

LEGISLATIVE COMMITTEE MINUTES

SB241

Bill as
Introduced

SB 241 - AS INTRODUCED

2015 SESSION

15-0996
10/09

SENATE BILL **241**

AN ACT relative to authorization for the town of Rindge to make capital expenditures from a trust fund.

SPONSORS: Sen. Avard, Dist 12; Sen. Little, Dist 8; Rep. Hunt, Ches 11; Rep. Sterling, Ches 14

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill changes the 2/3 vote requirement established in 1957 for expenditures from the principal of a trust fund.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to authorization for the town of Rindge to make capital expenditures from a trust fund.

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

1 1 Town of Rindge; Trust Fund; Use of Principal; Vote Required. Amend 1957, 370:4 to read as
2 follows:

3 370:4 Use of Principal. All or any part of the principal of said trust fund may be used and
4 expended for a capital expenditure or capital improvement or the acquisition of property upon a vote
5 at a town meeting by ballot of at least [~~two-thirds~~] **a majority** of the votes cast[, if the number of
6 ballots cast shall be at least equal in number to one-half of the number of legal voters borne on the
7 check list of the town at the annual or biennial election next preceding the meeting at which such
8 vote is taken].

9 2 Effective Date. This act shall take effect upon its passage.

SB 241 - AS AMENDED BY THE SENATE

03/19/2015 0830s

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3 370:4 Use of Principal. All or any part of the principal of said trust fund may be used and
4 expended for a capital expenditure or capital improvement or the acquisition of property upon a vote
5 at a town meeting by ballot of at least ~~[two-thirds]~~ $3/5$ of the votes cast ~~[, if the number of ballots cast~~
6 ~~shall be at least equal in number to one-half of the number of legal voters borne on the check list of~~
7 ~~the town at the annual or biennial election next preceding the meeting at which such vote is taken].~~

8 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 217
SB 241 – FINAL VERSION

03/19/2015 0830s

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CHAPTER 217
SB 241 – FINAL VERSION

03/19/2015 0830s

15-0996
10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to authorization for the town of Rindge to make capital expenditures from a trust fund.

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

1 217:1 Town of Rindge; Trust Fund; Use of Principal; Vote Required. Amend 1957, 370:4 to read
2 as follows:

3 370:4 Use of Principal. All or any part of the principal of said trust fund may be used and
4 expended for a capital expenditure or capital improvement or the acquisition of property upon a vote
5 at a town meeting by ballot of at least [~~two-thirds~~] *3/5* of the votes cast[, ~~if the number of ballots cast~~
6 ~~shall be at least equal in number to one-half of the number of legal voters borne on the check list of~~
7 ~~the town at the annual or biennial election next preceding the meeting at which such vote is taken~~].

8 217:2 Effective Date. This act shall take effect upon its passage.

9

10 Approved: July 6, 2015

11 Effective Date: July 6, 2015

Amendments

Amendment to SB 241

1 Amend the bill by replacing section 1 with the following:

2

3 1 Town of Rindge; Trust Fund; Use of Principal; Vote Required. Amend 1957, 370:4 to read as
4 follows:

5 370:4 Use of Principal. All or any part of the principal of said trust fund may be used and
6 expended for a capital expenditure or capital improvement or the acquisition of property upon a vote
7 at a town meeting by ballot of at least ~~[two-thirds]~~ $\frac{3}{5}$ of the votes cast ~~[, if the number of ballots cast~~
8 ~~shall be at least equal in number to one-half of the number of legal voters borne on the check list of~~
9 ~~the town at the annual or biennial election next preceding the meeting at which such vote is taken].~~

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

Senator Regina Birdsell Chairman
 Senator David Boutin V Chairman
 Senator Nancy Stiles
 Senator Bette Lasky
 Senator Molly Kelly

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 4, 2015

HEARINGS

Wednesday

3/11/2015

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB4	relative to domicile for voting purposes.
10:00 AM	SB148	relative to the shellfish inspection program.
10:15 AM	SB253	relative to the enactment of ordinances by municipalities permitting an assessment on hotel occupancy for the use of municipal services.
10:30 AM	SB241	relative to authorization for the town of Rindge to make capital expenditures from a trust fund.

Sponsors:

SB4

Sen. Sharon Carson
 Rep. Kathleen Hoelzel

Sen. Regina Birdsell
 Rep. Adam Schroadter

Sen. Jeb Bradley
 Rep. Carol McGuire

Rep. Gene Chandler
 Sen. Nancy Stiles

SB148

Sen. Martha Fuller Clark
 Rep. Robert Cushing

Sen. David Watters
 Rep. Thomas Sherman

Sen. John Reagan

Rep. David Borden

SB253

Sen. Martha Fuller Clark

SB241

Sen. Kevin Avard

Sen. Gerald Little

Rep. John Hunt

Rep. Franklin Sterling

SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

Jennifer Horgan, Legislative Aide

SB 241 – relative to authorization for the town of Rindge to make capital expenditures from a trust fund.

Hearing Date: 03/11/2015

Time Opened: 11:00 AM

Time Closed: 11:22 AM

Members of the Committee Present: Senators Birdsell, Boutin, Stiles, Lasky, Kelly

Members of the Committee Absent: No one

Bill Analysis: This bill changes the 2/3 vote requirement established in 1957 for expenditures from the principal of a trust fund.

