

Bill as Introduced

HB 126-LOCAL - AS INTRODUCED

2013 SESSION

13-0192
08/05

HOUSE BILL **126-LOCAL**

AN ACT relative to use of revolving funds by towns for maintaining recycling programs.

SPONSORS: Rep. Daniels, Hills 40

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows a town, by vote of the legislative body, to establish a revolving fund to facilitate, maintain, or encourage recycling.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 126-LOCAL - AS INTRODUCED

13-0192
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to use of revolving funds by towns for maintaining recycling programs.

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

1 1 Revolving Funds; Use for Maintaining Recycling Programs. Amend RSA 31:95-h, I(a) to read
2 as follows:

3 (a) Facilitating, *maintaining*, or encouraging recycling as defined in RSA 149-M:4;

4 2 Effective Date. This act shall take effect 60 days after its passage.

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB126-LOCAL

BILL TITLE: relative to use of revolving funds by towns for maintaining recycling programs.

DATE: January 15, 2013

LOB ROOM: 301 **Time Public Hearing Called to Order:** 1:30 pm

Time Adjourned: 1:40 pm

(please circle if present)

Committee Members: Reps. Porter, Tatro, Hooper, Roberts, Malloy, Carson, Lavender,
Enman, S. White, Verschueren, Van Stroud, Shackett, Danielson, Coffey, J. Belanger,
Lockwood, Bickford, Copeland and Bishop.

Bill Sponsors: Rep. Daniels, Hills 40


TESTIMONY

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

Rep Gary Daniels, Hills 40, sponsor. The current statute mentions "facilitate" and this can be misinterpreted and challenged. Maintaining would be a better word and clarify the statute allowing the Governing Body to maintain the facility without language challenges. If additions to the facility are built, the revolving fund dollars should be allowed to maintain the building and/or other structures. Money from the general fund should not be used for this if there is money in the revolving fund to do it.

Rene Pelletier, NHDES, Supports the bill. This bill will support the recycling program in the State. Anything we can do to promote recycling saves the State money.

Respectfully submitted,


Rep. Jim Belanger, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB126-LOCAL

BILL TITLE: relative to use of revolving funds by towns for maintaining recycling programs.

DATE:

LOB ROOM: 301 **Time Public Hearing Called to Order:** 1:30 PM

Time Adjourned: 1:44 PM

(please circle if present)

Committee Members: Reps. Porter, Tatro, Hooper, Roberts, Malloy, Carson, Lavender, Enman, S. White, Verschueren, Vail, Stroud, Shackett, Danielson, Coffey, J. Belanger, Lockwood, Bickford, Copeland and Bishop.

Bill Sponsors: Rep. Daniels, Hills 40

TESTIMONY

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

1:30 PM Rep Daniels, Hills 40

STATUTE MENTIONS "FACILITATE" AND THATS CAN BE MIS-INTERPRETED. MAINTAINING WOULD CLARIFY THE STATUTE AND ALLOW THE GOV BODY TO MAINTAIN THE FACILITY WITHOUT LANGUAGE CHALLENGES.

1:40 PM Rene Pelletier, NHDES SUPPORTS

anything that promotes recycling saves the state money. This Bill would FURTHER that endeavor.

Municipal & County Government (2013-2014)
Marjorie Porter, Chair

Date: 15 January 2013

Time Hearing Opened: 1:30 PM

Presiding: Rep Porter

Members Present: X (Present) L (Late arrival)

Porter, Marjorie	X	Tatro, Bruce	X	Bélanger, Jim	X
Bickford, David	X	Bishop, Franklin		Carson, Clyde	X
Coffey, James	X	Copeland, Timothy	X	Danielson, David	X
Enman, Larry		Hooper, Dorothy	X	Lavender, Tom	X
Lockwood, Priscilla	X	Malloy, Dennis	X	Roberts, Kris	X
Shackett, Jeff	X	Stroud, Kathleen	X	Vail, Suzanne	
Verschueren, James	X	White, Syndi	X		

HB126

Relative to use of revolving funds by towns for maintaining recycling programs.

1. 1:30 PM: Rep Gary Daniels, Hills 40, sponsor. The current statute mentions “facilitate” and this can be mis-interpreted and challenged. Maintaining would be a better word and clarify the statute allowing the Governing Body to maintain the facility without language challenges. If additions to the facility are built, the revolving fund dollars should be allowed to maintain the building and/or other structures. Money from the general fund should not be used for this if there is money in the revolving fund to do it.
2. 1:40 PM: Rene Pelletier, NHDES, Supports the bill. This bill will support the recycling program in the State. Anything we can do to promote recycling saves the State money.

1:44 PM Hearing closed.

