

LEGISLATIVE COMMITTEE MINUTES

HB1081

Bill as
Introduced

HB 1081 - AS INTRODUCED

2022 SESSION

22-2378

10/04

HOUSE BILL

1081

AN ACT

relative to the dissolution of a village district.

SPONSORS:

Rep. J. Smith, Carr. 5; Rep. McConkey, Carr. 3; Rep. Spillane, Rock. 2; Rep. Lang, Belk. 4; Rep. Avellani, Carr. 5; Rep. Cordelli, Carr. 4

COMMITTEE:

Municipal and County Government

ANALYSIS

This bill allows for the dissolution of a village district by a simple majority vote at an annual district meeting.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the dissolution of a village district.

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

- 1 1 Village Districts; Dissolution; majority Vote. Amend RSA 52:21 to read as follows:
2 52:21 Dissolution. Any village district and any district now in existence having the rights and
3 powers of a village district, may, at an annual meeting, by a [2/3] *simple majority* vote of its legal
4 voters, terminate its existence and dispose of its corporate property. Upon the dissolution of any
5 such district, the property, real and personal, which is contained within the former boundaries of the
6 dissolved district shall continue to be subject to taxation and betterment assessments for the
7 purpose of paying any unpaid bonds, notes, bills or other obligations incurred while the district was
8 in existence, in the same manner as if the said district had not been dissolved. The selectmen of the
9 town or towns in which the district was situated shall assess the taxes and betterment assessments
10 in the same manner as if the district had not been dissolved and shall have the duty, authority, and
11 power to pay such bonds, notes, bills or other obligations after the moneys received from such taxes
12 and assessments. Provided, however, that in no case shall the total of any such taxes or assessment
13 exceed the balance necessary to pay said bonds, notes, bills or other obligations after the net income
14 derived from the property disposed of has been applied for the payment of the same.
15 2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: March 23, 2022

HEARINGS

Monday

03/28/2022

Election Law and Municipal Affairs	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. HB 1010-FN	requiring municipal voter history to be made accessible in the statewide centralized voter registration database.	
1:15 p.m. HB 1009	requiring the date a person registers to vote to be included with other voter information.	
1:30 p.m. HB 1069	relative to the election of village district commissioners.	
1:45 p.m. HB 1046	relative to the election of the Sullivan county commissioners.	
2:00 p.m. HB 1081	relative to the dissolution of a village district.	
2:15 p.m. HB 1567-FN	relative to consequences resulting from election official misconduct.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1010-FN

Rep. Sweeney

HB 1009

Rep. Sweeney

HB 1069

Rep. Silber

HB 1046

Rep. Tanner

Rep. Merchant

Rep. Gottling

HB 1081

Rep. J. Smith

Rep. McConkey

Rep. Spillane

Rep. Lang

Rep. B. Nelson

Rep. Avellani

Rep. Cordelli

HB 1567-FN

Rep. Alliegro

Rep. Silber

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 1081, relative to the dissolution of a village district.

Hearing Date: March 28, 2022

Members of the Committee Present: Senators Gray, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : Senator Birdsell

Bill Analysis: This bill allows for the dissolution of a village district by a simple majority vote at an annual district meeting.

Sponsors:

Rep. J. Smith

Rep. McConkey

Rep. Spillane

Rep. Lang

Rep. B. Nelson

Rep. Avellani

Rep. Cordelli

Who supports the bill: Representative Jonathan Smith, Aubrey Freedman, Curtis Howland, Jesse Medeiros

Who opposes the bill: Jeanne Torpey, Ruth Perencevich, Karen Dewey, Nancy Brennan, Elizabeth Corell

Summary of testimony presented in support:

Representative Jonathan Smith

- The purpose is to change the legal requirement to dissolve a village district from a 2/3rds majority of legal voters to a simple majority.
- The simple majority standard is what is used to create the village district and it should be no harder to dissolve than it is to create.
- This change is about fairness to the voter.
- The standard of voting is like every election in the state.
- He has questions in committee that compared this bill to a bond which had a 2/3rds majority requirement but it was lowered to a 3/5th majority in 2020.
- This comparison is false as bonding consists of one action, the 3/5th vote.
- Creating and dissolving a village district requires two actions.
- The simple majority vote to create it and the 2/3rd majority vote to dissolve.
- He believes that it is an injustice to the voters who were unaware that it would be harder to dissolve the district than it was to create.
- It should be the same simple majority standard to create and to dissolve.
- There is a misconception that the municipality will absorb the cost of the dissolved district.
- RSA 52:21 states " the selectmen of the town or towns in which the district was situated shall assess the taxes and betterment assessments in the same manner as if the district had not been dissolved."
- Senator Gray asked isn't it common practice to have the vote to dissolve something at a higher bar than to establish it.
 - Rep. Smith replied not that he is aware of in the municipal world
- Senator Gray commented that he is not just speaking of the municipal world. In the legislature rules are adopted and then require a super majority to set them aside. He added that having just a simple majority could make standards go back and forth and asked if that was good.

