

CONSENT CALENDAR

January 25, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 43,**

**AN ACT relative to county commissioners' custody and
care of all property. Having considered the same,
report the same with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Richard Brown

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 43
Title:	relative to county commissioners' custody and care of all property.
Date:	January 25, 2023
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would amend RSA 28:6-a and RSA 28:8-d to remove oversight votes of county commissioners by the county convention and executive committees of the county convention. Direct testimony for this change was limited to one county and as such it was not deemed reasonable or necessary to change this RSA statewide.

Vote 20-0.

Rep. Richard Brown
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 43, relative to county commissioners' custody and care of all property. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Brown for Municipal and County Government. This bill would amend RSA 28:6-a and RSA 28:8-d to remove oversight votes of county commissioners by the county convention and executive committees of the county convention. Direct testimony for this change was limited to one county and as such it was not deemed reasonable or necessary to change this RSA statewide. **Vote 20-0.**

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 43

BILL TITLE: relative to county commissioners' custody and care of all property.

DATE: January 19, 2023

LOB ROOM: 301 - 303

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. R. Brown

Seconded by Rep. Aylward

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:06:25 PM
Roll Call Committee Registers
Report

2023 SESSION

Municipal and County Government

Bill #: 43 Motion: ITL AM #: _____ Exec Session Date: 1/19/23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Turcotte, Len P. Chairman	20		
Pauer, Diane Vice Chairman	1		
Guthrie, Joseph A.	2		
MacDonald, John T. Clerk	3		
Lascelles, Richard W.	4		
Yokela, Josh S.	5		
Kelley, Diane E.	6		
Aylward, Deborah	7		
Brown, Richard R	8		
Cahill, Tim P	9		
Stavis, Laurel	10		
Tatro, Bruce L.	11		
Treleaven, Susan GS	12		
Gilman, Julie D.	13		
Maggiore, Jim V. <i>Run</i>	14		
Mangipudi, Latha D.	15		
Gallager, Eric B.	16		
Hicks, Matthew S	17		
Howland, Allan	18		
Preece, David John	19		
TOTAL VOTE:	20	0	

2

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 43

BILL TITLE: relative to county commissioners' custody and care of all property.

DATE: January 11, 2023

LOB ROOM: 301 - 303 **Time Public Hearing Called to Order:** 1:45 p.m.

Time Adjourned: 2:25 p.m.

Committee Members: Reps. L. Turcotte, Pauer, J. MacDonald, Guthrie, Lascelles, Yokela, D. Kelley, Aylward, T. Cahill, Stavis, Tatro, Treleaven, Gilman, Maggiore, Mangipudi, Gallagher, Hicks, Howland and Preece

Bill Sponsors:

Rep. Aron

Rep. Rollins

Rep. Harley

Rep. Stapleton

TESTIMONY

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

Rep. Judy Aron - Prime sponsor of the bill. This bill, the thought is all property is under control of the county commissioner. They are bound by financial oversights. Competitive bids move faster - many good deals benefiting the taxpayers may be lost because the delegation/executive board may not get together.

Rep. Stavis: Does Sullivan County have by laws? ANS: They have their own set of rules. Recommend thinking about adopting by laws?

Chairman Turcotte: Eliminate the oversight and transparency of the delegate? ANS: The county delegation would still know what is going on. 200 dollars, 10,000 dollars, 100 million, would that 100 million dollar property be able to be sold? ANS: I would defer that to my county manager.

Rep. Mangipudi: Counties have a lot of assets. Would this not take away the local control? ANS: Giving power to one body elected. Strengthens the original RSA. Gives powers vested by the particular RSA.

Derek Ferland, Sullivan County Manager - Supports the bill. Inconsistent, unclear, bills to clean things up. Stems from my research on county property. Reducing oversight of the legislative custody. Real Estate, Real Property, Personal Property. Distinctions on how those properties are used. Add a definition section for the properties. Observations that I have come across.

Rep. Stavis: With this bill, if there is some tangible issues, will solve this problem? ANS: Interest of the greater good. Dialogue of the rules of the road acceptable agreement with the two branches of government.

Rep. Guthrie: If I am in the county, that the Executive Committee does not have control on the sale of the buildings? ANS: The land under it has to be sold with it. Everyone has to be on board with the sale of the building and the land.

Rep. Mangipudi: Are any other counties saying that we need to clean up? ANS: My fellow administration and manager have supported this. Strategy committee discussion five or six people. Assumption - legislative branch has control over real property.

Rep. Sherry Dutzy - Opposes the bill. I am opposed. Concern about the wording. It takes away the power of the delegation. Organizational meeting - powers given to the executive committee. Executive works on behalf of the delegation. Change in law would take away the county conventions power.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB43 on 2023-

Support: 0 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

Municipal and County Government Committee
HB 43 relative to county commissioners custody and care of all property

1/11/23

Dear Municipal and County Government Committee Members,

I am here today to introduce **HB43.**

This bill removes references to ratifications by the county convention and renders the custody and care of all property belonging to the county to the county commissioners as per specified in RSA 28:4.

RSA 28:4 places “custody and care of all property belonging to the county” in the hands of the county commissioners. Accordingly, they should not require subsequent approval from the Delegation in performing one of their functions. This also links 28:8-d and 28:8-a for the threshold where competitive bidding that is required.