Sponsors: Sen. Avard, Dist 12; Sen. Little, Dist 8; Rep. Hunt, Ches 11; Rep. Sterling, Ches 14

Who supports the bill: Senator Avard; Senator Little; Representative Sterling; Barbara Reid (NH Municipal Association); Robert Hamilton (Rindge Selectmen); Roberta Oeser (Rindge Selectmen); Ed Naile (Coalition of NH Taxpayers)

Who opposes the bill: No one

Summary of testimony presented in support:

Robert Hamilton (Vice Chair-Rindge Board of Selectmen)

- The bill is to change the 2/3 vote requirement established in 1957 to expend the principal of a trust fund.
- The Rindge Official's intent is to remove Article 4 of Chaptered Law 370 that requires a 50% voter turnout in order to expend the money in the trust fund.
- Have very little chance of getting a 50% turnout of voters.
- Heard concerns it may affect other trust funds in the town, but that is not true, as this is specific to only this trust fund.
- The trust fund is from the sale of the municipal electric lighting system in 1957 and the town has not been able to expend that money. The fund now has nearly a million dollars.
- In the town elections over last ten years, the highest voter turnout was 38%.

- Senator Lasky asked if it were to be changed, how expenditures would be brought to the voters.
 - The Capital Improvement Board would come up with a plan and bring it in on a warrant article.
- Senator Kelly asked if the intent originally was to have the entire community involved.
 - It would seem that would have been the case, but can't really speak to that.
- Senator Lasky questioned what would happen if the town decided to run the trust down to zero.
 - If the voters choose to spend all the money at once, that would be their choice. Doubts that would happen.
- Senator Lasky inquired as to who designed this bill.
 - The Rindge Town Administrator.
- Senator Stiles asked if he would have any objections to having it at 2/3 of the votes cast.
 - Would have no problem with 3/5, as Rindge is a SB2 town, but would prefer not to do 2/3.

Roberta Oeser (Chairman-Rindge Selectmen)

- The town is getting very little income from this money.
- In the last year the town got \$12,000 income and \$14,000 went to fees and investment management.
- The intent of the trust was to be able to expend it and it is virtually impossible under the current requirement.
- The Selectmen don't intend to spend it all at once. A person at the Selectmen's Meeting did suggest using it to build a new public safety building but, that would take the super majority to pass.

Ed Naile (Chairman-Coalition of tax payers)

- Suggested looking at RSA 39.3 the Special Meeting Law. If there is a problem in a town, an individual can get 50 signatures that will allow for a special meeting.
- If an individual wants to raise money at a special meeting, outside of the annual meeting or school board meeting, the town has to go to a superior court and get a court approval or 50% +1 of the voters who voted in the last election.
- The special meeting option seems be a fairer way to go about this.
- Most trust funds are set up would have to have a 2/3 requirement of voters.

Summary of testimony presented in opposition:

- None

Fiscal Note: N/A

Future Action: The Committee voted Ought to Pass with Amendment 4-1.

JCH

Date hearing report completed: 03/13/2015

[file: SB0241 report]

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: 03/11/2015

THE COMMITTEE ON Public and Municipal Affairs

to which was referred Senate Bill 241

AN ACT relative to authorization for the town of Rindge to make
capital expenditures from a trust fund.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-1

AMENDMENT # 0830s

Senator Nancy Stiles
For the Committee

Jennifer Horgan 271-3092

New Hampshire General Court - Bill Status System

Docket of SB241

Docket Abbreviations

Bill Title: relative to authorization for the town of Rindge to make capital expenditures from a trust fund.*Official Docket of SB241:*

Date	Body	Description
2/12/2015	S	Introduced and Referred to Public and Municipal Affairs; SJ 6
3/4/2015	S	Hearing: 3/11/15, Room 102, LOB, 10:30 a.m.; SC12
3/11/2015	S	Committee Report: Ought to Pass with Amendment #2015-0830s , 3/19/15; SC13
3/19/2015	S	Committee Amendment 0830s, AA, VV
3/19/2015	S	Ought to Pass with Amendment 0830s, MA, VV; OT3rdg; SJ 9
3/24/2015	H	Introduced and Referred to Municipal and County Government (in recess of 3/12/2015); HJ 26 , PG. 1276
3/31/2015	H	Public Hearing: 4/14/2015 10:15 AM LOB 301
3/31/2015	H	Executive Session: 4/16/2015 10:00 AM LOB 301==RECESSED==
4/16/2015	H	==CANCELLED==Continued Executive Session: 4/23/2015 10:00 AM LOB 301
4/29/2015	H	Executive Session: 4/29/2015 2:45 PM LOB 301
5/5/2015	H	Committee Report: Ought to Pass for Jun 3 (Vote 15-0; CC); HC 39 , PG. 1631
6/3/2015	H	Ought to Pass: MA VV
6/24/2015	H	Enrolled
6/24/2015	S	Enrolled (In recess 6/24/2015); SJ 19
7/7/2015	S	Signed by the Governor on 07/06/2015; Chapter 0217; Effective 07/06/2015

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB0241 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 # 08305 _____ - 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): _____

DATE DELIVERED TO SENATE CLERK

8/7/15


BY COMMITTEE AIDE