Bill as Introduced

1999 SESSION

99-0612
08/02

SENATE BILL ***89-LOCAL***

AN ACT relative to library trustees.

SPONSORS: Sen. Hollingworth, Dist 23; J. King, Dist 18

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires town treasurers to pay out funds appropriated for public library purposes only upon order of the library trustees.

This bill prevents the lapse of unexpended, appropriated funds.

This bill also allows the appointment of alternate library trustees.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

99-0612
08/02

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT relative to library trustees.

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

1 Surety Bond Required; Library Trustees. Amend the introductory paragraph of RSA 41:6, I to read as follows:

I. Town treasurers, trustees as provided in RSA 31:22 and 23, trustees as provided in RSA 53-B:8-a, I, library trustees [~~investing funds as provided in RSA 202-A:23~~] ***including alternate library trustees, if any***, town clerks, tax collectors and their deputies, and agents authorized to collect the boat fee shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

2 Library Trustees; Duties. Amend RSA 41:29, I to read as follows:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of a heritage commission fund established pursuant to RSA 674:44-a upon the order of the heritage commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent, or in the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission, ***or in the case of funds appropriated for public library purposes pursuant to RSA 202-A:4, upon order of the library trustees*** or other board or body designated by the town to expend such a fund.

3 Public Libraries; Library Trustees; Custody and Management of Appropriations. Amend RSA 202-A:6 to read as follows:

202-A:6 Library Trustees; Election. The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, [~~except~~] ***including appropriations held pursuant to RSA 202-A:11, III, but excepting*** trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified.

4 Library Trustees; Vacancies; ***Alternates***. Amend RSA 202-A:10 to read as follows:

202-A:10 Library Trustees; Vacancies. Vacancies occurring on any board of library trustees in a town shall be filled as provided in RSA 669:75. A vacancy occurring among the publicly elected members of the board of library trustees of a city library shall be filled by the city council or other appropriate appointing authority within 2 months of the notice by the remaining members of the

board of trustees. The board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms. ***The board of library trustees may appoint up to 3 alternate members to 3-year terms.***

5 Library Trustees; Powers and Duties. Amend RSA 202-A:11, III to read as follows:

III. Expend all moneys raised and appropriated by the town or city for library purposes ***and may hold the same, or may direct that such moneys be paid over by the town treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council. The whole or any part of moneys so appropriated in any year shall not be part of the general fund nor shall any unexpended funds from the library appropriation be included in the general fund surplus.*** All money received from fines and payments for lost or damaged books or for the support of a library in another city or town under contract to furnish library service to such town or city, shall be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment, shall be held in a nonlapsing separate fund and shall be in addition to the appropriation;

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

Amendments

Rep. Patten, Carr. 9
June 18, 1999
1999-1695h
08/09

Amendment to SB 89-LOCAL

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

2 Library Trustees; Duties. Amend RSA 41:29, I to read as follows:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of a heritage commission fund established pursuant to RSA 674:44-a upon the order of the heritage commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent, or in the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission, ***or in the case of funds appropriated for public library purposes pursuant to RSA 202-A:4, according to a payment schedule as agreed to by the library trustees and the selectmen or city council, pursuant to RSA 202-A:11, III,*** or other board or body designated by the town to expend such a fund.

3 Maintenance. Amend RSA 202-A:4 to read as follows:

202-A:4 Maintenance. Any city or town having a public library shall annually raise and appropriate a sum of money sufficient to provide and maintain adequate public library service therein or to supplement funds otherwise provided. ***Any town at an annual town meeting may adopt an article authorizing indefinitely until specific recission of such authority, that any portion of unexpended general fund appropriations for library purposes shall be transferred at year-end to the library's nonlapsing separate fund. Any city may at a city council meeting vote to authorize indefinitely until specific recission of such authority, that any portion of unexpended general fund appropriations for library purposes shall be transferred at year-end to the library's nonlapsing separate fund.***

4 Public Libraries; Library Trustees; Custody and Management of Appropriations. Amend RSA 202-A:6 to read as follows:

202-A:6 Library Trustees; Election. The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, [~~except~~] ***including appropriations held pursuant to RSA 202-A:11, III, but excepting*** trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified.

