CONSENT CALENDAR

May 10, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Municipal and County Government to which was referred SB 111-LOCAL,

AN ACT relative to the town council-town manager form of local government. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Diane Pauer

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Municipal and County Government**
Bill Number:	**SB 111-LOCAL**
Title:	**relative to the town council-town manager form of local government.**
Date:	**May 10, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-1631h**

STATEMENT OF INTENT

Under RSA 49-B, a town may adopt a charter providing for an optional form of legislative body. This bill clarifies that a town council form of legislative body adopted by a town charter under RSA 49-D:3, I has the same powers and authorities granted to a city council of a municipality that has adopted RSA 49-C. Additionally, this bill requires that the position of town clerk be elected pursuant to RSA 41:16 regardless of the form of municipal government established under RSA 49-D. Moreover, this bill aligns RSA 49-D:3 with RSA 49-D:2. In 1991, when RSA 49-D was adopted there were three optional forms of a legislative body under RSA 49-D:3: (I) Town Council, (II) Budgetary Town Meeting, and (III) Representative Town Meeting. Later, without proper reference in RSA 49-D:2, two additional optional forms of a legislative body were added to RSA 49-D:3, namely (I-a) Official Ballot Town Council and (II-a) Official Ballot Town Meeting. This oversight coupled with matter added to current law by the bill results in faulty statutory language necessitating revision which the bill with amendment provides.

Vote 18-1.

Rep. Diane Pauer
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

SB 111-LOCAL, relative to the town council-town manager form of local government. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. Under RSA 49-B, a town may adopt a charter providing for an optional form of legislative body. This bill clarifies that a town council form of legislative body adopted by a town charter under RSA 49-D:3, I has the same powers and authorities granted to a city council of a municipality that has adopted RSA 49-C. Additionally, this bill requires that the position of town clerk be elected pursuant to RSA 41:16 regardless of the form of municipal government established under RSA 49-D. Moreover, this bill aligns RSA 49-D:3 with RSA 49-D:2. In 1991, when RSA 49-D was adopted there were three optional forms of a legislative body under RSA 49-D:3: (I) Town Council, (II) Budgetary Town Meeting, and (III) Representative Town Meeting. Later, without proper reference in RSA 49-D:2, two additional optional forms of a legislative body were added to RSA 49-D:3, namely (I-a) Official Ballot Town Council and (II-a) Official Ballot Town Meeting. This oversight coupled with matter added to current law by the bill results in faulty statutory language necessitating revision which the bill with amendment provides. **Vote 18-1.**

Original: House Clerk
Cc: Committee Bill File

Rep. Pauer, Hills. 36
Rep. Stavis, Graf. 13
May 3, 2023
2023-1631h
02/10

Amendment to SB 111-LOCAL

Amend the bill by replacing section 1 with the following:

1 Local Option-Town Charters; Town Charters. Amend RSA 49-D:2, I to read as follows:

I. As distinguished from adopting a city form of government described in RSA 49-C, a town may adopt a charter pursuant to RSA 49-B [~~which abolishes the open town meeting and vests all legislative authority in a town council as the elected body or, in the alternative, vests authority to make appropriations in a budgetary town meeting~~] ***providing for one of the legislative bodies allowed under RSA 49-D:3. A town charter providing for the form of legislative body pursuant to 49-D:3, I shall have the same powers and authorities as a city council under RSA 49-C, subject to the provisions of RSA 41:16.*** A charter establishing [~~this form~~] ***a budgetary town meeting pursuant to 49-D:3, II*** may reserve authority by the voters, at a referendum, over amendments to land use ordinances pursuant to RSA 675 and approval of bond issues consistent with RSA 33.

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 111-LOCAL

BILL TITLE: relative to the town council-town manager form of local government.

DATE: May 10, 2023

LOB ROOM: 301-303

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Pauer | Seconded by Rep. Stavis | AM Vote: 18-1

Amendment # 2023-1631h

Moved by Rep. Pauer | Seconded by Rep. Stavis | Vote: 18-1

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 #: SB111 Motion: Adopt Amend AM #: 1631h Exec Session Date: 5/10/23

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

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 #: SB111 Motion: OTPGS Amend AM #: 1631h Exec Session Date: 5/10/23

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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 111-LOCAL

BILL TITLE: **relative to the town council-town manager form of local government.**

