

Bill as Introduced

HB 1160 - AS INTRODUCED

2012 SESSION

12-2767
08/10

HOUSE BILL **1160**

AN ACT establishing 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 12

COMMITTEE: 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 struck through~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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, DeStefano, Roberts, Hooper and Tatro

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

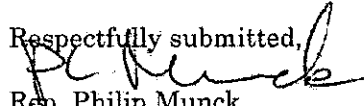
TESTIMONY

* 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 Winnepesaukee 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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1160

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

DATE: 2/7/12

LOB ROOM: 301

Time Public Hearing Called to Order: ~~11:00~~ 2:00

Time Adjourned: 2:15

(please circle if present)

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

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.

HB 1160

*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 Winnepesaukee 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.

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-to-services 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?

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. To go unincorporated: These folks live mainly in seasonal areas. For example the inhabited islands of Lake Winnepesaukee. 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 could send them all to a much better school for a fraction of the price. They would like to investigate forming their own municipality
3. Village Districts: 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 Winnepesaukee 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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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, 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 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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1160

BILL TITLE: *establishing a committee to study... split*

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.) *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. *Munck*
Seconded by Rep. *Coffey*
Vote: *14-0* (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE} *YES*

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Dianne E. Schuett, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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: NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1160 Title: _____

PH Date: 2 / 7 / 12 Exec Session Date: 2 / 13 / 12

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	✓	✓
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W	✓	
Munck, Philip L, Clerk	✓	
Shackett, Jeffrey S <u>Comertford, T.</u>	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E	Abs	
Hooper, Dorothea D	Abs	
Tatro, Bruce L	✓	
TOTAL VOTE:	14	1

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: AB 1160 Title: _____

PH Date: 2, 7, 12 Exec Session Date: 2, 13, 12

Motion: Reconsideration Amendment #: _____

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W	✓	
Munck, Philip L, Clerk	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	Abs	
DeStefano, Stephen T	✓	
Roberts, Kris E	Abs	
Hooper, Dorothea D	Abs	
Tatro, Bruce L	✓	
TOTAL VOTE:	14	0

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1160 Title: _____

PH Date: 2/7/12

Exec Session Date: 2/13/12

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W	✓	
Munck, Philip L, Clerk	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	Abs	
DeStefano, Stephen T	✓	
Roberts, Kris E	Abs	
Hooper, Dorothea D	Abs	
Tatro, Bruce L	✓	
TOTAL VOTE:	14	0

Committee Report

CONSENT CALENDAR

February 15, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY GOVERNMENT 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

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

DATE: 2/13/12 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

The process by which a municipality can be split or combined into new political subdivisions 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 is inevitably is complex and involves issues unique to the parties involved. ~~For~~ For (over)

COMMITTEE VOTE: 14-0 BAF

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. PC Munck
For the Committee