

Bill as Introduced

SB 194 - AS INTRODUCED

2011 SESSION

11-1080

04/09

SENATE BILL

194

AN ACT

transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

SPONSORS:

Sen. Bragdon, Dist 11; Sen. Stiles, Dist 24; Sen. Merrill, Dist 21; Sen. Kelly, Dist 10; Rep. E. Smith, Ches 4; Rep. Kotowski, Merr 9; Rep. Gile, Merr 10; Rep. Major, Rock 8; Rep. Schroadter, Rock 12

COMMITTEE:

Education

ANALYSIS

This bill authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

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

- 1 1 New Section; Community College System of New Hampshire; Transfer Authorized. Amend
- 2 RSA 188-F by inserting after section 1 the following new section:
- 3 188-F:1-a Transfer Authorized. All functions, powers, duties, books, papers, records, and
- 4 property of every kind, tangible and intangible, real and personal, heretofore possessed, controlled,
- 5 or used by the former department of regional community-technical colleges are hereby transferred to
- 6 and vested in the board of trustees of the community college system of New Hampshire established
- 7 in RSA 188-F:4.
- 8 2 Effective Date. This act shall take effect upon its passage.

SB 194 - AS AMENDED BY THE SENATE

03/16/11 0809s

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SB 194 – AS AMENDED BY THE SENATE

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6 and vested in the board of trustees of the community college system of New Hampshire established
7 in RSA 188-F:4.
8 2 Effective Date. This act shall take effect July 1, 2011.

CHAPTER 199
SB 194 - FINAL VERSION

03/16/11 0809s
1June2011... 2145h

2011 SESSION

11-1080
04/09

SENATE BILL **194**

AN ACT relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

SPONSORS: Sen. Bragdon, Dist 11; Sen. Stiles, Dist 24; Sen. Merrill, Dist 21; Sen. Kelly, Dist 10; Rep. E. Smith, Ches 4; Rep. Kotowski, Merr 9; Rep. Gile, Merr 10; Rep. Major, Rock 8; Rep. Schroadter, Rock 12

COMMITTEE: Education

AMENDED ANALYSIS

This bill:

I. Authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

II. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

III. Authorizes the board of trustees of the community college system of New Hampshire to sell real property with prior approval of the long range capital planning and utilization committee.

IV. Provides that the effective date of this act is contingent on the community college system of New Hampshire completing a survey of its Concord property and providing evidence of insurance coverage for its Concord property.

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.

CHAPTER 199
SB 194 – FINAL VERSION

03/16/11 0809s
1June2011... 2145h

11-1080
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

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

- 1 199:1 New Section; Community College System of New Hampshire; Transfer Authorized.
2 Amend RSA 188-F by inserting after section 1 the following new section:
3 188-F:1-a Transfer Authorized. All functions, powers, duties, books, papers, records, and
4 property of every kind, tangible and intangible, real and personal, possessed, controlled, or used by
5 the former department of regional community-technical colleges as of the effective date of this
6 section are hereby transferred to and vested in the board of trustees of the community college system
7 of New Hampshire established in RSA 188-F:4. Nothing in this section shall transfer real property
8 commonly associated with the McAuliffe-Shepard discovery center or the police standards and
9 training council.
10 199:2 Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, 1(d) to read as
11 follows:
12 (d) The exemptions provided in subparagraph (a) shall apply to the lands and the
13 buildings and structures thereon and therein and personal property owned by the university system
14 of New Hampshire *or the community college system of New Hampshire*. The requirements of
15 subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after
16 April 1, 2006, the terms of which provide for the use or occupation by others of real or personal
17 property owned by the university system of New Hampshire *or the community college system of*
18 *New Hampshire*. The remedies set forth in subparagraph (c) shall be available to enforce the
19 payment of real and personal property taxes assessed against the lessees of property owned by the
20 university system of New Hampshire *or the community college system of New Hampshire*
21 pursuant to this subparagraph.
22 199:3 New Paragraph; Community College System of New Hampshire; Authority of Board of
23 Trustees. Amend RSA 188-F:6 by inserting after paragraph XIII the following new paragraph:
24 XIII-a. Enter into a contract for the sale of real property with the prior approval of the long
25 range capital planning and utilization committee and governor and council, provided that the state

CHAPTER 199
SB 194 – FINAL VERSION
- Page 2 -

1 shall retain the right of first refusal in any proposed sale of real property. This paragraph shall not
2 apply to real property acquired by the community college system of New Hampshire after the
3 effective date of this paragraph.