5 Library Trustees; Vacancies; Alternates. Amend RSA 202-A:10 to read as follows:

202-A:10 Library Trustees; Vacancies*; Alternates*. Vacancies occurring on any board of library trustees in a town shall be filled as provided in RSA 669:75. A vacancy occurring among the publicly elected members of the board of library trustees of a city library shall be filled by the city council or other appropriate appointing authority within 2 months of the notice by the remaining members of the board of trustees. The board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms. ***The board of library trustees may recommend to the appointing authority the names of no more than 3 persons who may serve as alternate members on the board when elected members of the board are unable to attend a board meeting. The alternate members shall be appointed to one-year terms.***

6 Library Trustees; Powers and Duties. Amend RSA 202-A:11, III to read as follows:

III. Expend all moneys raised and appropriated by the town or city for library purposes ***and may hold the same, or may direct that such moneys be paid over by the town treasurer either quarterly or semi-annually, or more frequently when there is a payment schedule agreed to by the library trustees and the selectmen or city council. If the transfer of funds by the town treasurer is quarterly, the payment shall be made in the first month of the quarter. If the transfer of funds by the town treasurer is semi-annual, the payment shall be made in the first month of each semi-annual period.*** All money received from fines and payments for lost or damaged books or for the support of a library in another city or town under contract to furnish library service to such town or city, shall be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment, shall be held in a nonlapsing separate fund and shall be in addition to the appropriation;

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

1999-1695h

AMENDED ANALYSIS

This bill requires town treasurers to pay out funds appropriated for public library purposes according to a payment schedule as agreed to by the library trustees and the selectmen or city council.

This bill allows library trustees to direct moneys raised and appropriated for library purposes be paid over by the town treasurer either quarterly or semi-annually, or more frequently when there is a payment schedule agreed to by the library trustees and the selectmen or city council.

This bill also allows the appointment of alternate library trustees.

Municipal and County Government
October 1, 1999
1999-2036h
08/10

Amendment to SB 89-LOCAL

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

2 Public Libraries; Library Trustees; Alternates; Custody and Management of Appropriations. Amend RSA 202-A:6 to read as follows:

202-A:6 Library Trustees; Election; ***Alternates.*** The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, ~~[except]~~ ***including appropriations held pursuant to RSA 202-A:11, III, but excepting*** trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified. ***There may be no more than 3 alternates as provided in RSA 202-A:10.***

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4 Library Trustees; Powers and Duties. Amend RSA 202-A:11, III to read as follows:

III. Expend all moneys raised and appropriated by the town or city for library purposes ***and shall direct that such moneys be paid over by the town or city treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council.*** All money received from fines and payments for lost or damaged books or for the support of a library in another city or town under contract to furnish library service to such town or city, shall be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment, shall be held in a nonlapsing separate fund and shall be in addition to the appropriation;

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

1999-2036h

AMENDED ANALYSIS

This bill requires library trustees to direct that funds raised and appropriated for library purposes be paid over by the town or city treasurer according to a payment schedule agreed upon by the library trustees and the town selectmen or city council.

This bill also allows the appointment of alternate library trustees.

Municipal and County Government
October 1, 1999
1999-2036h
08/10

Amendment to SB 89-LOCAL

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

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202-A:6 Library Trustees; Election*; **Alternates***. The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, [~~except~~] ***including appropriations held pursuant to RSA 202-A:11, III, but excepting*** trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified. ***There may be no more than 3 alternates as provided in RSA 202-A:10.***

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

1999-2036h

AMENDED ANALYSIS

This bill requires library trustees to direct that funds raised and appropriated for library purposes be paid over by the town or city treasurer according to a payment schedule agreed upon by the library trustees and the town selectmen or city council.

This bill also allows the appointment of alternate library trustees.

Committee Minutes

MEMO

July 8, 1999

To: All Municipal and County Government Committee Members

Re: SB89

It seems important that a list of the members of the committee formulating the proposed statutory amendments re: Public Libraries should be reviewed by you. They are all professional people who put much thought and consideration into the amendments. The proposed amendments started with members of NH DRA Municipal Services pointing out the need for several changes due to municipal law changes.

