LEGISLATIVE COMMITTEE MINUTES

SB111

Bill as Introduced

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

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0787
02/10

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

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.

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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.

03/16/2023 0826s
8Jun2023... 1631h

2023 SESSION

23-0787
02/10

SENATE BILL ***111-LOCAL***

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

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AMENDED ANALYSIS

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03/16/2023 0826s
8Jun2023... 1631h

23-0787
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3 Effective Date. This act shall take effect 60 days after its passage.

SB 111-LOCAL - VERSION ADOPTED BY BOTH BODIES

03/16/2023 0826s
8Jun2023... 1631h

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

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SB 111-LOCAL - VERSION ADOPTED BY BOTH BODIES

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8Jun2023... 1631h

23-0787
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1 Local Option-Town Charters; Town Charters. Amend RSA 49-D:2, I to read as follows:

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

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

CHAPTER 213
SB 111-LOCAL - FINAL VERSION

03/16/2023 0826s
8Jun2023... 1631h

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.

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CHAPTER 213
SB 111-LOCAL - FINAL VERSION

03/16/2023 0826s
8Jun2023... 1631h

23-0787
02/10

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:

213:1 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.

213:2 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.***

213:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date: October 03, 2023

Amendments

Sen. Gray, Dist 6
February 22, 2023
2023-0644s
02/05

Amendment to SB 111-LOCAL

Amend the bill by replacing all after the enacting clause 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, ***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.

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

UNAPPROVED

2023-0644s

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.

UNAPPROVED

Election Law and Municipal Affairs
March 7, 2023
2023-0826s
02/05

Amendment to SB 111-LOCAL

Amend the bill by replacing all after the enacting clause 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, ***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.

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

2023-0826s

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.

Committee Minutes

SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Keith Murphy, Vice Chair
Sen Daryl Abbas, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: February 15, 2023

HEARINGS

Tuesday	02/21/2023
(Day)	(Date)

Election Law and Municipal Affairs	Legislative Office Building 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**SB 88**	relative to the annual dues paid by towns and cities to town officers' associations.
9:15 a.m.	**SB 89**	relative to accommodation for medical reasons in issuing marriage licenses.
9:30 a.m.	**SB 111-LOCAL**	relative to the town council-town manager form of local government.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:
SB 88
Sen. Birdsell
SB 89
Sen. Birdsell
SB 111-LOCAL
Sen. Perkins Kwoka Sen. Gray Sen. Soucy Rep. Horrigan

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

SB 111-LOCAL, relative to the town council-town manager form of local government.

Hearing Date: February 21, 2023

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent : Senator Abbas

Bill 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.

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

Who supports the bill: Senator Perkins Kwoka, Senator James Gray, Rep. Nancy Murphy, Margaret Byrnes – NHMA, Steve Fournier, Barbara Healey

Who opposes the bill: David Scanlan, Secretary of State, Daniel Richardson, Julie Smith, Joan Dargie

Who is neutral on the bill: Dan Healey – NH Clerks Association

Summary of testimony presented in support:

Senator Rebecca Perkins Kwoka

- This bill is intended to provide a fix in statute to give town councils clarity on their authority.
- They currently have the option under RSA 49-D, to adopt their town council form of government and to take action outside of the SB 2 structure.
- In day to day operations, circumstances arise when town councils are not clear if they have the same authority as city councils.
- She has two town councils in her district that would benefit from this clarification.
- The appointment of clerks section may need adjusting because city and town clerks have different processes of appointing and or electing clerks.

Steve Fournier – Town Manager, Newmarket

- This legislation was filed due to a number of issues that came when they tried to do things such as adopt ordinances or borrow money.
- The current law states that when a town council is adopted, they are the same as a city council in structure and form except certain things if the town charter outlined it.
- They have found, when trying to do day to day jobs, there is confusion about the law from people who say they are a town and not a city.

- They have the same structure and they want clarification on that with the powers of city councils.
- They are looking for this for those day to day operations rather than election situations.
- The seven communities in the state with council forms sometimes feel like they are overlooked because they are not quite a town and not quite a city.

Summary of testimony presented in opposition:

David Scanlan – Secretary of State

- They have defended the rights of clerks to be elected, especially for the purpose of elections.
- There is a distinction between a city clerk and a town clerk.
- A city clerk is appointed but all cities in New Hampshire have wards and each ward elects a clerk for the purpose of elections.
- This bill could, potentially, set a precedent that a town could appoint a clerk that would be in charge of the election process in that town.
- If that issue could be fixed he would not have an issue with the rest of the bill.

Neutral Information Presented:

Dan Healey – NH City/Town Clerks Association

- They are in support of this legislation if there is an amendment that states town clerks can remain elected and not appointed.

TJM
Date Hearing Report completed: February 23, 2023

Speakers

Senate Election Law and Municipal Affairs Committee
SIGN-IN SHEET

Date: February 21, 2023 **Time:** 9:30 a.m.

SB 111-LOCAL Relative to the town council-town manager form of local government.

