Bill as Introduced

SB 453 - AS INTRODUCED

2000 SESSION

00-2799
04/09

SENATE BILL ***453***

AN ACT relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.

SPONSORS: Sen. Johnson, Dist 3

COMMITTEE: Education

ANALYSIS

This bill:

I. Allows the regional community-technical colleges to expend legacies and gifts without the approval of the governor and council.

II. Allows for the transfer of funds between line items within and among any budgetary unit in the regional community-technical colleges.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2799
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.

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

1 Regional Community-Technical Colleges; Duties; Power to Expend Legacies Inserted. Amend RSA 188-F:4-a, III to read as follows:

III. Accept ***and expend*** legacies and other gifts to, or for the benefit of, the community-technical college system, or any of its divisions, institutions, or units, ***without the approval of the governor and council, and to establish separate accounts,*** and to establish non-profit entities or foundations for the purposes of fund raising and development of assets in reserve.

2 Regional Community-Technical Colleges; Budgeting; Transfer of Funds Among Budgetary Units Inserted. Amend RSA 188-F:14, I to read as follows:

I. The department shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. Each institution of the department and the commissioner's office shall be considered a separate budgetary unit. The department shall submit its budget in the same format and at the same time as other state agencies. However, the board of trustees is authorized to transfer funds between line items within ***and among*** any budgetary unit. By October 31 of each fiscal year, the department shall submit a report to the joint fiscal committee detailing all transfers made during the last fiscal year and the reasons for them. [~~Transfers of funds between budgetary units shall be made in accordance with procedures and restrictions applying to all other agencies.~~]

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

Committee Minutes

Date: **February 23, 2000**
Time: **8:51 a.m.**
Room: **105-A - State House**

The Senate Committee on **Education** held a hearing on the following:

SB 453 **relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.**

Members of Committee present:

Senator McCarley
Senator Eaton
Senator D'Allesandro
Senator Disnard
Senator Johnson
Senator Squires

The Chair, **Senator Caroline McCarley,** opened the hearing by calling on the prime sponsor of the bill, Senator Johnson, as the first speaker.

Senator Carl R. Johnson, D. 3: We're back again with some housekeeping on **Senate Bill 503.** This is a housekeeping that has been brought forward in collaboration with **Administrative Services**. As I understand it, for the last several years, the community technical colleges have been transferring funds within the system.

Prior to the passage of **Senate Bill 503**, the community technical colleges had the ability to accept donations up to **$15,000** without GNC approval. **Senate Bill 503** provided for the creation of a foundation that would be the fund raising arm of the community technical colleges. And, in order to provide the colleges with the flexibility to accept all gifts in an expedient fashion, the dollar limitation was removed.

When that change was made, the language that allows for the acceptance of donations within the Governor and Council approval, was inadvertently dropped and I think that you can see that in the current chapter – **188:F**.

The final sentence of the existing statute has been removed at the suggestion of Administrative Services, *"the deletion of this sentence prevents confusion about flexibility required by the community technical colleges that is not required by other state agencies."*

We have the commissioner here today as well as others who will address this issue if you have any further questions.

Senator Caroline McCarley, D. 6: Questions for **Senator Johnson**? ***(No Response).***

Thank you. There is no one else on the sign up sheet to speak. Commissioner, do you wish to speak, or.....

Commissioner Glenn Dubois, Community Technical College System: With me is my **Chief Fiscal Officer, Mary Millican.** As **Senator Johnson** indicated.....and, I don't really have a long statement.....I'm more prepared to stand by for any questions.

As the Senator indicated, these are housekeeping matters. One area – in respect to the transfer ability of funds within our own system.....And, the other area of accepting gifts to the foundation.....

I think it is indeed accurate as the Senator indicated, that there is conflicting language. With respect to the transfer of funds – appropriation – within our own system, we have been doing this and with the support of **Administrative Services**.....It was **Don Hill** of **Administrative Services** that thought we should clean up the record permanently. So, I sit before you with his support.

Other than that, I could stand by for any questions.

Senator Caroline McCarley, D. 6: Thank you. Questions?

Senator Lou D'Allesandro, D. 20: The foundation is in place as an entity right now – that aspect of fund raising.

Commissioner DuBois: We have a board, Senator. We are expanding the board. That board has been incorporated by incorporators {sic} from my board. We are in the process and we will complete it in the very near future of doing what is required to get the 501:C-3 status. And, we have been raising some money.

Senator Lou D'Allesandro, D. 20: So, that would be, in essence, a separate entity from your appropriation system. You would have a free standing account and that would be your endowment, so to speak.

Commissioner DuBois: Correct.

Senator Lou D'Allesandro, D. 20: And, whatever you raise the money for, whether it is scholarship money or etc., etc....And, that would be outside of the venue of your regular state appropriation?

Commissioner DuBois: Correct.

Senator Lou D'Allesandro, D. 20: Thank you.

Senator Caroline McCarley, D. 6: If we have no one else to speak on **Senate Bill 453**, we will close the hearing.

Hearing adjourned at 8:57 a.m.

Respectfully submitted,
Rosalie Brooks Patch, secretary

Committee Report

Date: February 23, 2000 Time: 8:51 a.m.

The Senate Committee on Education held its hearing in Room 105-A - SH, Concord, New Hampshire.

BILL NO.: SB 453 TITLE: relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.

Members of the Committee present:

Senator McCarley
Senator Eaton
Senator D'Allesandro
Senator Disnard
Senator Johnson
Senator Squires

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON **Education**

to which was referred **Senate Bill 453**

AN ACT **relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.**

VOTE: 6-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Carl R. Johnson
For the Committee