

Amendment to HB 1302

1 Amend the bill by replacing section 1 with the following:

2
3 1 Composition of Conservation Commission. Amend RSA 36-A:3 to read as follows:

4 36-A:3 Composition of Commission.

5 ***I. The commission shall consist of not less than 3 nor more than 7 members as determined***
6 ***by the local legislative body.*** In a town which has a planning board, one member of the
7 commission may also be on the planning board. In a city which has a planning board, one member of
8 the commission may be on the planning board. In cities, the members of the commission shall be
9 appointed by the mayor subject to the provisions of the city charter, and in towns the members of the
10 commission shall be appointed by the selectmen, ***or elected as provided in paragraph II.***
11 Alternate members may be appointed in a like manner and when the alternate serves in the absence
12 or disqualification of a regular member, the alternate shall have full voting powers. When a
13 commission is first established, terms of the members shall be for one, 2, or 3 years, and so arranged
14 that the terms of approximately 1/3 of the members will expire each year, and their successors shall
15 be appointed, ***or elected in a town that has adopted the provisions of paragraph II,*** for terms
16 of 3 years each. Any member of a commission so appointed may, after a public hearing, if requested,
17 be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration
18 of a term shall be filled for the unexpired term in the same manner as an original appointment, ***or***
19 ***according to paragraph IV if the commission is elected.*** Members of a conservation
20 commission shall be residents of the city or town which they represent. Members of a conservation
21 commission also may serve on other municipal boards and commissions, including, but not limited to
22 a historic district commission established under RSA 673:4, and a heritage commission established
23 under RSA 673:4-a.

24 ***II. The local legislative body of a town may decide, by majority vote at the town***
25 ***meeting, that commission members shall be elected according to either the procedure in***
26 ***subparagraph (a) or in subparagraph (b). The official ballot shall be used on every***
27 ***referendum for the adoption of elected members under subparagraphs (a) or (b), and every***
28 ***subsequent rescission of such adoption pursuant to subparagraph (c). The wording on the***
29 ***official ballot of any referendum for the adoption of subparagraphs (a) or (b) shall***
30 ***specifically state which procedure for electing commission members is being voted upon.***
31 ***Following the majority vote at town meeting, commission members shall be elected as***
32 ***follows:***

1 (a) *The commission positions shall be filled at the next regular town elections*
2 *pursuant to RSA 669:17. Thereafter, a commission member shall be elected for the term*
3 *provided under paragraph I; or*

4 (b) *The commission positions shall be filled on a staggered basis at the*
5 *subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed*
6 *member expires, until each member of the commission is an elected member. When each*
7 *commission member is an elected member, such member shall be elected for the term*
8 *provided in paragraph I.*

9 (c) *A local legislative body which has voted to elect commission members may,*
10 *by majority vote at town meeting, decide to rescind that action and have the commission*
11 *appointed in the manner set forth in paragraph I. The vote to have commission members*
12 *so appointed shall take effect upon adoption by the town meeting, and the selectmen shall*
13 *forthwith appoint members in accordance with paragraph I. The commission shall,*
14 *however, continue in existence, and the elected members in office at the time of town*
15 *meeting vote to appoint members may continue to serve until their successors are*
16 *appointed and qualified.*

17 III. *An elected commission in a town may appoint alternate members up to the*
18 *number of positions on the commission for a term of 3 years each, which shall be staggered*
19 *in the same manner as elected members pursuant to paragraph I.*

20 IV. *An elected commission in a town, in the case of a member vacancy, shall appoint*
21 *a member to serve until the next town election when the voters of the district shall elect a*
22 *replacement for the unexpired term. In the case of a vacancy of the entire membership of*
23 *the commission, or if the remaining members are unable, by majority vote, to agree upon*
24 *appointment, the selectmen shall appoint members by majority vote.*