DATE: **April 20, 2023**

LOB ROOM: **301-303** **Time Public Hearing Called to Order:** **10:15 a.m.**

Time Adjourned: **10:40 a.m.**

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

Bill Sponsors:
Sen. Perkins Kwoka **Sen. Gray** **Sen. Soucy**
Rep. Horrigan

TESTIMONY

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

- Introduced by Senator Kwoka - request from the town of Newmarket and the NH Municipal associations. Amendment: town clerks will continue to be elected. Passed out of committee. All town councils have the same authority as city council.
    - Yokela - what was the misunderstanding in Newmarket?
    - Kwoka - not acting over the authority.
    - Lascelles - initially secretary of state had issues; are his issues satisfied?
    - Kwoka - yes, town clerks elected.
    - Gallagher - Newmarket and Durham; any other towns?
    - Kwoka - municipal association to answer
    - Pauer - need for this bill. Purpose and intent. Prior section - alternative forms of government. Seems to cover this bill/
    - Kwoka - someone from Durham and municipal association will clarify.
    - Rep. Horrigan - good alternative to the select board process. Town council more responsive form of government. A city clerk is appointed by the mayor. Town council the clerk is elected. That's why I support this bill.
- Natch Greyes - NHMA - supports this bill. Towns with town councils: Bedford, Derry, etc., listed the towns. Town manager of Newmarket submitted a letter to committee, ref Rep. Pauer. Looking for clarity in current law. No change in the process of elections. Town clerks continue to be elected.
    - Pauer - my previous question still stands; why can't they ref. 49 Dil?
    - Greyes - I think they still can. Bill just makes it clearer.
    - Pauer - do the towns receive a certificate?
    - Greyes - they do not. They would have a vote to adopt their form of government.
    - Rep. Stavis - hair splitting. I have a problem with the grammatics. Who even drafted the bill? It distracts from the change.
    - Greyes - I have no objection.
    - Yokela - town council, same power as the city council. Interplay of the budget in cities and towns. Does this limit them?
    - Greyes - one town that has the basic form of government, Concord. We elect the city council, they do everything. Town councils do different things, they may have a budget meeting to only vote on the budget, not to change any local relationshps of any municipalities.

- Yokela - city councils can set budgets. We would be giving the town Council the power to set budgets, or set an alternative budget.
- Greyes - I think that might be right, several options.
- Aylward - do city councilman receive compensation?
- Greyes - I don't know. I believe they do.
- Yokela - if you do something other than the structure of the sentence, what power do they have?
- Greyes - making sure the grammar is correct. I will work with both.
- Stavis - leave the existing as is. Interesting, makes the point.
- Turcotte - Yokela and Stavis can work on it.

House Remote Testify

Municipal and County Government Committee Testify List for Bill SB111 on 2023-04-20

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

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Gray, Senator James	Rochester - District 6, NH James.Gray@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/11/2023 4:38 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Neutral	No	No	4/20/2023 10:25 AM

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 111 Date 4/20/23

Committee Municipal + County

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con

Daniel Richardson

IF this committee does a complete job of looking at the massive increase in electrical infrastructure required for EVs, it will put the final nail in coffin of EVs. Getting Insurance coverage for life of EVs is already dicey.

SB 111-LOCAL - AS AMENDED BY THE SENATE

03/16/2023 0826s

2023 SESSION

23-0787
02/10

SENATE BILL ***111-LOCAL***

AN ACT relative to the town council-town manager form of local government.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Gray, Dist 6; Sen. Soucy, Dist 18; Rep. Horrigan, Straf. 10

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill clarifies that towns which adopt town council-town manager charters have the same powers and authorities as city councils under RSA 49-C. It also requires that town clerks be elected regardless of the form of municipal government.

- -

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 the town council-town manager form of local government.

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

1 Local Option-Town Charters; Town Charters. Amend RSA 49-D:2, I to read as follows:

I. As distinguished from adopting a city form of government described in RSA 49-C, a town may adopt a charter pursuant to RSA 49-B which abolishes the open town meeting and vests all legislative authority in a town council as the elected body***, with the same powers and authorities as a city council under RSA 49-C subject to the provisions of RSA 41:16,*** or, in the alternative, vests authority to make appropriations in a budgetary town meeting. A charter establishing this form may reserve authority by the voters, at a referendum, over amendments to land use ordinances pursuant to RSA 675 and approval of bond issues consistent with RSA 33.

2 Town Clerk; Election and Bond. Amend RSA 41:16 to read as follows:

41:16 Election and Bond. Every town at the annual meeting shall choose, by ballot, a town clerk, who shall record all votes passed by the town while ***she or*** he remains in office, and discharge all the duties of the office according to law. ***The position of town clerk shall be elected regardless of the form of government established under RSA 49-D.***

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