Note the expertise of the Committee members for Proposing Statutory Amendments re: Library Trustees:

Lillian Edelmann, Chair
NHLTA President

Edna N. Hansen
NHLTA Vice President

Patricia Heinrich
Library Trustee/NHLTA

Judith Kimball
NHLTA/past staff member
NH State Library

Robert Brennan
NHLTA Member at-large

Richard A. Theriault
NH DRA Municipal Services

Terry Knowles, Register
NH AG Charitable Trust

H. Bernard Waugh, Jr. Esq
NH Municipal Association

Melissa A. Martin, Attorney
Martin, Lord & Osman, PA

Peter J. Parker
Past Library Trustee and Consultant

Much thought was given to each suggested amendment by this professional group who reviewed the needs with their professional experience and background.

A copy of the Proposed Statutory Amendments re: Public Libraries has been given to the secretary of your House Committee if someone did not have one presented to them at the public hearing in May. There is a brief note regarding the purpose of each amendment at the end of each suggested amendment.

Thank you for the extended courtesy in reading this Memo.

Edna N. Hansen
Member of proposed amendments committee

MUNICIPAL AND COUNTY GOVERNMENT COMMITTEE

1999 Re-Referred Bills and Subcommittee Assignments

8/3/99

HB 0569	relative to the tax credit for service-connected total disability.	**Rep. Patten, Chair** Rep. Akins Rep. Cote Rep. Griffin Rep. Lockwood
HB 0595 -L	enabling municipalities to grant the elderly property tax exemption to an additional person in a household.	
HB 0696 -FN-L	relative to the taxation of land held by municipalities for water supply purposes.	
SB 0089 -L	relative to library trustees.	

HB 0071 -FN-L	relative to authorizing agreements for the determination of each municipality's share of county costs.	**Rep. Leone, Chair** Rep. Golden Rep. Lovejoy Rep. Rice Rep. St. Cyr Rep. Sarette
HB 0226 -L	establishing municipality bond payment schedules and percentages.	
HB 0521 -L	exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee.	
SB 0086	relative to enforcement of the collection and payment of county taxes by the county treasurer.	

HB 0209	relative to authorizing the consideration of traditional village patterns in local zoning ordinances.	**Rep. Brundige, Chair** Rep. Hager Rep. McGuirk Rep. Noyes Rep. Salatiello Rep. Simon
HB 0391	establishing a village plan alternative in zoning and land use planning laws.	
HB 0446 -L	subjecting certain land in the town of Newport to local land use regulations.	

HB 0285	providing that equalized value of property in small towns be calculated as a multi-year average.	**Rep. Hess, Chair** Rep. Foster Rep. Fraser Rep. Sabella Rep. Zerba
HB 0507 -L	relative to the taxability of certain appurtenant land to a taxable building.	
HB 0641 -L	clarifying the value of public utility property for property tax purposes.	
SB 0076 -L	allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction.	

October 1, 1999

To: All Committee Members

Re: Municipal and County Government Committee Session

Dear Friends:

I am writing to give you a "heads up" on the Bills I expect to take up at our Committee session on Thursday, October 7 at 10:00 a.m. Consistent with our usual practice, I hope to take up and dispose of the least controversial Bills, first, so we can then focus on a narrower list of the more complex and more controversial Bills.

Based upon the reports I have received from the Subcommittee Chair, we will initially consider, although not necessarily in this order, the following ones:

Bill No.	Title	Subcommittee Recommendation
HB 0285	Providing that equalized value of property in small towns be calculated as a multi-year average.	ITL
HB 0507	Relative to the taxability of certain appurtenant land to a taxable building.	ITL
HB 0641	Clarifying the value of public utility property for property tax purposes.	Interim Study
SB 0076	Allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction.	OTPA
HB 0071	Relative to authorizing agreements for the determination of each municipality's share of county costs.	ITL
HB 0226	Establishing municipality bond payment schedules and percentages.	OTPA

SB 0086 Relative to enforcement of the collection and payment of county taxes by the county treasurer. OTPA

+HB0595 & SB0089 ITL + OTPA

← If time permits, we will then proceed to the more complex Bills. I do not plan to remain beyond 12:30 or 1:00 p.m.

As I have mentioned before, while all of the Subcommittees have worked hard on the legislation they have studied, I do not expect the full Committee to simply rubber-stamp the Subcommittee recommendations. So please come prepared to fully discuss and actively consider all ~~of these~~ Bills. After all, we didn't vote to re-refer them during the session because they were simple or non-controversial.

I look forward to seeing all of you Thursday morning. Please call me at home (485-9027) or at my office (669-8080) if you have any questions or comments.

