CONSENT CALENDAR

February 9, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Municipal and County Government to which was referred HB 483-FN,

AN ACT to remove the duties of county delegations and delegate them to county commissioners. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Tim Cahill

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Municipal and County Government**
Bill Number:	**HB 483-FN**
Title:	**to remove the duties of county delegations and delegate them to county commissioners.**
Date:	**February 9, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill would require the county delegations to give up their power to the county commissioners. This eliminates the legislative branch and we believe is repugnant to the New Hampshire Constitution Part 1, Bill of Rights, Article 37. The legislative branch is an integral part of our form of government and ensures oversight over the other branches.

Vote 20-0.

Rep. Tim Cahill
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 483-FN, to remove the duties of county delegations and delegate them to county commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Tim Cahill for Municipal and County Government. This bill would require the county delegations to give up their power to the county commissioners. This eliminates the legislative branch and we believe is repugnant to the New Hampshire Constitution Part 1, Bill of Rights, Article 37. The legislative branch is an integral part of our form of government and ensures oversight over the other branches. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 483-FN

BILL TITLE: to remove the duties of county delegations and delegate them to county commissioners.

DATE: February 9, 2023

LOB ROOM: 301-303

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. T. Cahill Seconded by Rep. J. MacDonald 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 #: 483 FN Motion: ITL AM #: _____ Exec Session Date: 2/9/23

Members	YEAS	Nays	NV
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~~ Colcombee	8		
Cahill, Tim P	9		
Stavis, Laurel	10		
Tatro, Bruce L.	11		
Treleaven, Susan GS	12		
Gilman, Julie D.	13		
Maggiore, Jim V.	14		
Mangipudi, Latha D.	15		
Gallager, Eric B.	16		
Hicks, Matthew S	17		
Howland, Allan	18		
Preece, David John	19		
TOTAL VOTE:	20	0	

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 483-FN

BILL TITLE: **to remove the duties of county delegations and delegate them to county commissioners.**

DATE: **January 26, 2023**

LOB ROOM: **301-303** **Time Public Hearing Called to Order:** **10:10 a.m.**

Time Adjourned: **10:23 a.m.**

Committee Members: Reps. L. Turcotte, Pauer, J. MacDonald, Guthrie, Lascelles, Yokela, Aylward, R. Brown, T. Cahill, Stavis, Tatro, Treleaven, Gilman, Maggiore, Gallager, Hicks, Howland and Preece

Bill Sponsors:
Rep. Berry

TESTIMONY

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

- Rep. Berry - you can't make districts to go across county lines. A lot of counties don't want to do it. 3 divisions of government. NH County government is weak. Long-term care, nursing homes, jail county sheriffs, is it appropriate? 3 branches. We sit on both. County commissioners. Long term concerns. There will be issues in 30 years in Coos County.
- Rep. Yokela - government body makes the budget - legislative body votes on it. No check on the budget. There is a variety.
- Rep Berry - commissioner elected different terms - how long will we be able to do it?
- Rep. Stavis - consulted with Coos County
- Rep. Berry - no if southern NH continues to grow, there may be a problem
- Rep. Treleaven - did you speak with legislators who didn't realize that they had to serve on the delegation?
- Rep. Berry - please show up. Ask them did they know they had to do that job. They like getting the mileage unnecessary duty. Make it a little easier.
- Rep. Gallagher - declining population Coos County. Why do we have to accept that trend? Policies to increase population.
- Rep. Berry - I don't believe it has anything to do with bill. Not targeting Coos.
- Rep. Maggiore - P3, line 24-25 - oath that we take. Shall serve - can it be may?
- Rep. Berry - they would not serve five county districts every two years.
- Rep. Cahill - how long has this been the tradition
- Rep. Berry - since the beginning
- Rep. Howland - too challenging - remote participation
- Rep. Berry - inappropriate state officers are managing county government
- Rep. Gilman - troubles - executive committee three reasons
- Rep. Berry - 2032 change - 20 or 30 years
- Rep. Horrigan - executive committee - favorite part of the job. Active participant. Stable body in the delegation. Separate roll - good to keep them separate. Strange bill. 3 members. Merge Coos County with Grafton. We do our work smoothly. I don't think eliminating delegation is a good idea. Created in statute. Crossing county lines is a bad idea. Bill is not needed.