PRIME: Sen. Perkins Kwoka

Name/Representing *(please print neatly)*

Sen. Rebecca Perkins Kwoka (SD 21)	Support ☑	Oppose ☐	Speaking?	Yes ☑ / No ☐
Margaret Byrnes NHMA	Support ☑	Oppose ☐	Speaking?	Yes ☐ / No ☑
Dan Hurley New Hampshire City Town Clerks Association	Support ☐	Oppose ☐	Speaking?	Yes ☑ / No ☐
Steve Fournier Town of Newmarket	Support ☑	Oppose ☐	Speaking?	Yes ☑ / No ☐
DAVID SCANLAN SECRETARY OF STATE	Support ☐	Oppose ☒	Speaking?	Yes ☑ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ / No ☐

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill SB111 on 202

Support: 3 Oppose: 3

Name	Title	Representing	Position
Gray, Senator James	An Elected Official	Myself	Support
Healey, Barbara	An Elected Official	Myself	Support
Richardson, Daniel	A Member of the Public	Myself	Oppose
Smith, Julie	A Member of the Public	Myself	Oppose
Murphy, Rep. Nancy	An Elected Official	Myself	Support
Dargie, Joan	An Elected Official	NH City and Town Clerks Association	Oppose

Voting Sheets

Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2023 Session

Bill SB 111

Hearing date: 2/21/23

Executive Session date: _____

Motion of: OTP/A **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X			✓	
Sen. Murphy, Vice Chair	X			✓	
Sen. Abbas	X			✓	
Sen. Soucy	X		✓	✓	
Sen. Perkins Kwoka	X	✓		✓	

Motion of: Amend 06445 **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray , Chair	X		✓	✓	
Sen. Murphy , Vice Chair	X			✓	
Sen. Abbas	X			✓	
Sen. Soucy	X			✓	
Sen. Perkins Kwoka	X	✓		✓	

Motion of: Consent **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X			✓	
Sen. Murphy , Vice Chair	X	✓		✓	
Sen. Abbas	X			✓	
Sen. Soucy	X			✓	
Sen. Perkins Kwoka	X		✓	✓	

Reported out by: Sen. RPK

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, March 7, 2023

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 111-LOCAL**

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

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0826s

Senator Rebecca Perkins Kwoka
For the Committee

This bill, as amended, provides clarification for existing statute RSA 49-C and RSA 49-D. It codifies that towns which adopt town council-town manager charters have the same powers and authorities as city councils. The intent of this legislation is to clear up confusion regarding the authorities of town councils. The amendment requires that the position of town clerk be elected, regardless of the form of municipal government.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB111

Docket Abbreviations

Bill Title: relative to the town council-town manager form of local government.

Official Docket of **SB111.**:

Date	Body	Description
1/19/2023	S	**Introduced** 01/05/2023 and Referred to Election Law and Municipal Affairs; **SJ 4**
2/15/2023	S	**Hearing:** 02/21/2023, Room 103, LOB, 09:30 am; **SC 11**
3/8/2023	S	Committee Report: Ought to Pass with Amendment **#2023-0826s**, 03/16/2023; Vote 5-0; CC; **SC 13**
3/16/2023	S	Committee Amendment **#2023-0826s**, AA, VV; 03/16/2023; **SJ 10**
3/16/2023	S	**Ought to Pass with Amendment** 2023-0826s, MA, VV; OT3rdg; 03/16/2023; **SJ 10**
3/21/2023	H	Introduced (in recess of) 03/16/2023 and referred to Municipal and County Government
4/11/2023	H	Public Hearing: 04/20/2023 10:15 am LOB 301-303
4/25/2023	H	Executive Session: 05/10/2023 10:30 am LOB 301-303
5/15/2023	H	Committee Report: Ought to Pass with Amendment **#2023-1631h** 05/10/2023 **(Vote 18-1; CC)**
6/8/2023	H	Amendment **#2023-1631h**: AA VV 06/08/2023 **HJ 15** P. 13
6/8/2023	H	**Ought to Pass with Amendment** 2023-1631h: MA VV 06/08/2023 **HJ 15** P. 13
6/15/2023	S	Sen. Gray Moved to Concur with the House Amendment, MA, VV; 06/15/2023; **SJ 19**
7/19/2023	H	Enrolled (in recess of) 06/29/2023 **HJ 17** P. 18
7/18/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); **SJ 20**
8/9/2023	S	Signed by the Governor on 08/04/2023; Chapter 0213; Effective 10/03/2023

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 111 **Senate Committee:** ElMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

✓ Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

✓ Bill version as it came to the committee

✓ All Calendar Notices

✓ Hearing Sign-up sheet(s)

N/A Prepared testimony, presentations, & other submissions handed in at the public hearing

✓ Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

✓ - amendment # 06445 ___ - amendment #_____

✓ - amendment # 08265 ___ - amendment #_____

✓ Executive Session Sheet

✓ Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment #_____ ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

✓ as amended by the senate ✓ as amended by the house

✓ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Murillo 7/26/23

Committee Aide **Date**

Senate Clerk's Office AK