Regards,

Rep. David W. Hess
Chair

DWH:esc

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 89 Date 5-4-99

Committee Municipal + County Gov't.

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Senator John Kerry			Dist. 18	X	
Edna M Hansen		286-8608	NHLTA	✓	
Lillian Edelmann		679-2229	Pres. NHLTA	✓	
Beverly Hollyoaks				✓	

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 89-L

BILL TITLE: relative to library trustees.

DATE: May 4, 1999

LOB ROOM: 301 **Time Public Hearing Called to Order:** 11:30

Time Adjourned: 12:00

(please circle if present)

Committee Members: Reps. Hess, Patten, Golden, P. Cote, Rice, Brundige, Sabella, Griffin, Leone, Noyes, Hager, Akins, Lovejoy, Lockwood, Foster, Fraser, McGuirk, Salatiello, St. Cyr, Sarette, Simon and Zerba.

Bill Sponsors: Sen. Hollingworth, Dist 23; J. King, Dist 18

TESTIMONY

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

This bill requires town treasurers to pay out funds only upon order of library trustees.

Sen. Hollingworth presented the bill as stated. She also said it would allow trustees to appoint alternate trustees.
Edna Hanson of the NH Library Assoc. testified in favor and said she had worked with NH Municipal Assoc., the Attorney General's Office and many others to come up with the proposed statutory amendment.
Lillian Edelmann, representing the NHLTA, testified that we should adopt statutory amendment. She also said that the library fund should be separate from the general fund. She referred to the "Taylor case" in Littleton.
Rep. Brundige wanted to know why alternate trustees should be appointed and not elected like planning boards, etc. Ms. Edelmann feels it is essential because some leave during the winter and they need a quorum for voting purposes. She was open to most any system as long as library boards could function.
Rep. Akins wanted to know if this was a specific case. Ms. Edelmann says it is very common for librarians to have problems getting funds upon request.
Rep. Hess asked if she would be opposed to having the governing body do the appointing of alternate trustees. She said she would accept that offer.
Rep. Foster asked if they were acceptable to them to have their library bylaws include rules for attendance or to be removed, etc. Ms. Edelmann said she agreed but they don't have support by state law.
Rep. Akins wanted to know if doing this would cause problems for a financial officer who is responsible for all of the funds in a community.
Pat Heinrich, NHLTA, said her town usually handles it really well. But she was concerned as to what funds the town took monies out of to pay the bills. She also said some library trustees

represent privately appointed trustees. She said that trustees actually have the authority to handle funds that are given specifically to the library. She said that Terry Knowles of the Attorney General's Office claimed that there was a need to clarify when dispensing library funds.

Respectfully Submitted,

Richard C. Leone, Clerk

Testimony

Town of Merrimack, New Hampshire

FINANCE DEPARTMENT
P.O. Box 940
Merrimack, New Hampshire 03054

8 Baboosic Lake Road
TEL: 603/424-7075
FAX: 603/424-0461

May 4, 1999

Robert W. Brundige
19 Level Street
Merrimack, NH 03054

Dear Bob:

I am flattered that you have asked for my input relative to Senate Bill 89. As the introductory analysis of the bill states, the bill would effectively make three basic statutory changes concerning public libraries.

Expenditures

RSA 41:29 currently provides that all moneys in the custody of the Town Treasurer shall be paid out only upon orders of the Board of Selectmen. Therefore, since property taxes that are raised for library purposes are held by the Town Treasurer, payments to a public library or on behalf of a library ***technically*** require the approval of the Board of Selectmen. For example, the weekly payroll and accounts payable manifests that you signed for so many years as a Selectman included payments to library employees and vendors. ***Practically***, however, such payments have always been processed at the direction of the Library Director and have never been challenged by the Board of Selectmen, even the controversial bonuses that were paid last year to library employees. This may not be the case in other communities.

Under SB 89, property taxes raised for library purposes would be paid over to Library Trustees, and Library Trustees would have sole authority over the expenditure of annual library appropriations. Since the Library Board of Trustees constitutes the elected governing body of the public library, the proposed change seems logical to me. A governing body should have authority over the expenditure of its own appropriations.

