Bill as Introduced

HB 1160 - AS INTRODUCED

2012 SESSION

12-2767 08/10

HOUSE BILL1160AN ACTestablishing a committee to study the feasibility of allowing towns to split into
smaller political subdivisions.SPONSORS:Rep. Warden, Hills 7; Rep. Manuse, Rock 5; Rep. Malone, Belk 5; Rep. Davenport,
Rock 12COMMITTEE:Municipal and County Government

ANALYSIS

This bill establishes a committee to study the feasibility of allowing towns to split into smaller political subdivisions.

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removed from current law appears [in brackets and struckthrough.]Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 1160 - AS INTRODUCED

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12-2767 08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions.

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

1	1 New Subdivision; Political Subdivision Study Committee. Amend RSA 674 by inserting after
2	section 66 the following new subdivision:
3	Political Subdivision Study Committee
4	674:67 Committee Established. There is established a committee to study the feasibility of
5	allowing towns to form smaller political subdivisions for property tax purposes.
6	674:68 Membership and Compensation.
7	I. The members of the committee shall be as follows:
8	(a) Three members of the house of representatives, appointed by the speaker of the
9	house of representatives.
10	(b) Three members of the senate, appointed by the president of the senate.
11	(c) One member from the Coalition of New Hampshire Taxpayers, appointed by that
12	organization.
13	II. Legislative members of the committee shall receive mileage at the legislative rate when
14	attending to the duties of the committee.
15	674:69 Duties. The committee shall:
16	I. Study the feasibility of allowing towns to form smaller political subdivisions for property
17	tax purposes.
18	II. Solicit testimony from any person or organization with relevant information or expertise.
19	674:70 Chairperson; Quorum. The members of the study committee shall elect a chairperson
20	from among the members. The first meeting of the committee shall be called by the first-named
21	house member. The first meeting of the committee shall be held within 45 days of the effective date
22	of this section. Four members of the committee shall constitute a quorum.
23	674:71 Report. The committee shall report its findings and any recommendations for proposed
24	legislation to the speaker of the house of representatives, the president of the senate, the house
25	clerk, the senate clerk, the governor, and the state library on or before November 1, 2012.
26	2 Repeal. RSA 674:67-71, relative to the committee to study the feasibility of allowing towns to
27	form smaller political subdivisions for property tax purposes, is repealed.
28	3 Effective Date.
29	I. Section 2 of this act shall take effect November 2, 2012.
30	II. The remainder of this act shall take effect upon its passage.

Speakers

SIGN UP SHEET

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To Register Opinion If Not Speaking

Bill #	HB1160		Date	Feb	7,201	2
Committee	mcs	· · · · · · · · · · · · · · · · · · ·				

** Please Print All Information **

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Name	Address	Phone	Representing	Pro	Con
Rep. Andrew J. Manuse Erleen Landes	3 Hilda Ave Dor	YNH 703-88	7 Rock 5	X	
Ellen Landos	Bedford	NH Liberty	Allvance	$ \varphi $	
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Hearing Minutes

PUBLIC HEARING ON HB 1160

BILL TITLE: establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions.

DATE: Febraury 7, 2012

LOB ROOM: 301 Time Public Hearing Called to Order: 2:00 pm

Time Adjourned: 2:15 pm

(please circle if present)

Committee Members: Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copeland, Moore, Munck, Shackett, Stroud, DeStefand, Roberts, Hooper and Tatro

Bill Sponsors: Rep. Warden, Hills 7; Rep. Manuse, Rock 5; Rep. Malone, Belk 5; Rep. Davenport, Rock 12

TESTIMONY

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

***Rep. Mark Warden** of Goffstown. Sponsor. This is about expanding representation. This study committee would look at how portions of a town could split away from current town. Does not believe that property taxes are not fees for services but taxes on wealth..

*Barbara Aichinger of Gilford (Governors Island). Supports the bill. Doesn't agree that Weirs Beach should be able to split from Laconia because of shared infrastructure and debt. The islands in Winnepesauke share nothing with adjacent towns. They could be unincorporated areas and have coverage from the county. The constitution presently provides a process for creating a new municipality. Governors Island would rather have Weirs Beach fire protection. We presently spend \$126,000 per student per year to educate out school aged children. Village districts could be another solution.

Respectfully submitted, Rep. Philip Munck Clerk

PUBLIC HEARING ON HB 1160

BILL TITLE: establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions.

2/1/12

301

LOB ROOM:

DATE:

Time Public Hearing Called to Order:

Time Adjourned: 2:15

(please circle if present)

Committee Members: Reps. Ferrante Sterling, B. Patten, Lockwood, Accornero, Belanger Burt, Coffey, Copeland, Moore Munck Shackett, Stroug, DeStefand, Roberts, Hooper and Tatro.