Testimony

MB 126

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31

POWERS AND DUTIES OF TOWNS

Miscellaneous

Section 31:95-h

31:95-h Revolving Funds. –

I. A town may, by vote of the legislative body, establish a revolving fund. Each revolving fund shall be limited to one of the following purposes:

- (a) Facilitating or encouraging recycling as defined in RSA 149-M:4;
- (b) Providing ambulance services;
- (c) Providing public safety services by municipal employees or volunteers outside of the ordinary detail of such persons, including but not limited to public safety services in connection with special events, highway construction, and other construction projects;
- (d) Creating affordable housing and facilitating transactions relative thereto;
- (e) Providing cable access for public, educational, or governmental use; or
- (f) Financing of energy conservation and efficiency and clean energy improvements by participating property owners in an energy efficiency and clean energy district established pursuant to RSA 53-F.

II. If a town establishes a revolving fund for any of the purposes listed in paragraph I, it may deposit into the fund all or any part of the revenues from fees, charges, or other income derived from the activities or services supported by the fund, and any other revenues approved by the legislative body for deposit into the fund. The money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general surplus. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the governing body, or other board or body designated by the local legislative body at the time the fund is created; provided, that no further approval of the legislative body, if different from the governing body, shall be required. Such funds may be expended only for the purposes for which the fund was created.

III. The legislative body may, at the time it establishes a revolving fund or at any time thereafter, place limitations on expenditures from the fund including, but not limited to, restrictions on the types of items or services that may be purchased from the fund, limitations on the amount of any single expenditure, and limitations on the total amount of expenditures to be made in a year. No amount may be expended from a revolving fund established hereunder for any item or service for which an appropriation has been specifically rejected by the legislative body during the same year.

IV. The provisions of this section shall not preclude the establishment of a revolving fund for any other purpose authorized by law.

Source. 2005, 79:1, eff. Aug. 6, 2005. 2008, 68:1, eff. July 20, 2008; 391:1, eff. Sept. 15, 2008. 2010, 215:3, eff. Aug. 27, 2010.

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB126-LOCAL

BILL TITLE: relative to use of revolving funds by towns for maintaining recycling programs.

DATE: January 22, 2013

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Stroud

Seconded by Rep. Porter

Vote: 16-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: Yes No (please circle one)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James Belanger, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB126-LOCAL

BILL TITLE: relative to use of revolving funds by towns for maintaining recycling programs.

DATE:

LOB ROOM: 301

Amendments:

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

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

Moved by Rep. *STROUD*

Seconded by Rep. *PORTER*

16-0

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

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

Moved by Rep.

Seconded by Rep.

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

*BLURB
STROUD*

CONSENT CALENDAR VOTE: Yes No (please circle one)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. James Belanger, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/7/2013 3:58:12 PM
Roll Call Committee Registers
Report

2013 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB126 Title: RELATIVE TO THE USE OF REVOLVING FUNDS ~~FOR~~ ^{BY}

PH Date: 15 / JAN / 2013 TOWNS FOR MAINTAINING RECYCLING PROGRAMS. Exec Session Date: 22 / Jan / 2013

Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Porter, Marjorie A, Chairman	✓	
Tatro, Bruce L, V Chairman	✓	
Roberts, Kris E		
Hooper, Dorothea D	✓	
Carson, Clyde J	✓	
Enman, Larry S		
Lavender, Tom	✓	
Malloy, Dennis J	✓	
Vail, Suzanne M	✓	
Verschueren, James		
White, Syndi G	✓	
Stroud, Kathleen M	✓	
Lockwood, Priscilla P	✓	
Belanger, James P, Clerk	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Shackett, Jeffrey S	✓	
Bishop, Franklin C		
Bickford, David A	✓	
Danielson, David J	✓	
TOTAL VOTE:		

16 0

Committee Report

CONSENT CALENDAR

January 23, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on MUNICIPAL AND COUNTY
GOVERNMENT to which was referred HB126-L,**

**AN ACT relative to use of revolving funds by towns for
maintaining recycling programs. Having considered
the same, report the same with the recommendation
that the bill OUGHT TO PASS.**

Rep. Kathleen M Stroud

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB126-L
Title:	relative to use of revolving funds by towns for maintaining recycling programs.
Date:	January 23, 2013
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill allows a town, by vote of the legislative body, to establish a revolving fund to facilitate, maintain, or encourage recycling

Vote 16-0.

Rep. Kathleen M Stroud
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB126-L, relative to use of revolving funds by towns for maintaining recycling programs. **OUGHT TO PASS.**

Rep. Kathleen M Stroud for MUNICIPAL AND COUNTY GOVERNMENT. This bill allows a town, by vote of the legislative body, to establish a revolving fund to facilitate, maintain, or encourage recycling **Vote 16-0.**

Original: House Clerk
Cc: Committee Bill File

HB126-LOCAL
OTP CC
Rep. Kathleen Stroud

This bill allows a town, by vote of the legislative body, to establish a revolving fund to facilitate, maintain, or encourage recycling.

COMMITTEE REPORT

COMMITTEE: Muni & County Gov't

BILL NUMBER: 126-Local

TITLE: _____

DATE: 22 Jan 2013 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This bill allows a town, by vote of the legislative body, to establish a revolving fund to facilitate, maintain, or encourage recycling.

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Kathleen Stourd
For the Committee