Nevertheless, a revision to the bill should be considered. If Library Trustees are to have sole ***authority*** to expend library appropriations, they should have sole ***responsibility*** as well. They should process their own payroll and accounts payable checks and not leave the municipality with the responsibility, but not the authority, to do so. A municipality cannot be considered as merely providing a free accounting service to the public library when Forms W-2 for library employees and Forms 1099 for library vendors are processed with the federal identification number of the municipality rather than the public library. Library Trustees insist that their staff members are library employees and not Town employees, but federal and state agencies and insurers recognize them only as Town employees. You will surely recall the Board of Selectmen's annual consternation over the mandated inclusion in its recommended budget of appropriations for the public library over which it had absolutely no control. Many other similar difficulties are experienced throughout New Hampshire due to the existing semi-autonomous status of public libraries. Therefore, appropriate provisions should be added to the bill to make the public library a completely independent entity, similar to school districts and village districts. Even better for taxpayers (although it would significantly change the intention of the bill) would be the elimination of a totally unnecessary level of bureaucracy by simply making the public library a department of the municipality.

Unexpended Library Appropriations

Appropriations for library purposes are presently included in a municipality's General Fund operating budget. Consequently, any unexpended portion of these appropriations becomes a part of General Fund surplus at year-end. One of the objectives of SB 89 is apparently to preserve the related property taxes for future library purposes. Unfortunately, the bill seems to be flawed in that, in the proposed change to RSA 202-A:11,III, it states only that appropriations for library purposes are not to be considered General Fund appropriations and that any unexpended portion of these appropriations is not to be included in General Fund surplus; it does not address their disposition. Based on the proposed language, I would probably record these appropriations and the related property tax revenue in a Special Revenue Fund. Any surplus (accumulated excess of revenues over expenditures) would remain in that fund. However, like the surpluses in our General Fund, Sewer Fund, and Solid Waste Disposal Fund, the surplus of this new Library Fund could not be expended in a future year without an

additional appropriation, because current-year appropriations generally lapse at year-end. Furthermore, adding another fund to a municipality's accounting records, particularly for smaller communities, would represent an unnecessary complication. In my opinion, the bill's objective would be better realized and more easily implemented by the following language.

> ~~The whole or any part of moneys so appropriated in any year shall not be part of the general fund nor shall any unexpended funds from the library appropriation be included in the general fund surplus.~~ Any unexpended portion of general fund appropriations for library purposes shall be transferred at year-end to the public library's fines fund.

Appointment of Alternate Library Trustees

Currently Library Trustees are elected, and any vacancies that occur on the Library Board of Trustees are filled by Board of Selectmen appointments. SB 89 would ***effectively*** transfer this responsibility to Library Trustees by permitting Library Trustees to appoint alternates, who apparently would fill any vacancies. As a former, long-time member of the Board of Selectmen, you are better able than I to evaluate the wisdom of this proposed change.

Effective Date

According to SB 89, the proposed changes are to become effective 60 days after passage. In my opinion, some possible accounting and administrative problems can be avoided by having the new law become effective on the first day of a municipality's next fiscal year following 60 days after passage. After all, the changes involve appropriations (budgets) for fiscal years.

Please bear in mind that the foregoing comments are based primarily on circumstances in the Town of Merrimack and may not be applicable on a state-wide basis. Please call me if you have any related questions.

Sincerely,

Bob Levan

Robert T. Levan
Finance Administrator

Proposed Statutory Amendments re: Public Libraries - Final Form

A special committee of the New Hampshire Board of Library Trustees met on February 12, 1998 to review proposed statutory amendments submitted by Richard Theriault and Melissa Martin. After thorough discussion, it was agreed that the following sections should be amended as indicated. (Proposed additional language is in bold face and underlined. Deletions are in italics. Note: the sections have been reordered by statute number.)

1. RSA 41:6, Paragraph I, is sought to be amended as follows:

I. Town treasurers, trustees as provided in RSA 32:22 and 23, trustees as provided in RSA 53-B:8-a, I, library trustees **including alternate library trustees, if any,** *as provided in RSA 202-A:23*, town clerks, tax collectors and their deputies, and agents authorized to collect the boat fee shall be bonded by position under a blanket bond from a surety company authorized to business in this state. The bond shall indemnify against losses through:

* * *

This amendment intends to correct what appears to be an oversight in the statute regarding the bonding of all library trustees regardless of whether the trustees administer privately donated trust funds.

