

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 493, relative to cyanobacteria and other emerging environmental water quality issues.

Hearing Date: February 10, 2026

Time Opened: 10:41 a.m.

Time Closed: 11:30 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill allows for the creation of village districts for the purpose of addressing cyanobacteria and other related water quality issues.

Sponsors:

Sen. Watters

Sen. Gannon

Sen. Pearl

Sen. Rosenwald

Sen. Perkins Kwoka

Sen. Fenton

Sen. Prentiss

Sen. Birdsell

Sen. Altschiller

Rep. N. Murphy

Rep. W. Thomas

Rep. N. Germana

Rep. Rung

Who supports the bill: 226 Individuals signed in support of the legislation. Please Contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 42 Individuals signed in opposition of the legislation. Please Contact Joshua.Schauer@gc.nh.gov for more information.

Who is neutral on the bill: 1 Individual signed neutral on the legislation. Please Contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Senator David Watters, District 4

- Senator Watters introduced the bill and explained that amendment 0621s replaces some issues in the first part of the bill.
- Part one of the bill suggests ways that village districts could be involved in funding the treatment of cyanobacteria. Part two of the bill would allow those districts to coordinate together to treat cyanobacteria.
- He spoke to the public concern and anxiety surrounding cyanobacteria blooms. He was concerned that cyanobacteria blooms will impact property values,

tourism, and public health risks.

- The legislation would allow village districts to establish funding mechanisms whereby overtime money could be placed in a fund with the purpose of cyanobacteria treatment. He emphasized the impact of cyanobacteria on water-based recreation businesses.
- He explained that the amendment removes the word “mitigation” and replaces it with “treatment”. This addresses concern over impact to larger scale mitigation projects.
- Under the amendment, the definition of cyanobacteria treatment and water protection means addressing public facilities and public services performed to mitigate cyanobacteria and related water quality phosphate source treatment and treatment of other water bodies.
- The second part the bill would allow town and cities to come together to create a joint agreement on cyanobacteria treatment before a proposal is made to secure state funding.
- The idea for this legislation was brought forward by the Lakes Association as a way to organize the fragmented jurisdiction found on many bodies of water.
- Allowing for joint agreements to be made between towns, cities and village districts addresses concern of uneven participation in cyanobacteria treatment efforts.

Senator Avard asked if this bill has a fiscal note.

Senator Watters confirmed that there was no fiscal note.

Senator Rosenwald asked about funding sources as written in current statutes.

Senator Watters said that he is not sure about the specific statutes, and he would have to look it up and get back to the committee.

Senator Rosenwald asked if a village district decides to establish bonding authority, would the individual members of that village district be able to vote on that.

Senator Watters a vote would be required of the individual members of that village district.

Senator Pearl asked about the word “mitigate” being used on page 2 despite the removal of the word mitigate from the title of the program.

Senator Watters confirmed that this was a mistake and the word should be “treatment” rather than “mitigation”.

Andrea LaMoreaux, NH Lakes

- Ms. LaMoreaux spoke in support of SB 493.
- It allows cities and towns that share a body of water to come together to better coordinate protecting and treating the lake for cyanobacteria related water issues.
- She explained that this is enabling legislation and it does not require that cities and towns do anything. It just gives them another option to address cyanobacteria blooms.
- Addressed the concern that current law only requires 10 petitioners come forward to initiate the creation of a village district.
- Once the petitioners start the process, it is put up to a vote, where the residents of the included towns can decide whether to form a village district or not. A village district can only be created through the will of the whole.

Bob Quinn, NH Realtors

- Mr. Quinn is opposed to the bill in its current form.
- His concern is mostly in the process creating a village district.
- Historically village districts were created for unique service and infrastructure needs like water, sewage and fire suppression.
- The municipality is not able to veto the petition for the creation of village district
- He claimed there is a risk that many small village districts could result in a patchwork of legislation. This could lead to inconsistent and ineffective cyanobacteria treatment.
- Under HB 1066 in 2022, a study commission was formed to study cyanobacteria. In that report, there is no mention that village districts would be an effective form of cyanobacteria mitigation.

Senator Avard asked for Mr. Quinn to restate his concern about the village districts.

Bob Quinn said the main concern is that village districts will create a patchwork of regulation. This could be fixed with a statewide approach.

Senator Watters stated that he understands the concern of Mr. Quinn. Asked if he wants to repeal village districts.

Bob Quinn does not want village districts to be repealed.

Senator Watters inquired about Bob's concern over the ten petitioners. Said that the ability to petition the government is a fundamental right of democracy.

Bob Quinn reaffirms that he is not in support of the repeal of village districts. He pointed out that the original law is from 1849. Made the point that the number of required petitioners is outdated and should be amended to reflect the modern population of NH.

Kyle Baker, NH Wildlife Federation

- Mr. Baker is opposed to the legislation.
- Concerned about the ability of a village district to restrict public access to a body of water.
- Public access to bodies of water can be controlled either locally or by the state. In cases where access is controlled locally, the creation of a village district may result in the restriction of public access to bodies of water.