4 199:4 Community College System of New Hampshire; Survey of Concord Property. Sections 1-3
5 of this act shall take effect on the date the community college system of New Hampshire provides
6 written notice to the secretary of state, the attorney general, and the director of the office of
7 legislative services that a survey of the community college system's Concord property has been
8 completed and that the community college system has secured insurance on all land, buildings, and
9 personal property on its Concord property.

10 199:5 Effective Date.

11 I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.

12 II. The remainder of this act shall take effect upon its passage.

13 Approved: June 15, 2011

14 Effective Date: I. Sections 1-3 shall take effect as provided in section 4.

15 II. Remainder shall take effect June 15, 2011.

Amendments



Sen. Stiles, Dist. 24
March 11, 2011
2011-0809s
04/09

Floor Amendment to SB 194

- 1 Amend the bill by replacing section 2 with the following:
- 2
- 3 2 Effective Date. This act shall take effect July 1, 2011.

Committee Minutes

**SENATE CALENDAR NOTICE
EDUCATION**

Senator Nancy Stiles Chairman
 Senator James Forsythe V Chairman
 Senator Sharon Carson
 Senator Molly Kelly
 Senator Russell Prescott

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 1, 2011

HEARINGS

Tuesday

3/8/2011

EDUCATION

LOB 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM SB194

transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

1:20 PM SB192

establishing a commission to identify strategies needed for delivering a 21st century education.

Sponsors:

SB194

Sen. Peter Bragdon
 Rep. Edwin Smith
 Rep. Adam Schroadter

Sen. Nancy Stiles
 Rep. Frank Kotowski

Sen. Amanda Merrill
 Rep. Mary Gile

Sen. Molly Kelly
 Rep. Norman Major

SB192

Sen. Nancy Stiles
 Rep. Donna Schlachman

Sen. Molly Kelly
 Rep. Frank Sapareto

Sen. Sharon Carson
 Rep. Jeffrey St. Cyr

Rep. Patricia Lovejoy
 Sen. James Forsythe

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Tom Prasol, Legislative Aide

RE: Hearing report on SB 194 – **transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.**

HEARING DATE: 3/8/2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Stiles
Senator Forsythe
Senator Carson

MEMBERS OF THE COMMITTEE ABSENT: Senator Prescott
Senator Kelly

Sponsor(s): Sen. Bragdon, Dist 11; Sen. Stiles, Dist 24; Sen. Merrill, Dist 21; Sen. Kelly, Dist 10; Rep. E. Smith, Ches 4; Rep. Kotowski, Merr 9; Rep. Gile, Merr 10; Rep. Major, Rock 8; Rep. Schroadter, Rock 12

What the bill does: This bill authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

Who supports the bill: Senator Bragdon, District 11
Senator Stiles, District 24
Senator Merrill, District 21
Senator Kelly, District 10
Representative N. Major, Rockingham 8
Chancellor Richard Gustafson, CCSNH

Who opposes the bill: no one

Summary of testimony received:

Senator Stiles opened the hearing at 1:01pm and recognized Senator Bragdon as the prime sponsor.

Senator Bragdon

Senator Bragdon began his testimony by disclosing that this legislation is the result of a bill passed in 2007 which made the University System self-governing. Since passage of the legislation there have been various bills that have helped in the transition. SB194 is the final piece of legislation involving the transfer of property.

A committee was established by the legislature, the Community College Oversight Committee, of which he is a member. They have determined that the last step in the transfer of governing is the real-estate transfer.

Senator Bragdon also noted that the language in this bill models the language used when Keene and Plymouth were transferred.

No questions were asked by the committee.

Chancellor Richard Gustafson, Community College System of New Hampshire

Chancellor Gustafson spoke in support of SB194. He lauded Senator Bragdon's description of the background behind this legislation. He wanted to mention that this bill makes technical changes that needed to be passed to ensure this is the last major piece of the transfer.

The CCSNH would be taking on all of the risk management elements, as well as costs for workman's comp and vehicle usage.

