

CHAPTER 18
HB 1442 - FINAL VERSION

2020 SESSION

20-2355
10/04

HOUSE BILL **1442**

AN ACT relative to the Gunstock area commission and ski resort.

SPONSORS: Rep. Howard, Belk. 8; Rep. Aldrich, Belk. 2; Rep. Bean, Belk. 2; Rep. Comtois,
Belk. 7; Rep. Jurius, Belk. 2; Rep. Plumer, Belk. 6; Rep. St. Clair, Belk. 9; Rep.
Sylvia, Belk. 6; Sen. Gray, Dist 6

COMMITTEE: Municipal and County Government

ANALYSIS

This bill modifies the appointing authority for the members of Gunstock area commission and the distribution of revenues. The bill also removes a limit on bonding for the commission and a limitation on water withdrawals at the ski resort.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to the Gunstock area commission and ski resort.

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

1 18:1 Gunstock Area Commission; Appointment; Terms. Amend 1957, 399:4 to read as follows:
2 399:4 Appointive Agency. The county convention for the county of Belknap, hereinafter
3 sometimes referred to as the "appointive agency", shall, acting as a body, appoint the members of the
4 commission. ~~[Not more than two of the]~~ Members of the commission shall be residents of ~~[the same~~
5 ~~municipality]~~ **Belknap county**. At least one member shall be an experienced skier and at least one
6 member shall be experienced in the field of finance, banking, or accounting. The term of office of
7 each member shall be five years, except that initially, one member shall be appointed for a term of
8 five years, one member for a term of four years, one member for a term of three years, one member
9 for a term of two years, and one member for a term of one year. Thereafter, appointments shall be
10 made for five years. **No commission member shall serve more than 2 consecutive terms.** Each
11 member shall continue in office until his **or her** successor has been appointed and qualified, and
12 each member shall be subject to removal for cause by the appointive agency after public hearing.

13 18:2 Gunstock Area Commission; Appropriations and Revenues. Amend 1957, 399:14 as
14 amended by 1973, 263:4 to read as follows:

15 399:14 Appropriations and Revenues.

16 (a) The county convention may, from time to time, appropriate money for the use of the
17 commission to carry out the purposes of this chapter.

18 (b) All moneys received by the commission from the operation of the area, by borrowing,
19 from the appropriations by the county convention, or from other sources, ~~[shall be turned over to the~~
20 ~~county treasurer,]~~ shall be kept in a separate fund, and shall be paid out of the same only upon order
21 of the commission or its duly designated agent.

22 (c) The commission is hereby authorized and empowered to use the revenues from the
23 area to carry out any and all of the purposes herein stated, and is hereby especially authorized and
24 empowered to retain any profits from the operation of the area and invest the same for the purpose
25 of future maintenance, operation, improvements of the area, and for working capital, except that
26 ~~[any sums accumulated and on hand at the end of the fiscal year in excess of twenty-five percent of~~
27 ~~the average gross income of the three immediately preceding fiscal years, not required for the~~
28 ~~payment of outstanding bills of amortization of outstanding indebtedness, shall be turned over to the~~
29 ~~county of Belknap if required by]~~ **upon a** vote of the county convention **1.75 percent of yearly**

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1 ***gross operating income shall be turned over to the Belknap county treasurer within 45 days***
2 ***of the receipt and approval of the annual audit.***

3 (d) The commission is hereby authorized to adopt a fiscal year for accounting purposes
4 which need not be the same as the calendar year.

5 (e) All financial transactions of the commission shall be audited annually and at such
6 other times and in such manner as the county convention may determine. The commission shall
7 make an annual report to the county convention ***and the county treasurer*** of its financial and
8 other transactions for the preceding fiscal year on or before the fifteenth day of the second month
9 following the close of the preceding fiscal year. This report, and the report of such audits as shall be
10 made as herein provided, shall be filed with the clerk of the superior court for Belknap county, after
11 completion, and shall be open for public inspection.