Bill Sponsors: Rep. Warden, Hills 7; Rep. Manuse, Rock 5; Rep. Malone, Belk 5; Rep. Davenport, Rock 12

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HB 1160

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Testimony

HB 1160 Relative to allowing towns to split into smaller political subdivisions

Testimony from Rep. Mark Warden, prime sponsor. February 07, 2012

The impetus behind this is the desire by some residents in certain areas to free themselves from what they see as an awful disparity in the taxation-toservices ratio. They want the ability to achieve self-determination by removing state restrictions.

Mrs. Aichinger will speak to this more in depth. Her taxpayer organization is quite familiar with the inequities of the current system, where rich neighborhoods are often taxed inordinately to tax other areas that use the majority of town services.

There is a precedent for towns breaking off into smaller villages or towns. Barbara will give you that history and explain why it is as viable today as ever.

Conservatives typically agree in principle with the concept of "local control," and this bill simply studies the possibilities for changing statute to allow freedom for towns to form political subdivisions.

Thank you. Mark Warden

HB1160 To study the creation of smaller political subdivisions

By Barbara Aichinger Aichinger@comcast.net Gilford, NH www.NHPropertyRights.com

Why is this needed?

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In New Hampshire we have not created a new town since 1962 (Sugar Hill) and that was not without controversy. Recently, a few areas of the state under pressure from high taxation and low quality services, have looked to reorganize under different forms of municipal government. The idea's are:

- 1. <u>To go unincorporated</u>: These folks live mainly in seasonal areas. For example the inhabited islands of Lake Winnipesaukee. These properties pay full property taxes yet receive little or no services. These people want to organize themselves and break away from their respective towns. This study committee would look to see how feasible this is and if so make recommended legislation so that they might be able to accomplish this.
- 2. To create a new municipality: As time has gone on areas of the state have shifted population and the needs of these new population groups are not being met by the current municipality that they are part of. For example Governor's Island in Gilford is a bridged island. They are part of the town of Gilford but have no physical link to Gilford, the island is accessed from Laconia. When they dial 911 Laconia shows up first. As a community they are self governing through a home owners association that has been in existence for over 70 years. They have 167 homes, over 350 people with 120 voting residents. They pay enormous property taxes to the town of Gilford and receive little or no services. They have 12 school aged children and as a community pay ~\$126,000.00 per student per year to send their children to the Gilford School District which is currently listed as a District in Need of Improvement. They would like to investigate forming their own municipality
- 3. <u>Village Districts</u>: This is a good form of 'sub government' within a town that should be reviewed as a possible solution for 1 and 2. The issue with the current Village District laws is they do not allow for tax relief when the community wants to provide their own services. For example, if the Lake Winnipesaukee islands wanted to provide fire service they would have to pay for it in addition to paying for the inland fire service that they get no benefit from.

Its time to review all the old laws that are on the books and make recommendations for more efficient government organizations and a legislative process to achieve this.

Voting Sheets

EXECUTIVE SESSION on HB 1160

BILL TITLE: establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions.

DATE: February 13, 2012

LOB ROOM: 301

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

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

Moved by Rep. Munck

Seconded by Rep. Coffey

Vote: 14-1 (Please attach record of roll call vote.)

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

Moved by Rep. Sterling

Seconded by Rep. Munck

Vote: 14-0 (Please attach record of roll call vote.)

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

Moved by Rep. Munck

Seconded by Rep. Coffey

Vote: 14-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes

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

Statement of Intent: Refer to Committee Report

Respectfully submitted, Rep. Philip Munck, Clerk

	EXECUTIVE SESSION on HB 1160	0. L
BILL TITLE:	establishing a committee to study	split
DATE: 2113		
LOB ROOM:	301	

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) Reconsideration Moved by Rep. Sterling Seconded by Rep. Munck

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A (ITL, Interim Study (Please circle one.) Moved by Rep. Hundl Seconded by Rep. Coffey

Vote: 14-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

EXECUTIVE SESSION on HB 1160

BILL TITLE: establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions.

DATE: 2/13/12

LOB ROOM: 301

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A ITL) Interim Study (Please circle one.)
Moved by Rep. Munck
Seconded by Rep. Coffey

Vote: 14-1 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE:



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

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk

OFFICE OF THE HOUSE CLERK

2012 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

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Bill #: <u>HB 1160</u> Title:		
PH Date: 2 / 7 / 12	Exec Session D	ate: <u>211312</u>
Motion: <u> </u>	Amendment #:_	
MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	V	
Sterling, Franklin W, V Chairman	\checkmark	
Patten, Betsey L	`	<u> </u>
Lockwood, Priscilla P	\checkmark	
Accornero, Harry	V	· · · · · · · · · · · · · · · · · · ·
Belanger, James P		· · · · · · · · · · · · · · · · · · ·
Burt, John A	-	
Coffey, James E	V	
Copeland, Timothy D	V	
Moore, Robert W	V	
Munck, Philip L, Clerk	V	······································
Shackett, Jeffrey S Lowerford, T.		· · · · · · · · · · · · · · · · · · ·
Stroud, Kathleen M		
DeStefano, Stephen T	V	
Roberts, Kris E	Abs	· · · · · · · · · · · · · · · · · · ·
Hooper, Dorothea D	Abs	
Tatro, Bruce L	V	,
TOTAL VOTE: Printed: 12/21/2011	14	[

