Bill as Introduced

HB 211 – AS INTRODUCED

2003 SESSION

03-0536
08/10

HOUSE BILL ***211***

AN ACT relative to town clerk fee deposit requirements.

SPONSORS: Rep. Lockwood, Merr 35

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires that all statutory fees collected by a town clerk be deposited.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 211 – AS INTRODUCED

03-0536
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to town clerk fee deposit requirements.

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

1 Town Clerk Total Fund Deposit Requirement; Fees. RSA 41:25 is repealed and reenacted to read as follows:

41:25 Fees.

I. Town clerks shall be entitled to a minimum fee of $2 for recording a bill of conditional sale, a personal property mortgage or for a copy of any public records in his or her custody except copies of vital statistics, for recording writs of attachment, discharging a mortgage on the margin of a record or for recording an assignment thereof, provided, however, that each town, at the annual town meeting, may determine the rate and amount of compensation, in lieu of statutory fees, in combination with a portion of statutory fees or just statutory fees, to be allowed to the town clerk for his services.

II. Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly, or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees.

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

Amendments

Municipal and County Government
January 30, 2003
2003-0120h
08/03

Amendment to HB 211 Not Used

Amend the bill by replacing all after the enacting clause with the following:

1 Town Clerk Total Fund Deposit Requirement; Fees. RSA 41:25 is repealed and reenacted to read as follows:

41:25 Fees.

I. Town clerks shall be entitled to a minimum fee of $2 for recording a bill of conditional sale, a personal property mortgage, or for a copy of any public records in his or her custody except copies of vital statistics, for recording writs of attachment, discharging a mortgage on the margin of a record or for recording an assignment thereof, provided, however, that each town, at the annual town meeting, may determine the rate and amount of compensation, in lieu of statutory fees, in combination with a portion of statutory fees or just statutory fees, to be allowed to the town clerk for his or her services.

II. Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly, or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees.

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

Rep. Patten, Carr. 7
February 4, 2003
2003-0164h
08/09

Amendment to HB 211

Amend the bill by replacing all after the enacting clause with the following:

1 Town Clerk Total Fund Deposit Requirement; Fees. RSA 41:25 is repealed and reenacted to read as follows:

41:25 Fees.

I. Town clerks shall be entitled to a minimum fee of $2 for recording a bill of conditional sale, a personal property mortgage or for a copy of any public records in his or her custody except copies of vital statistics, for recording writs of attachment, discharging a mortgage on the margin of a record or for recording an assignment thereof, provided, however, that each town, at the annual town meeting, may determine the rate and amount of compensation, in lieu of statutory fees, in combination with a portion of statutory fees or just statutory fees, to be allowed to the town clerk for his services.

II. Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly, or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit an invoice for the amount of those fees to the treasurer, who shall pay out that amount to the clerk, notwithstanding RSA 32.

2 Duties of the Treasurer. 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 fees deposited by the town clerk pursuant to RSA 41:25, upon the invoice of the town clerk,*** or other board or body designated by the town to expend such a fund.

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

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # 211 Date 1/22/03

Committee Municipal and County Government

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Rep. R.J. GIUDA	WARREN	371-1193	GRAFTON 13	✓	
" Elbert Bucknell	Deerfld	463-9749	Dist. 79	✓	

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 211

BILL TITLE: relative to town clerk fee deposit requirements.

DATE: January 22, 2003

LOB ROOM: 301 **Time Public Hearing Called to Order:** 10:06 AM

Time Adjourned: 11:02 AM

(please circle if present)

Committee Members: Reps. Patten, Brundige, Lockwood, Twombly, Boyce, Dumaine, Stohl, Noyes, Buhlman, Doyle, C. Dunne, Dupuis, Gillick, Gould, M. Pappas, N. Johnson, M. Cooney, Davidson, Osborne, Schmidt, and Theberge.

Bill Sponsors: Rep. Lockwood, Merr 35

TESTIMONY

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

Rep. Lockwood, Dist 35
Introduction.

***Judy Silva, NH Municipal Association**
Number three action recommendation policy. RSA 41:25 How to pay town clerk. Can be by fees and/or salary. Ought to be documentation and tracking of fees. Required depositing of fees would be an accounting of those fees. Suggestion on paying out of fees: needs an appropriation line in budget.