Respectfully submitted,
Representative MacDonald, Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB483 on 2023-01-26

Support: 1 Oppose: 13 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No	1/22/2023 10:44 PM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 11:48 AM
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 1:30 PM
Hamer, Gary	Manchester, NH grhamer@aol.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 7:40 PM
Benham, Linda	Greenland, NH benhamblab@outlook.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 9:27 AM
BALDWIN, HEATHER	Thornton, NH hpbaldwin48@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2023 2:40 PM
Spier, Carry	Nashua, NH carry.spier@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/24/2023 3:55 PM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	No	1/24/2023 7:54 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/25/2023 12:01 PM
LeClerc, Dan	Amherst, NH djl91862@gmail.com	An Elected Official	Myself	Oppose	No	No	1/25/2023 12:28 PM
Schuett, Rep. Dianne	Pembroke, NH schuettforrep@yahoo.com	An Elected Official	Myself	Oppose	No	No	1/25/2023 8:46 PM
Post, Lisa CM	Lyndeborough, NH lisa.post@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/25/2023 9:56 PM
LaMontagne, Jessica	Dover, NH finnlamontagne@gmail.com	An Elected Official	Myself	Oppose	No	No	1/26/2023 12:13 PM

Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Constituents	Oppose	No	No	1/26/2023 5:28 PM

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 483-TN Date 1/24/23

Committee Municipal & County Gov't

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Eric Pauer	12 Westview Rd Brookline	673-7247	Self		✓

Jeffrey Creem

This bill would leave county commissioners with no oversight.

Jessica LaMontagne

Let's not rewrite historic precedent on how county government is run. The county delegation is a check on the power of the commissioners.

HB 483-FN - AS INTRODUCED

2023 SESSION

23-0571
02/04

HOUSE BILL ***483-FN***

AN ACT to remove the duties of county delegations and delegate them to county commissioners.

SPONSORS: Rep. Berry, Hills. 39

COMMITTEE: Municipal and County Government

ANALYSIS

This bill transfers the duties of the county delegation to the county commissioners as members of the county convention.

- -

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.

23-0571
02/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT to remove the duties of county delegations and delegate them to county commissioners.

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

1 County Convention; Election. Amend RSA 24:1 to read as follows:

24:1 Members. The county convention consists of the [~~state representatives of the representative districts~~] ***county commissioners*** of the county.

2 Compensation for County Conventions.. Amend RSA 24:9-ee to read as follows:

24:9-ee Compensation for County Conventions. Members of each county convention shall receive from the county treasury a sum not to exceed $25 per day for actual attendance at meetings of their respective conventions and an allowance for travel expenses to and from the place of meeting at a rate per mile not in excess of the rate allowed by the United States Internal Revenue Service to be set by a vote of the respective county convention. [~~They are not entitled to receive any compensation or mileage for attending such meetings when such meetings are held at the state house in Concord on a legislative day.~~]

3 Compensation for Coos County Convention. Amend RSA 24:9-eee to read as follows:

24:9-eee Compensation for Coos County Convention. Notwithstanding RSA 24:9-ee, members of the Coos county convention shall receive from the county treasury a sum not to exceed $50 per day for actual attendance at meetings of the convention and an allowance for travel expenses to and from the place of meeting at a rate per mile not in excess of the rate allowed by the United States Internal Revenue Service to be set by a vote of the county convention. [~~The members of the Coos county convention are not entitled to receive compensation or mileage for attending such county meetings when such meetings are held at the state house in Concord on a legislative day.~~]

4 First Meeting. Amend RSA 24:9-a to read as follows:

24:9-a First Meeting. The [~~chair~~] ***chairperson*** of the county [~~delegation~~] ***convention*** shall set the time and place for the first meeting of the county convention to be held during the week of the second Wednesday of December of each even-numbered year and shall notify the [~~clerk of the house of representatives~~] ***county convention members*** prior to the first Wednesday of December. The time and place of the meeting shall be announced [~~by the clerk of the house of representatives~~] on the first Wednesday of December of each even-numbered year.

5 Further Meetings. Amend RSA 24:9-c to read as follows:

24:9-c Further Meetings. The chairperson of the convention or a majority of the members of the convention may, and the chairperson of the convention upon the written request of the county commissioners shall, call a further meeting or meetings of the county convention. [~~On a day on~~

~~which there is a meeting of the house of representatives~~] Such meetings may be held [~~only in the city or town in which such meeting of the house of representatives is held. On days when there is no meeting of the house of representatives such meetings may be held~~] at any place in the county.

6 Notice of Meetings. Amend RSA 24:9-d to read as follows:

24:9-d Notice. The clerk of the convention, or his or her designee, shall mail to each member of the convention a notice stating the time, place and purpose of further meetings at least 7 days before the day of the meeting and shall cause to be published a like notice at least 7 days before the day of the meeting in a newspaper of general circulation in the county. [~~Mailing such notice is not required during any session of the general court, if the notice is printed for 2 legislative days in the journal of the house of representatives.~~]

7 Meetings of Committees. Amend RSA 24:9-f to read as follows:

24:9-f Meetings of Committees. Either the chairperson of the convention or the chairperson of the executive committee may call meetings of the executive committee to be held at any time [~~either at the state house in Concord or~~] at any place within the respective county. The members of the executive committee shall be entitled to the same compensation and travel expenses for actual attendance at such meetings as is provided for attendance at meetings of the convention of said county; members of subcommittees, study committees and committees of investigation may receive such compensation as determined by their respective county conventions for the discharge of their official business plus an allowance for travel expenses at the rate set for attendance at meetings of the convention of said county for travel to and from the place of meetings; said sums to be paid from the county treasury[~~, provided that no such compensation and expenses shall be allowed when such meeting is held at the state house in Concord~~].