OFFICE OF THE HOUSE CLERK

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MUNICIPAL AND COUNTY GOVERNMENT

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Bill #: <u>48/160</u> Title:		
PH Date: 2/7/12	Exec Session L	Date: <u>2/13/(2</u>
Motion: Reconsideration	Amendment #:	
MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	\checkmark	······································
Sterling, Franklin W, V Chairman	~	······································
Patten, Betsey L	/	
Lockwood, Priscilla P		
Accornero, Harry		
Belanger, James P	/	
Burt, John A	\checkmark	
Coffey, James E	V	
Copeland, Timothy D	V	
Moore, Robert W		
Munck, Philip L, Clerk		
Shackett, Jeffrey S		
Stroud, Kathleen M	Abs	
DeStefano, Stephen T	NOS	
Roberts, Kris E	Abs	
Hooper, Dorothea D	Abs	
Tatro, Bruce L	V	
TOTAL VOTE: Printed: 12/21/2011	14	0

OFFICE OF THE HOUSE CLERK

2012 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

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Bill #: <u>HB 1160</u> Title:		······
PH Date: 2,7,2	Exec Session D	Date: <u>2, 13, 12</u>
Motion: ITL	Amendment #:_	
MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	V	
Sterling, Franklin W, V Chairman	V	
Patten, Betsey L	V	
Lockwood, Priscilla P	\checkmark	······
Accornero, Harry	/	
Belanger, James P	V	
Burt, John A	N/	······································
Coffey, James E	\sim	
Copeland, Timothy D		
Moore, Robert W		·····
Munck, Philip L, Clerk		
Shackett, Jeffrey S		· · · · · · · · · · · · · · · · · · ·
Stroud, Kathleen M	Abs	
DeStefano, Stephen T	V V	
Roberts, Kris E	Abs	
Hooper, Dorothea D	Abs	
Tatro, Bruce L		
TOTAL VOTE: Printed: 12/21/2011	14	0

Committee Report

CONSENT CALENDAR

February 15, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on <u>MUNICIPAL AND COUNTY</u> <u>GOVERNMENT</u> to which was referred HB1160,

AN ACT establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Philip L Munck

FOR THE COMMITTEE

Original: House Clerk Cc: Committee Bill File

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB1160
Title:	establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions.
Date:	February 15, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The process by which a municipality can be split or combined into new political subdivision is through action of the legislature and has been clearly articulated in the creation of the town of Sugar Hill in 1961 and the failed attempt of Weirs Beach to separate from the city of Laconia in 1991. Separating a political subdivision of the state into new cities or towns inevitably is complex and involves issues unique to the parties involved. For this reason, general principles beyond those available in existing chapter laws and case law probably cannot be established. A study committee could not add to this meaningfully and is not justified.

Vote 14-0.

Rep. Philip L Munck FOR THE COMMITTEE

Original: House Clerk Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB1160, establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions. INEXPEDIENT TO LEGISLATE.

Rep. Philip L Munck for MUNICIPAL AND COUNTY GOVERNMENT. The process by which a municipality can be split or combined into new political subdivision is through action of the legislature and has been clearly articulated in the creation of the town of Sugar Hill in 1961 and the failed attempt of Weirs Beach to separate from the city of Laconia in 1991. Separating a political subdivision of the state into new cities or towns inevitably is complex and involves issues unique to the parties involved. For this reason, general principles beyond those available in existing chapter laws and case law probably cannot be established. A study committee could not add to this meaningfully and is not justified. Vote 14-0.

Original: House Clerk Cc: Committee Bill File COMMITTEE REPORT

Munck

COMMITTEE:	
BILL NUMBER:	HB 1160
TITLE:	study committee on towns splitting
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DATE:	2/13/12 consent calendar: ye not
	OUGHT TO PASS OUGHT TO PASS W/ AMENDMENT
	INEXPEDIENT TO LEGISLATE
	INTERIM STUDY (Available only 2 nd year of biennium)
STATEMENT OF II	NTENT:
The process by which a municipality can be	
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Laconia in 1991. Separating a political subdivision	
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inevitably is complex and modes issues	
unique to the parties involved. For Tor (over)	
COMMITTEE VOTE: <u>14-0</u> BIAP	
RESPECTFULLY SUBMITTED,	
 Copy to Committee B Use Another Report f 	Rep. PL For the Committee