Senator Forsythe inquired if the language that states "possess, control or use" could be seen as too broad. He was in particular concerned with the word "use". Chancellor Gustafson called upon Naomi Butterfield, the legal counsel for the CCSNH, for guidance on answering the question. Ms. Butterfield stated that the language "possess, control, use" came directly from the bill that transferred Keene and Plymouth to the University System. After reviewing the language with the Senate legal counsel it was determined that a situation where this language would be abused was unforeseeable. The language was adopted due to the CCSYN taking on the costs of things the student body and faculty use.

Senator Stiles closed the hearing at 1:09pm.

No further questions were asked.

Action: Senator Forsythe made a motion of OUGHT TO PASS which was seconded by Senator Carson. The motion passed by a vote of 3-0 and Senator Forsythe will take it to the Senate floor.

TRP

[file: SB194 report]
Date: 3/9/2011

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 8, 2011

THE COMMITTEE ON Education

to which was referred Senate Bill 194

AN ACT transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 3-0

AMENDMENT # s

Senator Jim Forsythe
For the Committee

Tom Prasol 271-3093

New Hampshire General Court - Bill Status System

Docket of SB194

Docket Abbreviations

Bill Title: (New Title) relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

Official Docket of SB194:

Date	Body	Description
2/23/2011	S	Introduced and Referred to Education; SJ 8 , Pg.82
3/2/2011	S	Hearing: 3/8/11, Room 103, LOB, 1:00 p.m.; SC14
3/10/2011	S	Committee Report: Ought to Pass, 3/16/11; SC15
3/16/2011	S	Ought to Pass, MA, VV; SJ 9 , Pg.115
3/16/2011	S	Sen. Bradley Moved Reconsideration on Ought to Pass, MA, VV; SJ 9 , Pg.115
3/16/2011	S	Sen. Stiles Floor Amendment #2011-0809s , AA, VV; SJ 9 , Pg.115
3/16/2011	S	Ought to Pass with Amendment Not Voted On
3/16/2011	S	Sen. D'Allesandro Moved Laid on Table, MA, VV; SJ 9 , Pg.115
3/16/2011	S	Sen. Rausch Moved Remove From Table, MA, VV; SJ 9 , Pg.145
3/16/2011	S	Ought to Pass with Amendment 0809s, MA, VV; OT3rdg; SJ 9 , Pg.145
3/16/2011	S	Passed by Third Reading Resolution; SJ 9 , Pg.162
3/17/2011	H	Introduced and Referred to Education; HJ 30 , PG.1036
4/5/2011	H	Public Hearing: 4/21/2011 10:30 AM LOB 207
4/27/2011	H	Executive Session: 5/17/2011 1:00 PM LOB 205-207 ==RECESSED==
5/18/2011	H	Continued Executive Session: 5/24/2011 1:00 PM LOB 207
5/25/2011	H	Committee Report: Ought to Pass with Amendment #2145h(NT) for June 1 (Vote 15-0; CC); HC 43 , PG.1496
5/25/2011	H	Proposed Committee Amendment #2011-2145h (New Title); HC 43 , PG.1528-1529
6/1/2011	H	Amendment #2145h(NT) Adopted, VV
6/1/2011	H	Ought to Pass with Amendment #2145h(NT): MA VV
6/8/2011	S	Sen. Stiles Concurs with House Amendment #2145h, NT, MA, VV; SJ 20
6/8/2011	H	Enrolled
6/8/2011	S	Enrolled
6/15/2011	S	Signed by the Governor on 06/15/11; Chapter 0199 I. Section 1-3 Effective as Prov. in Sec. 4 II. Remainder Effective 06/15/11

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB194

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

___ - AMENDMENT # ___ ___ - AMENDMENT # ___
___ - AMENDMENT # ___ ___ - AMENDMENT # ___

ALL AVAILABLE VERSIONS OF THE BILL:

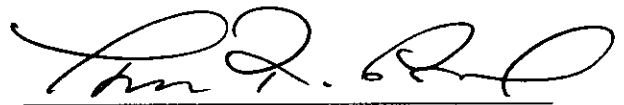
AS INTRODUCED ___ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): Floor Amendment 0809s

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

9/22/2011



BY COMMITTEE AIDE