2. RSA 41:29, Paragraph I, should be amended as follows:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:4, upon the order of the conservation commission, or in the case of a heritage commission fund established pursuant to RSA 674:44-a upon the order of the heritage commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent, or in the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission, **or in the case of funds appropriated for public library purposes pursuant to RSA 202-A:4, upon order of the library trustees pursuant to RSA 202-A:11, II**, or other board or body designated by the town to expend such a fund.

Amendment of this section intends to make it clear that the town treasurer is required to pay over funds appropriated for library purposes to the library without specific approval from the selectboard where the library enabling statute states that the library trustees shall expend funds raised for the library.

3. RSA 202-A:6, should be amended as follows:

The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, **including appropriations held pursuant to RSA 202-A:11, III, but excepting** *except* trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified.

The proposed amendment intends again to make the statutes both clear and consistent on the point that the library trustees have exclusive authority to spend and hold any funds that may be raised through appropriations for library purposes.

4. RSA 202-A:10 should be amended as follows:

202-A:10 Library Trustees; Vacancies; **Alternates** Vacancies occurring on any board of library trustees in a town shall be filled as provided in RSA 669:75. A vacancy occurring among the publicly elected members of the board of library trustees of a city library shall be filled by the city council or other appropriate appointing authority within 2 months of he notice by the remaining members of the board of trustees. The board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms. **The board of library trustees may appoint up to 3 alternate members for a term of 3 years each.**

The proposed amendment intends to authorize the appointment of alternate library trustees by the duly ~~elected~~ ~~board~~. Planning boards have analogous power pursuant ~~to~~ RSA 673:6, II. (Note: this was ~~initially~~ proposed as an amendment to 202-A:6, but the group agreed it properly fits in this section.)

5. RSA 202-A:11, Paragraph III, should be amended as follows:

III. Expend all moneys raised and appropriated by the town or city for library purposes**, and may hold the same, or may direct that such moneys be paid over by the town treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council. The whole or any part of moneys so appropriated in any year shall not be part of the general fund nor shall any unexpended funds from the library appropriation be included in the general fund surplus.** All money received from fines and payments for lost or damaged books or for the support of a library in another city or town under contract to furnish library

service to such town or city, shall be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment, shall be held in a nonlapsing separate fund and shall be in addition to the appropriation;

The purpose of amending this section is to make it clear that the library trustees are authorized to hold appropriated funds in excess of vouchered expenses. The permissive language is intended to give libraries and towns sufficient flexibility to allow the town to act as bookkeeper for the library or to make any other arrangement for the timing of disbursement of library funds as may be mutually agreed upon by the library and the town or city government. The inclusion of the language proposed by Dick Theriault - that library funds shall not be part of the general fund - bolsters the intent that funds appropriated by the town for the library are distinct from other town funds, whether held by the library trustees, or by the town for the convenience of the library by agreement of its trustees. In addition, it seems to adequately address the concerns raised in earlier discussions of RSA 32:10 regarding transfer of appropriations.

[redacted]

4/98

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on ~~6/23/99~~ SB 89-local

BILL TITLE: Relating to Library Trustees

DATE: {Type DATE} 6/23/99

LOB ROOM: 301

Amendments:

Sponsor: Rep. ~~Foster~~ / ~~Patten~~ OLS Document #: 1999-1695h (Failed 7-4)

Sponsor: Rep. OLS Document #: ~~1999-0955F~~

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Simon

Seconded by Rep. ~~Zoda~~ Griffin

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

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: {Type VOTE} 13-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Richard C Leone

Rep. Richard C. Leone, Clerk

1999 SESSION

Bill # SB 89-local

Public Hearings _____ Executive Session 6/23/99

COMMITTEE REPORT: _____

	YEAS	NAYS
Hess, David W, Chairman	13	
Patten, Betsey L, V Chairman	1	
Golden, Paul A		
Cote, Patricia L		
Rice, Thomas E P	2	
Brundige, Robert W	3	
Sabella, Norma A		
Griffin, Mary E	4	
Leone, Richard C, Clerk	5	
Noyes, Richard A		
Hager, Elizabeth S		
Akins, Ralph L		
Lovejoy, Marian E		
Lockwood, Priscilla P	6	
Foster, Linda T	7	
Fraser, Marilyn A		
McGuirk, Paul A	8	
Salatiello, Thomas B		
St Cyr, Gerard L	9	
Sarette, John C	10	
Simon, Anthony F	11	
Zerba, Roger T	12	
TOTAL VOTE		