The thought here is that RSA 28:4 places "custody and care of all property belonging to the county" squarely in the hands of the county commissioners. Based on RSA 28:4 they should not require subsequent approval from the delegation for certain transactions. County Commissioners are also elected by the people to make decisions regarding custody and care of county land. That is one of their functions. If they require oversight – then shouldn't that come directly from their constituents? The county commissioners already are bound by what they are budgeted, and that is a financial oversight that the county delegation should have. Within that budget, shouldn't the county commissioners be able to make decisions in the best interest of the county as they are directed to in RSA 28:4 regarding custody and care of property? There are other places within the RSA's which give the county delegation oversight over other actions by the commissioners, so this is not meant to diminish the oversight functions of the county delegation.

The other argument is with regard to competitive bidding. Many time competitive bids move faster than it is possible to arrange to convene a county convention/delegation and/or an EFC meeting. Many good deals benefiting the taxpayer can often be lost if ratification cannot be obtained in a timely manner.

I hope in hearing the arguments that you will consider these changes.

Thank you,

Judy Aron - NH State Representative -Sullivan County District 4 - Acworth, Goshen. Langdon, Lempster,
Washington - 266 Forest Rd., South Acworth, NH 03607 - 603-843-5908

SUMMARY OF BILLS TO AMEND COUNTY RSAs

Overview: This document organizes the seven bills introduced to the Municipal & County Government Committee at a Public Hearing on 11 January 2023 into two general categories. The categories are dollar thresholds and clarity/consistency.

DOLLAR THRESHOLDS: Four bills are in this category.

HB 148: Amends RSA 28:8 to raise the threshold for competitive bidding on purchases from \$5,000 to \$10,000.

HB 75: Amends RSA 28:8-a to raise the threshold for competitive bidding for the sale of personal property from \$300 to \$3,000.

HB 87: Amends RSA 24:13, I to raise the threshold for erection, enlargement, or repair of buildings from \$5,000 to \$25,000. There is a forthcoming amendment to HB 87 to add clarity to the grammar and verbiage of this RSA.

HB 83: Amends RSA 28:5 and RSA 28:7 to delete the thresholds and add a cross-reference to RSA 24:13, I for clarity and to reduce the possibility of future errors when the threshold is changed. It also deletes RSA 30-B:2 which is entirely redundant.

CLARITY / CONSISTENCY: Three bills are in this category.

HB 41: Repeals RSA 24:9-d and replaces with language that cross-references RSA 91-A:2 for meeting notices. It also amends RSA 24:14-a to add a 7-day notice for public hearings pursuant to supplemental appropriations. This 7-day notice is consistent with language for public hearings relative to county bonds as described in RSA 33:10.

HB 80: Amends RSA 72:23, II to clarify the list of lands and buildings used by counties for governmental purposes that are exempt from taxation. It also includes a cross-reference to RSA 72:23, I(b) for land and buildings that are subject to taxation.

HB 43: Amends RSA 28:8-c and 28:8-d, I to clarify County Commissioner authority relative to property (both real property and personal property) and distinguish it from the county convention's authority relative to real estate. RSA 24:13 clearly enumerates specific authority to the county convention for all matters pertaining to real estate (acquisition, sale, use, and conveyance) as well as the erection, enlargement, or repair of buildings. All matters involving real or personal property – to include disposal – are the

purview of the Commissioners. As duly elected officials they are equally accountable to taxpayers and any additional oversight encroaches on their statutory authority. RSA 4:40 provides a useful example of this executive branch authority. Section III specifically references the sale of real property as an executive branch responsibility with no additional oversight. This approach is consistent with the enumeration of specific powers granted to the executive and legislative branches of county government in chapters 24 and 28.

HB 43 - AS INTRODUCED

2023 SESSION

23-0180

02/08

HOUSE BILL **43**

AN ACT relative to county commissioners' custody and care of all property.

SPONSORS: Rep. Aron, Sull. 4; Rep. Rollins, Sull. 3; Rep. Harley, Rock. 30; Rep. Stapleton,
Sull. 6

COMMITTEE: Municipal and County Government

ANALYSIS

This bill removes references to ratifications by the county convention and delegates the custody and care of all property belonging to the county to the county commissioners.

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 Three

AN ACT relative to county commissioners' custody and care of all property.

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

1 1 Competitive Bidding on Sales and Leases of Real Property. Amend RSA 28:8-c to read as
2 follows:

3 28:8-c Competitive Bidding on Sales and Leases of Real Property. To transfer a valid interest, a
4 sale or lease of real property owned by a county shall be made by the county commissioners by
5 competitive bidding or in accordance with RSA 28:6-a [~~and shall be ratified by a majority vote of the~~
6 ~~county convention and the executive committee of the county convention~~].

7 2 Use of Real Property. Amend RSA 28:8-d, I to read as follows:

8 I. No officer or employee of a county may enter into an agreement with any other person for
9 the use of real property owned by the county unless such agreement has been approved by the
10 county commissioners [~~and is ratified by a majority vote of the county convention and the executive~~
11 ~~committee of the county convention~~].

12 3 Repeal. RSA 28:8-d, II, relative to use of real property, is repealed.

13 4 Effective Date. This act shall take effect 60 days after its passage.