

Bill as Introduced

HB 1479 - AS INTRODUCED

2012 SESSION

12-2552
01/09

HOUSE BILL **1479**

AN ACT relative to the definition of "charitable trust" for the purpose of paid solicitors.

SPONSORS: Rep. Cusson-Cail, Hills 14; Rep. Cohn, Merr 6

COMMITTEE: Judiciary

ANALYSIS

This bill clarifies the definition of a charitable trust for purposes of paid solicitors for a police, law enforcement, or firefighters' association.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the definition of "charitable trust" for the purpose of paid solicitors.

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

- 1 1 Charitable Trusts; Paid Solicitors. Amend RSA 7:28-c, I(b) to read as follows:
- 2 (b) "Charitable trust" means *a charitable trust organized for* any police, law
- 3 enforcement, or firefighters' association.
- 4 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 1479

BILL TITLE: relative to the definition of "charitable trust" for the purpose of paid solicitors.

DATE: January 25, 2012

LOB ROOM: 208 **Time Public Hearing Called to Order:** 9:00 am

Time Adjourned: 9:28 am

(please circle if present)

Committee Members: Reps. Rowe, Sorg, Souza, Hagan, Silva, Hoppert, Andolina, Giuda, LaCasse, McClary, Murphy, Palmer, Peterson, Walk, Potters, Weber and Watrous

Bill Sponsors: Rep. Cusson-Cail, Hills 14; Rep. Cohn, Merr 6

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Murphy introduced the bill.

***Anthony Blenkinsop and Terry Knowles, Attorney General's Office, Charitable Trusts Division - informational purposes only**

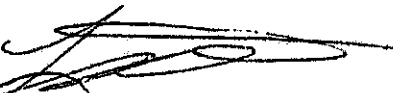
Since 1987 the Charitable Trusts Unit has regulated paid solicitors. Under RSA 7:28-c, I (b) the term "paid solicitor" is "any person who for compensation performs for a police, law enforcement, or firefighters' association any service which, if performed by such person for a charitable trust, would constitute such person a paid solicitor as defined by RSA 7:21". This law brings the laws under the Attorney General's office. This bill would remove them from our office. By adding "charitable trust" it removes them from the jurisdiction of the Attorney General.

Rep. Kathleen Cusson-Cail, sponsor

Helped with a fundraising event; looked into doing it on an annual basis. Checked with the Attorney General's Office to see what the guidelines were. Found out they broke the law by not filing through the Attorney General's office from the start. Options: pay \$700 to become a nonprofit or pay \$200 apiece to register for fund raising. Charitable Trust v. non profit organizations is what the goal was. By having this bill, citizens could raise funds without becoming a paid employee of fund, but just as a citizen.

The intent was to clarify Charitable Trust v. nonprofit charitable trust = police, law enforcement, firefighters. Open to other organizations and not limited to these. Charity \$25 filing fee, fiscal report \$75, non profit \$200 by the person not the charity.

Respectfully submitted,



Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 1479

BILL TITLE: relative to the definition of "charitable trust" for the purpose of paid solicitors.

DATE: {Type HEARING DATE here} 1/29/12

LOB ROOM: 208 Time Public Hearing Called to Order: {Time} 9:00
Time Adjourned: {Time} 9:28

(please circle if present)

Committee Members: Reps. Rowe, Sora, Souza, Hagan, Silva, Hopper, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Wall, Fetter, Weber and Watrous.

Bill Sponsors: Rep. Cusson-Cail, Hills 14; Rep. Cohn, Merr 6

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Murphy - introduced the bill

* Anthony Blencinasop - (info) 1987 regulated paid solicitors 728C term
Terry Knowler
Atty Gen paid solicitors (any person who works for...)

This law brings the laws under our office. This bill would remove them from our office. By adding "Charitable Trust" it removes them from jurisdiction of Atty Gen.

Rep. Kathleen Cusson-Cail - (s) helped w/ a fundraising event, looked into doing it annually. Check w/ Atty Gen to see what guide
Respectfully submitted, lines. found out they broke law by not

Lenette M. Peterson, Clerk

Filing Through Atty's office from start.
Options: pay \$100 to become non profit.
or pay \$200 a piece to register for fund raising. Charitable Trust v non profit organizations is what goal was. By having this bill, ~~citizens~~ citizens could raise funds w/o becoming a paid employee of fund, but just as a citizen.

Intent was to clarify charitable trust v. non profit.
Charitable trust = police, law enforce, fire fighters. Open to other
organizations + not limit to these.

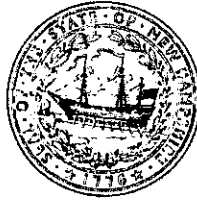
Charity \$25 filing fee, fiscal report \$75, no A prof. \$200 by
the person, not the charity.

Testimony

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 25, 2012

Hon. Robert Rowe, Chair
House Judiciary Committee
Legislative Office Building Room 208
Concord, NH 03301

RE: HB 1479 relative to the definition of "charitable trust" for the purpose of paid solicitors

Dear Chairman Rowe and Members of the Committee:

For the record I am Anthony Blenkinsop, the Director of Charitable Trusts, and I am joined today by Terry Knowles, the Assistant Director of Charitable Trusts. The Attorney General takes no position on HB 1479 and offers this testimony to the Committee for informational purposes.

