Bill as Introduced

HB 476 – AS INTRODUCED

2003 SESSION

03-0770
08/10

HOUSE BILL ***476***

AN ACT relative to incompatibility of municipal offices.

SPONSORS: Rep. D. Eaton, Ches 24

COMMITTEE: Municipal and County Government

ANALYSIS

This bill expands incompatible municipal offices to include part-time police chiefs, and contractors for the town highway department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0770
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to incompatibility of municipal offices.

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

1 Incompatibility of Municipal Offices. Amend RSA 669:7, I to read as follows:

I. No person shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of the town's police department [~~on full-time duty~~]. No person shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member except a cooperative school board member, full-time town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32 ***or as a town highway contractor***.

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

Amendments

Rep. Solomon, Graf. 17
January 30, 2003
2003-0109h
08/09

Not Used

Amendment to HB 476

Amend the bill by replacing section 1 with the following:

1 Incompatibility of Municipal Offices. Amend RSA 669:7, I to read as follows:

I. No person ***or such person's spouse*** shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person ***or such person's spouse*** shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of the town's police department [~~on full-time duty~~]. No person ***or such person's spouse*** shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member except a cooperative school board member, full-time town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member at-large under RSA 32 ***or as a town highway contractor***.

2003-0109h

AMENDED ANALYSIS

This bill expands incompatible municipal offices to include part-time police chiefs, and contractors for the town highway department, and prevents spouses from occupying incompatible offices.

Rep. Solomon, Graf 17
February 13, 2003
2003-0312h
08/03

Not Used

Amendment to HB 476

Amend the bill by replacing section 1 with the following:

1 Incompatibility of Municipal Offices. RSA 669:7, I is repealed and reenacted to read as follows:

I.(a) No person or such person's spouse shall at the same time hold any 2 of the following offices: Selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor, highway agent, moderator, head of any of the town's departments, or town clerk.

(b) No full-time town employee or such employee's spouse shall at the same time hold the office of selectman.

(c) No official handling funds of a town or such official's spouse shall at the same time hold the office of auditor.

(d) No selectman, moderator, town clerk, or inspector of elections or such person's spouse shall at the same time serve as a supervisor of the checklist.

(e) No person shall serve as a budget committee member-at-large under RSA 32, if that person or person's spouse holds any of the following positions: Selectman; town manager; school board member except a cooperative school board member; full-time town, village district, school district except a cooperative school district, or other associated agency employee; village district commissioner; or town highway contractor

2003-0312h

AMENDED ANALYSIS

This bill expands incompatible municipal offices to include part-time police chiefs, and contractors for the town highway department, and prevents spouses from occupying incompatible offices.

Rep. Solomon, Graf. 17
March 4, 2003
2003-0469h
08/09

Not Used

Amendment to HB 476

Amend the bill by replacing section 1 with the following:

1 Incompatibility of Municipal Offices. RSA 669:7, I is repealed and reenacted to read as follows:

I.(a) No person or such person's spouse shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor, highway agent, moderator, head of any of the town's departments, or town clerk.

(b) No full-time town employee or such employee's spouse shall at the same time hold the office of selectman.

(c) No official handling funds of a town or such official's spouse shall at the same time hold the office of auditor.

(d) No selectman, moderator, town clerk, or inspector of elections or such person's spouse shall at the same time serve as a supervisor of the checklist.

(e) No person shall serve as a budget committee member-at-large under RSA 32, if that person or person's spouse holds any of the following positions: selectman; town manager; school board member except a cooperative school board member; full-time or part-time town, village district, school district except a cooperative school district, or other associated agency employee; village district commissioner; or town highway contractor.

2003-0469h

AMENDED ANALYSIS

This bill expands incompatible municipal offices to include part-time police chiefs, and contractors for the town highway department, and prevents spouses from occupying incompatible offices.

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 476

BILL TITLE: relative to incompatibility of municipal offices.

DATE: February 4, 2003

LOB ROOM: 305-307 **Time Public Hearing Called to Order:** 3:00 PM

Time Adjourned: recessed

(please circle if present)

Committee Members: Reps. Patten, Brundige, Lockwood, Twombly, Boyce, Dumaine, Stohl, Noyes, Buhlman, Doyle, C. Dunne, Dupuis, Gillick, Gould, M. Pappas, N. Johnson, M. Cooney, Davidson, Osborne, Schmidt and Theberge.

Bill Sponsors: Rep. D. Eaton, Ches 24

TESTIMONY

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

Rep. Cady, Dist 73
Would like this bill to be amended to make it clear that a town administrative assistant could be a town clerk/tax collector.