Appeared in Favor	Appeared in Opposition
13	0

Consent

EXECUTIVE SESSION

COMMITTEE M+C

BILL NUMBER SB-89

BILL TITLE: This bill requires town treasurers to pay out funds appropriated for public library purposes only upon order of the Library Trustees

DATE: 10/7/99 LOB ROOM: 301

Amendments:

Sponsor: Rep. Lockwood Potter OLS Document #: 1999-2036 (Adopted)/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

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

Moved by Rep. Lockwood

Seconded by Rep. Potter

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

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

Moved by Rep. _____

Seconded by Rep. _____

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

Consent

CONSENT CALENDAR VOTE: 16-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. _____, Clerk

MUNICIPAL AND COUNTY GOVERNMENT 1999 SESSION

Bill # SB-89

Public Hearings _____ Executive Session 10/7/99

COMMITTEE REPORT: OTP/A

	YEAS	NAYS
Hess, David W, Chairman	16	
Patten, Betsey L, V Chairman	1	
Golden, Paul A		
Cote, Patricia L		
Rice, Thomas E P		
Brundige, Robert W		
Sabella, Norma A		
Griffin, Mary E	2	
Leone, Richard C, Clerk	3	
Noyes, Richard A	4	
Hager, Elizabeth S	5	
Akins, Ralph L	6	
Lovejoy, Marian E	7	
Lockwood, Priscilla P	8	
Foster, Linda T	9	
Fraser, Marilyn A	10	
McGuirk, Paul A		
Salatiello, Thomas B	11	
St Cyr, Gerard L	12	
Sarette, John C	13	
Simon, Anthony F	14	
Zerba, Roger T	15	
TOTAL VOTE		

Appeared in Favor	Appeared in Opposition
16	0

Committee Report

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **SB 89-L**

TITLE: relative to library trustees.

DATE: June 24, 1999 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☒ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would establish procedures for the appointment of alternate library trustees, schedules for payment of appropriations to libraries and the status (lapsing or non-lapsing) of library funds. The committee feels that this bill needs further refinement to establish the proper relationship between municipalities and library trustees.

Vote 13-0.

Rep. Anthony F. Simon
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government

SB 89-L, relative to library trustees. RE-REFER

Rep. Anthony F. Simon for **Municipal and County Government:** This bill would establish procedures for the appointment of alternate library trustees, schedules for payment of appropriations to libraries and the status (lapsing or non-lapsing) of library funds. The committee feels that this bill needs further refinement to establish the proper relationship between municipalities and library trustees.

Vote 13-0.

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **SB 89-L**

TITLE: relative to library trustees.

DATE: October 7, 1999 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill enables towns to appoint up to three alternate library trustees and authorizes payment schedules for library appropriations, as agreed to by the trustees and the governing board.

Vote 16-0.

Rep. Priscilla P. Lockwood
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government
SB 89-L, relative to library trustees. OUGHT TO PASS WITH AMENDMENT
Rep. Priscilla P. Lockwood for **Municipal and County Government:** This bill enables towns to appoint up to three alternate library trustees and authorizes payment schedules for library appropriations, as agreed to by the trustees and the governing board. Vote 16-0.

COMMITTEE REPORT

DRAFT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **SB 89-L**

TITLE: relative to library trustees.

DATE: October 7, 1999 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill enables towns to appoint up to three alternate library trustees and authorizes payment schedules for library appropriations, as agreed to by the trustees and the governing board. 10/27/99

Vote 16-0.

OK

Rep. Priscilla P. Lockwood
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

~~285~~
~~507~~
~~641~~
~~71~~
~~595~~
~~89~~
~~86~~
~~226~~
~~76~~

Blurb for
SB 89
HB 595

OK to
Indy
DV
10/20/99

Consent

SB 89 - This bill ~~will allow~~ enables town to ~~add~~ appoint up to 3 alternate library trustees, to ~~its~~ library board and ~~to set up~~ authorizes payment schedules for ~~the~~ library appropriation, as agreed to by the trustees and the governing board. ~~Consent~~ Rep. Lockwood

HB 595 - It was the opinion of the Committee that the objectives of this bill could be ~~attained~~ accomplished by procedures already in place at the local level. Rep Lockwood