Since 1987 the Charitable Trusts Unit has regulated the activities of paid solicitors who conduct telemarketing campaigns on behalf of charitable organizations in the State of New Hampshire. Paid solicitors are not officers, directors, or members of the charity itself but are employed by the charity to solicit donations from the public on its behalf. The solicitor's compensation is generally paid as a percentage of the donations received during the solicitation campaign. Paid solicitors register with the Director of Charitable Trusts, post a \$20,000 surety bond, and are required to obtain a permit for each solicitation conducted; at the end of each campaign a joint financial report is filed with the Director signed by the solicitor and by the charity. This joint financial report provides details on the fundraising campaign and is available for the public to review at the Charitable Trusts Unit.

Under the present law, RSA 7:28-c, I (b), the term "charitable trust" is expanded to include, for purposes of a solicitation by a paid solicitor, "any person who for compensation performs for a police, law enforcement, or firefighters' association any service which, if performed by such person for a charitable trust, would constitute such person a paid solicitor as defined by RSA 7:21". The language of the current law applies to police and firefighters' unions which, although not recognized by the Internal Revenue Service as charitable organizations, do sometimes authorize their paid solicitor to utilize a charitable pitch in soliciting donations from the general public on their behalf.

HB 1479 as introduced removes the statutory reference to police, law enforcement, and firefighters' associations under RSA 7:28-c I (b). Passage of HB 1479 will therefore eliminate the Director of Charitable Trusts' authority to regulate police, law enforcement, and firefighters' unions utilizing a charitable pitch in seeking donations from the public through the employment of a paid solicitor.

RSA 7:28-c I (b) was requested by the Charitable Trusts Unit in the 1990s because many states at that time, including the State of New Hampshire, were experiencing problems with some police, firefighter, and law enforcement unions who were soliciting donations through paid solicitors "for charitable purposes" but actually used the funds raised for non-charitable purposes, including to pay for collective bargaining expenses. If HB 1479 is enacted police, law enforcement, and firefighters' unions who hire professional fundraisers will no longer be required to obtain a permit from the Charitable Trusts Unit for a solicitation campaign whether or not the paid solicitor is utilizing a charitable pitch in seeking donations on their behalf and will not be subject to Charitable Trusts Unit oversight.

Thank you for your time and attention and if there are any questions we would be pleased to answer them.

Very truly yours,

A handwritten signature in black ink, appearing to read 'AIBL', with a stylized flourish at the end.

Anthony I. Blenkinsop
Director of Charitable Trusts
anthony.blenkinsop@doj.nh.gov
603-271-3591

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION ON HOUSE BILL 1479

BILL TITLE: relative to the definition of "charitable trust" for the purpose of paid solicitors.

DATE: February 9, 2012

LOB ROOM: 208

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. R. Watrous

Seconded by Rep. B. Murphy

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Lenette M. Peterson Clerk

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION ON HOUSE BILL 1479

BILL TITLE: relative to the definition of "charitable trust" for the purpose of paid solicitors.

DATE: {Type DATE} 2/9/12

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Watrous

Seconded by Rep. Murphy

Vote: (Please attach record of roll call vote.) 14-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Watrous

CONSENT CALENDAR VOTE YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Lenette M. Peterson Clerk

JUDICIARY

Bill #: HB 1479 Title: _____

PH Date: 1, 25, 12

Exec Session Date: 2, 9, 12

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	
Hagan, Joseph M	✓	
Silva, Peter L	✓	
Hopper, Gary S	—	—
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D	✓	
McClarren, Donald B	—	—
Murphy, Brian JX	✓	
Palmer, Barry J	—	—
Peterson, Lenette M, Clerk	✓	
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	✓	
	14	0

Committee Report

CONSENT CALENDAR

February 14, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred HB
1479,

AN ACT relative to the definition of "charitable trust" for the
purpose of paid solicitors. Having considered the same, report
the same with the following Resolution: RESOLVED, That it is
INEXPEDIENT TO LEGISLATE.

Rep. Rick H. Watrous

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB 1479
Title:	relative to the definition of "charitable trust" for the purpose of paid solicitors.
Date:	February 14, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The Attorney General Office testified that passage of this bill would eliminate the Director of Charitable Trusts' authority to regulate police, law enforcement, and firefighters' unions utilizing a charitable pitch in seeking donations from the public through the employment of a paid solicitor. Removal of this authority does not seem to be what the sponsor intended. This statutory authority was requested by the Charitable Trusts Unit in the 1990s because many states at that time, including the State of New Hampshire, were experiencing problems with some police, firefighter, and law enforcement unions who were soliciting donations through paid solicitors "for charitable purposes" but actually using the funds for non-charitable purposes. The Judiciary Committee believes that current law, containing this oversight authority, should be maintained.

Vote 14-0.

Rep. Rick H Watrous
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

HB 1479, relative to the definition of "charitable trust" for the purpose of paid solicitors.
INEXPEDIENT TO LEGISLATE.

Rep. Rick H. Watrous for JUDICIARY. The Attorney General Office testified that passage of this bill would eliminate the Director of Charitable Trusts' authority to regulate police, law enforcement, and firefighters' unions utilizing a charitable pitch in seeking donations from the public through the employment of a paid solicitor. Removal of this authority does not seem to be what the sponsor intended. This statutory authority was requested by the Charitable Trusts Unit in the 1990s because many states at that time, including the State of New Hampshire, were experiencing problems with some police, firefighter, and law enforcement unions who were soliciting donations through paid solicitors "for charitable purposes" but actually using the funds for non-charitable purposes. The Judiciary Committee believes that current law, containing this oversight authority, should be maintained. **Vote 14-0.**

Original: House Clerk
Cc: Committee Bill File