Amy Smagula, NHDES

- The NHDES has no position on the legislation.
- In Ms. Smagula's experience local efforts are critical for the success of cyanobacteria remediation projects.
- Gave background information about how village districts are created. There are currently around 100 village districts in NH.
- She answered Senator Rosenwald's question about funding sources. Clarified

that there is currently no funding allocated in RSA 47 for lake restoration.

Elizabeth Harper, Lake Sunapee Protective Association (LSPA)

- Ms. Harper thanked the committee for their attention and understanding of the cyanobacteria problem.
- She stated that a proactive, science-based approach is the best way to address cyanobacteria blooms.
- It has been a challenge to secure funding. The LSPA works with DES, municipalities, and NH lakes to leverage funds for the purpose of proactive treatment of cyanobacteria. This approach has been successful for the LSPA.
- This legislation would give the LSPA another funding mechanism on top of the system they already have.

Senator Avard asked what Ms. Harper thought about the village district approach.

Elizabeth Harper stated that she is a supporter of this approach. She does not believe that it needs to be an either or. She believes statewide regulation and local regulation can work hand in hand.

Senator Avard asked if she had a copy of the amendment.

Elizabeth Harper stated she does have a copy. She clarified that she does not believe that any village districts intend on restricting public access to bodies of water.

Jodi Grimbilas & John Whalley, NH Marie Trades Association

- Ms. Grimbilas is strongly opposed to the legislation.
- She gave some background about what village districts are and how they are created. Pointed out that only individuals who are domiciled in the effected towns can vote on the creation of a village district
- She raised the point that only domiciled residents can vote in these decisions. Business owners that live in another municipality will have no say in a decision which may affect their business.
- A new purpose for village districts has not been established for over forty years.
- Made comparisons between SB 493 and legislation from previous sessions in the house. She stated that in 2024, HB 1250 had failed in the house. HB 1250 was essentially the same bill as SB 493 without the word “cyanobacteria”. In 2025, HB 332 also failed in the house.
- The concern of the House was that an additional level of jurisdiction could negatively affect property owners.
- She supports other bills in House and Senate that find appropriate levels of sustainable funding for water quality treatment. She believes that SB 598, HB 1301, and HB 1477 are all good alternatives.
- She made a comparison between water milfoil treatment and cyanobacteria treatment. They have been able to effectively treat water milfoil without the use of village districts. Claimed there are ways for towns and municipalities to collectively raise funds without the use of village districts.
- She is worried about the broad language used in the amendment.

- Answered Senator Rosenwald's previous question about lake remediation funding. She said that those funds come from boat registration.
- John Whalley told an anecdote about public access to bodies of water. Concerned about village district overreach over time. Stated that village districts have the ability to levy taxes and fines.
- He claimed that village districts will limit public access to bodies of water.

Senator Avard asked if their main concern was the ability of the village district to levy taxes and fines.

Jodi Grimbilas confirmed that they are concerned about individuals impacted by additional taxes and fines who were not able to vote on that issue.

Senator Avard asked Jodi if she was concerned about business owners that do not reside in the village district.

Jodi Grimbilas confirmed that this was a main concern.

Senator Watters compared the voting concern to voting for school budgets. Asked if it was true that non-residents are not able to vote on the school budget even if they have a business in that district.

Jodi Grimbilas confirmed that she sees the similarity between these issues.

Senator Watters asked about the requirement to dissolve a village district.

Jodi Grimbilas confirmed that it takes a 2/3's vote to dissolve a village district.

Senator Pearl asked a question about conflicts between municipalities that share a body of water but do not join a potential village district. Uses Lake Winnepesaukee as an example. There are 7 communities around Winnepesaukee. Asked if this would cause a "patchwork" of regulation.

Jodi Grimbilas stated that this is why she believes a state wide approach would be best. Department of Environmental Service and Department of Safety are the best agencies to do this regulation. Stated that there is already a pathway for collaboration between state agencies and local municipalities without a village district.

Senator Avard asked if water milfoil is state regulated.

Jodi Grimbilas confirmed that water milfoil is state regulated. No village districts for Water-milfoil.

Senator Watters clarified that village districts could not restrict access to state owned water access points. The amendment excludes the ability of village districts to regulate public access to water bodies.

John Whalley pointed out that if a village district starts a treatment project at an access point, it can't be used by the public.

Senator Rosenwald asked if boat ramps are controlled by the state. If they are controlled by the state, is it true that they cannot be regulated by a local municipality?

John Whalley confirmed that in that situation she is correct.

Amy Smagula, Department of Environmental Services

Senator McConkey asked if Amy Smagula could come back up to answer questions. Asked if the DES is required to evaluate funds raised locally for the purpose of water treatment.

Amy Smagula said no, they do not.

Senator McConkey asked if it was possible that towns could combine funding for a targeted action that could be approved by the DES.

Amy Smagula confirmed that this is something they currently do. DES does not sanction that route, but it acknowledges how it does increase local participation.

Senator Watters asked about the advantage gained by stitching together community funding and applications for cyanobacteria mitigation projects.

Amy Smagula confirmed that one of the advantages of the legislation would be a collaborative application process.

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Date Hearing Report completed: February 13, 2026