- Rep. Smith answered that in the House it would be a 2/3rd majority at a later date but if you are immediately looking to overturn a motion it would be a simple majority. In this case that is not a fair comparison because you do not have the option of doing it now or later. There are many forms of village districts and it is the choice of the people if they want to have them or not. This is putting the power in the hands of the voters .

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: April 1, 2022

Speakers

Senate Election Law and Municipal Affairs Committee

SIGN-IN SHEET

Date: March 28, 2022 Time: 2:00 p.m.

HB 1081 AN ACT relative to the dissolution of a village district.
 PRIME: Representative J. Smith

Name/Representing *(please print neatly)*

Smith Jonathan	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB1081 on 2022
Support: 3 Oppose: 9

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Freedman, Aubrey	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Oppose
perencevich, ruth	A Member of the Public	Myself	Oppose
Dewey, Karen	A Member of the Public	Myself	Oppose
Howland, Curtis	A Member of the Public	Myself	Support
Medeiros, Jesse	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Oppose
Corell, Elizabeth	A Member of the Public	Myself	Oppose
Merlone, Lynn	A Member of the Public	Myself	Oppose
Hershey, Jane	A Member of the Public	Myself	Oppose
Thomas, Anne	A Member of the Public	Myself	Oppose
Martin, Patricia	A Member of the Public	Myself	Oppose

Testimony

HB1081

Thank you, Mr. Chairman and Senators,

HB1081 really is a simple bill. The purpose is to change the legal requirement to dissolve a village district from a 2/3rd majority of legal voters to a simple majority of legal voters. The simple majority standard is what is used to create the village district. A village district should be no harder to dissolve than it was to create. This change is about fairness for the voter. I have had concerns from people asking if this bill allows nonresidents to vote. The answer is no. The standard of voting is like every election in the state. You must be a legally registered voter and only those present and voting are counted. That was a court case, Sugar Hill Association V' Lisbon 1962. During testimony I had questions comparing this bill to a bond which had a 2/3rd majority requirement but was lowered to a 3/5 majority requirement in 2020 by the state legislature. This comparison is false. Bonding consists of one action, the 3/5th vote. Creating and dissolving a village district requires two actions. The simple majority vote to create the district and the 2/3rd majority vote to dissolve. I ask you this; (How many voters were unaware that it would be harder to dissolve the district than it was to create? Finally, the House minority blurb indicated that the municipality would absorb the cost of the dissolved district which is not correct. RSA 52:21 states "The selectmen of the town or towns in which the district was situated shall assess the taxes and betterment assessments in the same manner as if the district had not been dissolved." To close, (this bill is about transparency and fairness for the voter and I respectfully ask for your support.

Sincerely,

Representative

Jonathan H. Smith

Carroll County District 5 (Ossipee, Effingham, Brookfield, and Wakefield)

House vote RC OTP: 174-162 Committee vote: 10-9

Same standard to
create + dissolve

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2022 Session**

Bill **HB 1081**

Hearing date: 3/28/22

Executive Session date: 4/11/22

Motion of: IS Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Ward

Notes: _____

Committee Report

General Court of New Hampshire - Bill Status System

Docket of HB1081

Docket Abbreviations

Bill Title: relative to the dissolution of a village district.*Official Docket of HB1081.:*

Date	Body	Description
11/2/2021	H	To Be Introduced 01/05/2022 and referred to Municipal and County Government
1/20/2022	H	Public Hearing: 01/20/2022 10:30 a.m. LOB301-303
2/22/2022	H	Executive Session: 02/22/2022 9:00 a.m. LOB301-303
3/9/2022	H	Majority Committee Report: Ought to Pass (Vote 10-9; RC)
3/9/2022	H	Minority Committee Report: Inexpedient to Legislate
3/20/2022	H	Ought to Pass: MA RC 174-162 03/17/2022 HJ 8
3/22/2022	S	Introduced 03/17/2022 and Referred to Election Law and Municipal Affairs; SJ 6
3/23/2022	S	Hearing: 03/28/2022, Room 100, SH, 02:00 pm; SC 13
4/12/2022	S	Committee Report: Referred to Interim Study, 04/21/2022; Vote 5-0; CC; SC 16
4/21/2022	S	Refer to Interim Study, MA, VV; 04/21/2022; SJ 9

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1081 Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate

as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Meullo
Committee Aide

6/22/22
Date

Senate Clerk's Office AK