12 (f) If the commission at any time requests the county convention for an appropriation, or
13 for authority to borrow money as provided in section 15, such request shall be accompanied by a
14 complete budget of expected receipts and expenditures for the current fiscal year.

15 18:3 Gunstock Area Commission; Bonds or Notes. Amend 1957, 399:15 as amended by 1989, 4:1
16 and 1990, 127:1 to read as follows:

17 399:15 Bonds or Notes Authorized. The county treasurer is hereby authorized upon a vote of the
18 commission, previously authorized by the county convention, with at least 4 members of the
19 commission voting in favor, to borrow money for the purpose of carrying into effect the provisions of
20 this chapter, and to borrow money in anticipation of revenues for a term of years determined and
21 authorized by the county convention, issuing serial notes or bonds therefore, said bonds to be
22 payable out of revenues received from the operation of the area. Such borrowed money may be used
23 for any purpose for which the commission is authorized to expend money. The maturity dates of
24 such bonds or notes shall be determined by the county convention. When borrowed money is used
25 for capital improvements, the maturity dates of the bonds or notes issued shall be based upon the
26 probable useful life of such capital improvements, but in no event shall any maturity date exceed 20
27 years from the date of issue. All such bonds or notes shall contain an express guaranty that fees,
28 fares and tolls will be collected in accordance with the provisions hereof, until the date of maturity of
29 said bonds or notes or renewals thereof, and until sufficient money shall have accumulated to pay
30 the principal of said notes or bonds and the interest thereon at the date of maturity. Such notes or
31 bonds shall be in such form and such denominations as the commission shall determine, subject to
32 the authority of the county convention to determine the term of years for the notes or bonds, and
33 shall be signed by a majority of the commission and countersigned by the county treasurer.
34 Provided, however, that the county convention shall, by 2/3 vote of those members present and
35 voting, approve the issue of serial notes and bonds prior to the issue thereof, and such serial notes or
36 bonds shall be considered to be a pledge of the full faith and credit of the county of Belknap. All
37 bonds and notes, and the interest thereon, issued by the commission hereunder shall be exempt from

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1 taxation. Any borrowings under the provisions of this section authorizing the issuance of bonds and
2 notes to cover operating expenses or losses shall be limited to ~~[a one-time issuance of such bonds and~~
3 ~~notes, the authorization by the county convention for which shall occur on or before December~~
4 ~~31,1990]~~ **revenue anticipation notes due and payable in full within one year.**

5 18:4 Gunstock Area Ski Resort; Snowmaking. Amend 1990, 144:1 to read as follows:

6 144:1 Gunstock Area Ski Resort. Consistent with the best interests of the public as a whole and
7 with state ownership or stewardship over such water bodies, the Gunstock Area of Gilford, and its
8 successors and assigns, is authorized to take water for purposes of implementing a system of
9 snowmaking and other activities incidental to present use and potential expansion of ski area
10 operations from Lake Winnepesaukee, partly situated in the town of Gilford, subject to all applicable
11 conditions and limitations incorporated in any permit issued by or agreements with the United
12 States government or any agency thereof, the state of New Hampshire, or the town of Gilford. If the
13 department of environmental services determines that a cessation, reduction or other modification of
14 such withdrawal is necessary for the preservation of environmental quality, protection of water
15 quality, regulation of water quantity, or protection of habitat, the Gunstock Area and its successors
16 and assigns shall, pursuant to written notice and order, cease, reduce or modify its withdrawal as
17 directed, provided that such order shall expire after 10 days unless during such 10-day period a
18 public hearing is held by the department and a decision is made to extend such order. The
19 department shall adopt rules under RSA 541-A establishing criteria and procedures for issuing such
20 orders for such special hearings and for making such decisions. ~~[If the water withdrawals~~
21 ~~authorized by this act for the potential expansion of ski area operations of the Gunstock Area have~~
22 ~~not commenced within 15 years of the effective date of this act, such authorization shall expire.]~~

18:5 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 17, 2020

Effective Date: September 15, 2020