Barbara Robinson, DRA
Did not have a problem with the bill. RSA 44:2 city clerks – statutes apply to all clerks.

Rep. R. Guide, Dist 13
Support. Chairs selectmen – Warren. 27 years marriages not recorded by state. Fees were collected. Clerk could run it as they pleased. Need accountability. Fees are income. Board of Selectmen liable to report those fees.

Joan C. Tuck, Windham
Opposed. 36 years, Treasurer. Time line for budgeting process. In and out account for fees. Town Clerk's Association of 12 members doesn't necessarily represent all town clerks. They are all salaried. $2.00 – what does it represent? Most in bill represent tax collector. What about boats? Different accounts? Interest earned – who gets? She gets no benefits. Town meeting – most fees are in statutes. She wants to stay on fees. Would town take out taxes? Titles, dog registrations, hunting and fishing, marriages. On line with state

Rep. Boyce
Could it be grandfathered?

Raymond Thayer, Newton Clerk and Tax Collector

Paid by fees. $2.00 fee? Many $1.00 and $1.50 fee registrations. On default budget. Record keeping, yes.

Judy Silva, NH Municipal Association

I. This section is not changed. In some towns, part of town fee goes to town; part goes to clerk.

Respectfully submitted,

Priscilla P. Lockwood

Priscilla P. Lockwood, Clerk
Municipal and County Government

Testimony

N. H. Municipal Association

PO Box 617, Concord, NH 03302 ▪ (603) 224-7447

TESTIMONY ON HB 211

House Municipal & County Committee
January 22, 2003

Good morning, Madam Chair and members of the Committee, my name is Judy Silva and I am Government Affairs Counsel at the New Hampshire Municipal Association. I appear here today in **STRONG SUPPORT** of HB 211. This bill was the #3 Action Recommendation of the NHMA Municipal Administration and Finance Management Legislative Policy Committee.

The policy position states as follows:

> **NHMA SUPPORTS** legislation to require city and town clerks to deposit all funds collected with the city or town treasurer or in a municipal account controlled by the treasurer. A request for payment of fees should be submitted for reimbursement.

As you know, RSA 41:25 gives municipalities a choice in how they decide to pay for the services of their town clerks—by fees, 'salary,' or a combination. In many municipalities, clerks already deposit the fees in total. In some municipalities where clerks are paid in whole or in part by fees, however, the fees are not deposited and are simply retained by the clerk as compensation. While those clerks are clearly entitled to the amount of money collected in fees as part of their compensation, the municipality may have no record of the amount collected in fees. To require deposit in full of all fees collected would provide better municipal bookkeeping and accountability for those funds. A total fee deposit requirement would provide protection for both municipalities and for clerks against any claims, real or imagined, of mishandling of the funds.

This policy was reviewed with the New Hampshire City and Town Clerks' Association and we are pleased to have their support. We ask you for your support as well. Thank you for your attention and please feel free to call upon us if you have any questions.

HB 211

Town Clerk Total Fund Deposit Requirement

1 Amend RSA 41:25 as follows:

41:25 Fees. –

I. Town clerks shall be entitled to a minimum fee of $2 for recording a bill of conditional sale, a personal property mortgage or for a copy of any public records in his **or her** custody except copies of vital statistics, for recording writs of attachment, discharging a mortgage on the margin of a record or for recording an assignment thereof, provided, however, that each town, at the annual town meeting, may determine the rate and amount of compensation, in lieu of statutory fees, in combination with a portion of statutory fees or just statutory fees, to be allowed to the town clerk for his services.

II. Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by [~~In the event that the town clerk is paid a compensation in lieu of statutory fees or a portion of statutory fees, all remaining fees shall be paid to~~] the town treasurer at least monthly, or as directed by the selectmen, for the use of the town. **In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees.**

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 211 – reconsidered on 02/06/03

BILL TITLE: **relative to town clerk fee deposit requirements.**

DATE: January 30, 2003

LOB ROOM: 301

Amendments:

Sponsor: Rep. Patten — OLS Document #: 2003 0120h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

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

Moved by Rep. Twombly

Seconded by Rep. Schmidt

Vote: 18-0 (Please attach record of roll call vote.)