8 Delegation Coordinators for Hillsborough, Carroll, and Rockingham Counties. Amend RSA 24:12-a to read as follows:

24:12-a [~~Delegation~~] Coordinators for Hillsborough, Carroll, and Rockingham Counties. The county conventions for Hillsborough, Carroll, and Rockingham counties shall each have the authority to employ a [~~delegation~~] coordinator and other employees who shall perform duties as required by the executive committee, subcommittees, and the [~~legislative delegation~~] ***county convention***.

9 Taxes. Amend RSA 24:20 to read as follows:

24:20 Taxes. The county convention shall, during each [~~biennial session of the legislature~~] ***state biennium***, grant county taxes for its county for 2 years; but the tax for each year shall be voted separately and collected in the year for which it was voted.

10 Collection and Distribution of Normal Yield Taxes in Unincorporated Towns and Unorganized Places. Amend RSA 79:14, II to read as follows:

II. To the division of forests and lands, department of natural and cultural resources, any normal yield tax revenues remaining in the county treasury after the above distribution has been

made in such amounts as may be determined by the appropriate county [~~legislative delegation~~] ***convention*** after consultation with the county commissioners and the director of the division of forests and lands. The funds shall be maintained in a nonlapsing account known as the "unincorporated towns and unorganized places forest conservation fund." The funds shall only be used by the director of forests and lands in or for the benefit of the towns and places from which the tax has been collected. The funds allocated for the use of the director of the division of forests and lands shall be paid over to the state treasurer by the county treasurer no later than October 1 of the state fiscal year in which the allocation takes place by the appropriate county [~~legislative delegation~~] ***convention***. The unincorporated towns and unorganized places forest conservation fund shall be used for land use regulation purposes and for forest conservation purposes, including, but not limited to, the construction and maintenance of forest protection facilities and equipment, fire protection and detection, fire suppression supplies, fire access roads and bridges, fire prevention patrols, fire trails, and forest insects and disease control. The unincorporated towns and unorganized places forest conservation fund shall not, for each county, exceed 2 times the average budget for the previous 2 years as approved by each respective county [~~legislative delegation~~] ***convention***; and

11 Qualifications of Candidates. Amend RSA 655:29, IV to read as follows:

IV. (For use by candidate for state representative): I, _____, candidate for the office of representative from district no. _____ of _____ county, hereby swear (or affirm) that I have been domiciled in the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate, that I am now domiciled in district no. _____ of _____ county, the district I seek to represent, that I will be at least 18 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, that I am not a federal employee, and that I am not a convicted felon who has not yet received a final discharge from sentencing. [~~I further recognize that, if elected, I will serve as a delegate to the county convention.~~]

12 Use of Funds by Unincorporated Towns and Unorganized Places. Amend RSA 227-H:23 to read as follows:

227-H:23 Use of Funds by Unincorporated Towns and Unorganized Places. All sums so apportioned to unincorporated towns and unorganized places shall be expended for the benefit of public schools in the counties in which such places are located, in such manner as the appropriate county [~~legislative delegation~~] ***convention*** shall prescribe giving due consideration to the expenditure of a portion of such sum as part payment towards the costs of the education of any children residing in such unincorporated towns and unorganized places. Such payment shall be made by the department of education, within 90 days after receipt, directly to financially and politically independent school districts. If there are no students residing within the unincorporated towns and unorganized places in a county, the funds shall be disbursed to the school districts within

the same county as the unincorporated towns and unorganized places in a manner as the appropriate county [~~legislative delegation~~] ***convention*** shall prescribe.

13 References to County Delegations Changed to County Convention. Amend the following RSA provisions by replacing "county delegation" with "county convention:" RSA 7:33; 24:2-b; 24:13, II and II-a; 24:13-c, VII and VIII; 35:3; 35:6; 35:15, II(a); 35:16; 36:53-a, IV; 104:3-f; 104:30; 162-I:2, IX-c; 162-I:15-a; 284:51, IV-a; 287-I:6, V; 673:2, IV; and 673:13, IV.

14 Effective Date. This act shall take effect January 1, 2032.

LBA
23-0571
1/4/23

HB 483-FN- FISCAL NOTE
AS INTRODUCED

AN ACT to remove the duties of county delegations and delegate them to county commissioners.

FISCAL IMPACT: [ ] State [X] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
COUNTY:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill transfers the duties of the county delegation to the county commissioners as members of the county convention. The New Hampshire Association of Counties states this bill will have an indeterminable decrease on county expenditures as they assume the reduction in costs from paying the county delegates will exceed the increase cost of any additional compensation the commissioners would receive from travel or additional hours from additional meetings.

The Legislative Branch stated they would not be impacted as the county delegations is paid by the county treasury and not the Legislative Branch.

AGENCIES CONTACTED:

New Hampshire Association of Counties and Legislative Branch