Dredge in Wetlands; Damages. Amend RSA 482-A:10-a, II to read as follows:

II. The use of the marine fisheries fund or the fish and game fund under paragraph I shall require a finding that the expenditure will be of substantial benefit to marine fisheries or to fish and wildlife, as the case may be, and the governor and council shall request the prior opinion of the **executive director of the** fish and game ~~[commission]~~ **department** in each such case.

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