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

Moved by Rep. Twombly

Seconded by Rep. Boyce

Vote: 18-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla P. Lockwood, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 211 **Title:** Rel. to Town Clerk's fees

PH Date: 11/22/03 Exec Session Date: 11/30/03

Motion: OTP-A Amendment #:

MEMBER	YEAS	NAYS
Patten. Betsey L. Chairman	18	
Brundige. Robert W. V Chairman	1	
Lockwood. Priscilla P	2	
Twomblv. James E	3	
Bovce. Laurie J	4	
Dumaine. Dudlev Daniels	5	
Pappas. Marc	absent	
Dunne. Christopher H	absent	
Stohl. Eric G	6	
Noves. Richard A	7	
Buhlman. David L	8	
Dovle. Christopher L	absent	
Dupuis. Roland L	9	
Gillick. Thomas J	10	
Gould. Kenneth H	11	
Johnson. Nancv K	12	
Coonev. Marv R	13	
Davidson. Robert A	14	
Osborne. Jessie L	15	
Schmidt. Peter B	16	
Theberge. Robert L	17	
TOTAL VOTE:	18	0

Printed: 1/6/2003

Reconsideration

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 211

BILL TITLE: **relative to town clerk fee deposit requirements.**

DATE: February 6, 2003

LOB ROOM: 301

Amendments:

Sponsor: Rep. Patten — OLS Document #: 2003 0164h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

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

Moved by Rep. Twombly

Seconded by Rep. Brundige

Vote: 17-0 (Please attach record of roll call vote.)

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

Moved by Rep. Twombly

Seconded by Rep. Brundige

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla P. Lockwood, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 211 **Title:** _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: OTP-A Amendment #: 2003-01644

MEMBER	YEAS	NAYS
Patten, Betsey L. Chairman	17	
Brundige, Robert W. V Chairman	1	
Lockwood, Priscilla P	2	
Twombly, James E	3	
Boyce, Laurie J	4	
Dumaine, Dudley Daniels	5	
Pappas, Marc	6	
Dunne, Christopher H	absent	
Stohl, Eric G	7	
Noyes, Richard A	8	
Buhlman, David L	9	
Doyle, Christopher L	absent	
Dupuis, Roland L	absent	
Gillick, Thomas J	10	
Gould, Kenneth H	11	
Johnson, Nancy K	12	
Cooney, Mary R	13	
Davidson, Robert A	14	
Osborne, Jessie L	absent	
Schmidt, Peter B	15	
Theberge, Robert L	16	
TOTAL VOTE:	17	0

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 211**

TITLE: relative to town clerk fee deposit requirements.

DATE: February 6, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

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

STATEMENT OF INTENT
(Include Committee Vote)

Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees. In the past, town clerks were not required to deposit fees. This bill would provide better financial documentation.

Vote 17-0.

Rep. James E. Twombly
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government

HB 211, relative to town clerk fee deposit requirements. **OUGHT TO PASS WITH AMENDMENT** Rep. James E. Twombly for Municipal and County Government: Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees. In the past, town clerks were not required to deposit fees. This bill would provide better financial documentation. **Vote 17-0.**

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 211**

TITLE: relative to town clerk fee deposit requirements.

DATE: ~~January 30, 2003~~ 2/6/03 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT 2003-0164h

☐ INEXPEDIENT TO LEGISLATE

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

STATEMENT OF INTENT
(Include Committee Vote)

Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees. In the past, town clerks were not required to deposit fees. This bill would provide better financial documentation.

Vote ~~18-0~~ 17-0

Rep. James E. Twombly
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

HB-211 relative to town clerk fee deposit requirement

Ought to Pass with Amendment.

Rep James E Kwambly for Municipal & County Government

Town clerks shall deposit ~~fees~~ all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly, or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerks compensation consists of statutory fees, the clerk shall submit a request to the selectmen for reimbursement of those fees. In the past, town clerks were not required to deposit fees. This bill would provide better financial documentation.

Vote 18-0

Consent

2/6/03 Rm 301

Motion to reconsider HB 211 - Rep Johnson,

Seconded - Breidige