Hearing recessed to March 5, 2003

Respectfully submitted,

Priscilla P. Lockwood, Clerk
Municipal and County Government

Continued from Feb 4

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 476

BILL TITLE: relative to incompatibility of municipal offices.

DATE: March 5, 2003

LOB ROOM: 301 **Time Public Hearing Called to Order:** 3:50 PM

Time Adjourned: 4:04 PM

(please circle if present)

Committee Members: Reps. Patten, Brundige, Lockwood, Twombly, Boyce, Dumaine, Stohl, Noyes, Buhlman, Doyle, C. Dunne, Dupuis, Gillick, Gould, M. Pappas, N. Johnson, M. Cooney, Davidson, Osborne, Schmidt and Theberge.

Bill Sponsors: Rep. D. Eaton, Ches 24

TESTIMONY

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

Rep. Eaton, Dist 24
Has a town with elected policeman and hired, by bid, the town road agent. These are presently conflicts and would like to add town highway contractor to the incompatibility of offices.

Rep. Solomon, Dist 17
Doesn't feel any spouses of elected or hired personnel in a town should be able to hold any positions.

Respectfully submitted,

Priscilla P. Lockwood

Priscilla P. Lockwood, Clerk
Municipal and County Government

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 476

BILL TITLE: **relative to incompatibility of municipal offices.**

DATE: March 18, 2003

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. Stohl

Seconded by Rep. Twombly

Vote: 11-0 (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: 11-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla P. Lockwood, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 476 **Title:** Incompatible offices

PH Date: 3/5/03 **Exec Session Date:** 3/18/03

Motion: ITL **Amendment #:**

MEMBER	YEAS	NAYS
Patten. Betsey L. Chairman	11	
Brundige. Robert W. V Chairman	1	
Lockwood. Priscilla P	2	
Twomblv. James E	3	
Bovce. Laurie J	absent	
Dumaine. Dudlev Daniels	absent	
Pappas. Marc	4	
Dunne. Christopher H	absent	
Stohl. Eric G	5	
Noves. Richard A	absent	
Buhlman. David L	absent	
Dovle. Christopher L	absent	
Dupuis. Roland L	absent	
Gillick. Thomas J	absent	
Gould. Kenneth H	6	
Johnson. Nancv K	absent	
Coonev. Marv R	absent	
Davidson. Robert A	absent	
Osborne. Jessie L	7	
Schmidt. Peter B	8	
Theberge. Robert L	9	
Thomas, John	10	
TOTAL VOTE:	11	0

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 476**

TITLE: relative to incompatibility of municipal offices.

DATE: March 18, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The intent of this bill is to expand the incompatibility of municipal offices to include part-time police chiefs and contractors for the town highway department. The committee feels that many small towns have a difficult enough time filling unpaid or under-paid municipal positions without taking others out of consideration. An example of this restriction if this bill passes is a part-time police chief could not be a moderator or a trustee of trust funds. The local municipality also has the authority in RSA 31:39 to create conflict of interest ordinances.

Vote 11-0.

Rep. Eric G. Stohl
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

bep

CONSENT CALENDAR

Municipal and County Government

HB 476, relative to incompatibility of municipal offices. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to expand the incompatibility of municipal offices to include part-time police chiefs and contractors for the town highway department. The committee feels that many small towns have a difficult enough time filling unpaid or under-paid municipal positions without taking others out of consideration. An example of this restriction if this bill passes is a part-time police chief could not be a moderator or a trustee of trust funds. The local municipality also has the authority in RSA 31:39 to create conflict of interest ordinances. **Vote 11-0.**

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 476**

TITLE: relative to incompatibility of municipal offices.

DATE: March 18, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

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Vote 11-0.

Rep. Eric G. Stohl
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 476**

TITLE: relative to incompatibility of municipal offices.

DATE: March 18, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

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(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

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Vote 11-0.

the local municipality also has the authority in RSA 31:39 to have conflict of interest ordinances.

Rep. Eric G. Stohl
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

HB 476, relative to incompatibility of municipal offices.
INEXPEDIENT TO LEGISLATATE
Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to expand the incompatibility of municipal offices to include part-time police chiefs and contractors for the town highway department. The committee feels that many small towns have a difficult enough time filling unpaid or under-paid municipal positions without taking others out of consideration. An example of this restriction if this bill passes is a part-time police chief could not be a moderator or a trustee of trust funds.
Vote 11-0

Eric G. Stohl
3/19/03