

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 488, relative to limiting conflicts of interest and concentrations of power for municipal board and committee members.

Hearing Date: March 10, 2026

Time Opened: 9:36 a.m.

Time Closed: 9:53 a.m.

Members of the Committee Present: Senators Gray, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill limits conflicts of interest and excessive concentration of power for municipal board and committee members.

Sponsors:

Rep. Spilsbury

Who supports the bill: Rep. Walter Spilsbury, Rep. Daniel Popovici-Muller, Kate Horgan, Cory Stone, Eric Pauer, Jennifer Favreau, Marjorie Boyer,

Who opposes the bill: Daniel Healey, Brodie Deshaies, Bebe Casey, Janet Kidder, Daniel Richardson, Celeste Cook, Clara Sheehy, John Sheehy, Jennifer Cormier, Cordell Johnston, Tami Lanzillo Zeimetz

Summary of testimony presented:

Representative Walter Spilsbury, Sullivan - District 3, Prime Sponsor

- HB 1124 (2024) is a previous version of this bill that passed the House, but the Senate referred it to Interim Study.
- The House retained this bill and made 19 changes last fall to create a bipartisan amendment. After these adjustments, the bill then passed the full House with a vote of 320-22.
- The bill aims to prevent conflicts of interest and excessive power among town officials.
- Department heads in his town also sit on the finance committee and can vote on their own budget and salary. There are also situations where planning board members serve on the finance committee.

- HB 488 and RSA 669:7 together emphasize a reduction in authority for town clerks. Town clerks can serve as tax collectors, but should not hold multiple other roles simultaneously.
- The bill addresses the limitations related to the planning board, the finance committee, and the formal statutory budget committee.
- Although he is comfortable with the bill as it is, he is willing to work on modifications with the committee.
- Noted that the suggestions from the New Hampshire Municipal Association (NHMA) are systematic regarding the problem the bill aims to address and should be ignored.

Senator Rochefort mentioned that six of the ten least populous towns are in his district, and what he's hearing is that they're not trying to stack the deck, but the variety of candidates running for town positions is low. He gave the example of Ellsworth, which has only 80 residents. He asked how the bill would address issues faced by low-population towns that lack a pool of candidates.

Rep. Spilsbury stated that many organizations and clubs with 80 members can staff their officer positions. In a town of 80, the population must be actively involved in the town.

Senator Gray stated he did not notice any differences between HB 1124 and HB 488. He mentioned that the content remained the same as when the Senate rejected the bill. Senator Gray asked if Rep. Spilsbury could comment on that observation.

Rep. Spilsbury stated he recalled three issues that have been addressed with this version. He said he attempted to remove "if authorized as provided in RSA 414:5-a" on line 7 to avoid limiting it to just one scenario, however, the House County and Government Committee thought otherwise and decided to keep it. Rep. Spilsbury added that if this committee decided to drop it, he believes this would still be a good bill.

Senator Gray asked why localities cannot just issue their own prohibition against incompatible offices.

Rep. Spilsbury stated it is possible for the municipalities, but that situation depends on whether there is a motive and how the town leaders steer their towns.

Senator Gray asked whether a petition warrant article could provide the limitation.

Rep. Spilsbury said that it is definitely possible, but then someone would need to take up the cause and go through that process. The legislature has acknowledged that we have an important reason to remove incompatible offices; the question is whether to address that with HB 488.

Dan Healey, Nashua City Clerk, NH City and Town Clerks Association, and the NH Tax Collectors Association

- Mr. Healey said that both organizations he represents oppose this bill.
- The bill will impact smaller communities more than larger ones.
- Clerks hold multiple roles, especially in small communities; without that, problems will arise.
- Towns struggle to fill zoning boards in the first place.
- Mr. Healey explained that in small communities, when a clerk is elected, the tax collector is then appointed. If the tax collector were to resign and the clerk could not assume both roles, the municipality would be unable to continue functioning.
- If a community perceives a conflict, a petitioned warrant article can be used to merge positions.
- Mr. Healey said more clerks would be present at this hearing if not for the town elections today.

Brody Deshaies, NH Municipal Association

- Mr. Deshaies stated that the New Hampshire Municipal Association opposes this bill.
- The current law clearly outlines conflict-of-interest procedures for officials managing or overseeing funds. These rules have mostly remained unchanged since 1979, when the original conflicts of interest statutes were enacted. RSA 31:30-a was also adopted, allowing localities to determine what is best for their communities. This prevents legislation from needing to address every specific situation.
- Finance directors often serve as the town administrator.
- The way SB 488 is written suggests office conflicts for multiple municipalities. Mr. Deshaies believes this should be addressed before the bill moves forward.
- This bill would prevent municipal employees, including those in roles like a heritage commission that only provide objective advisory opinions to the planning board, from handling local land use decisions.
- After considering the comments from the prime sponsor, NHMA will withdraw the amendment they had and will not move forward with it.