

HB 1213 - AS AMENDED BY THE HOUSE

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2026 SESSION

26-2683

09/08

HOUSE BILL

1213

AN ACT relative to the number, selection, and terms of town highway agents and relative to the appointment of an expert highway agent.

SPONSORS: Rep. Wherry, Hills. 13; Rep. Pauer, Hills. 36; Rep. Aures, Merr. 13; Rep. Sellers, Graf. 10; Rep. Harvey-Bolia, Belk. 3; Rep. R. Brown, Carr. 8; Rep. Tom Mannion, Hills. 1

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill modifies the methods for determining the number of town highway agents, their method of selection, and the length of their terms. This bill further allows a town to rescind authorization for the appointment of an expert highway agent and provides additional requirements to govern the appointment and authorization processes.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the number, selection, and terms of town highway agents and relative to the appointment of an expert highway agent.

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

1 1 Repair of Highways by Town; Highway Agents. Amend RSA 231:62 to read as follows:

2 231:62 Highway Agents. Unless the town votes to establish a board of public works
3 commissioners under RSA 38-C to perform the duties of highway agents, ***also known as road***
4 ***agents***, at the annual meeting, or less often if a town has so provided pursuant to RSA 231:62-a [~~or~~
5 ~~231:62-b~~], each town shall elect by ballot, or by [~~major~~] ***majority*** vote authorize the selectmen to
6 appoint, one or more highway agents, who, under the direction of the selectmen, shall have charge of
7 the construction, maintenance, and repair of all town highways and bridges and the maintenance
8 and repair of all sidewalks within the town, except as provided in the laws pertaining to state aid for
9 highways and bridges and town road and bridge aid, and shall have authority to employ the
10 necessary men and equipment, and purchase timber, planks, and other material for construction and
11 repair of such highways and bridges; and they may remove gravel, rocks, or other materials from one
12 part of the town to another, doing no damage to adjoining land, for the purpose of grading or
13 otherwise repairing the same. ***The town shall have one elected highway agent for a one year***
14 ***term, unless the town decides by majority vote to change that arrangement, pursuant to***
15 ***RSA 231:62-a, or unless the town decides to adopt the provisions of RSA 231:64 for an expert***
16 ***agent. The terms of highway agents shall be 1, 2, or 3 years, which may be changed***
17 ***pursuant to RSA 231:62-a.*** A vote authorizing appointment of highway agents shall continue in
18 effect until changed by [~~major~~] ***majority*** vote at an annual [~~or special~~] meeting, ***pursuant to RSA***
19 ***231:62-a.***

20 2 Number of Highway Agents, Method of Selection, and Terms. RSA 231:62-a is repealed and
21 reenacted to read as follows:

22 231:62-a Number of Highway Agents, Method of Selection, and Terms.

23 I. At any annual town meeting under an article in the warrant placed there by petition or by
24 the selectmen, the voters may vote to determine if they are in favor of changing the number of town
25 highway agents. If the town has adopted an official ballot, the clerk shall cause the following
26 question to be printed on said ballot: "Are you in favor changing the number of town highway agents
27 from ___ to ___?"

28 II. At any annual town meeting under an article in the warrant placed there by petition or
29 by the selectmen, the voters may vote to determine if they are in favor of changing the method of
30 selection of town highway agents. If the town has adopted an official ballot, the clerk shall cause the

following question to be printed on said ballot: "Are you in favor of changing the (elected or selectmen-appointed) town highway agents to being (selectmen-appointed or elected by the voters)?"
If the question is approved, current elected or appointed highway agents may continue to serve until the end of their terms.

III. At any annual town meeting under an article in the warrant placed there by petition or by the selectmen, the voters may vote to determine if they are in favor of changing the length of the terms for the town highway agents. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of a town highway agent from ___ year(s) to ___ year(s), beginning with the term of each town highway agent at next year's regular town meeting?". If there are more than one town highway agents and the terms are for 2 or 3 years, the terms of the highway agents shall be staggered as evenly as possible over the 2 or 3 years. If the question is approved, current highway agents may continue to serve until the end of the original terms.

IV. Said questions in paragraphs I, II, and III shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town at the annual meeting. If a majority of those voting on the question vote in favor of the question, the changes will take effect at the next annual meeting after the vote of approval.

3 New Paragraph; Officers Elected; Officers Who May Be Elected. Amend RSA 669:17 by inserting after paragraph VIII-a the following new paragraph:

VIII-b Elected highway agents (RSA 231:62-a).

4 Repair of Highways by Towns; Expert Agent. Amend RSA 231:64 to read as follows:

231:64 Expert Agent. The town may vote at the annual meeting to instruct its selectmen to appoint an expert highway agent, who, under the direction of the selectmen, shall have the same power and perform the same duties as a highway agent elected by the town, ***or may vote to rescind such authorization. The expert highway agent shall hold office at the pleasure of the selectmen and until his successor is appointed and qualified. In a town that has adopted an official ballot, the official ballot shall be used for the question proposed at any annual meeting on adopting or rescinding this section. The wording of the question for adopting this section shall be: "Shall the town authorize the selectmen to appoint an expert highway agent serving at the pleasure of the selectboard pursuant to RSA 231:64, instead of having (elected or appointed) highway agents with specified terms?" The wording of the question for rescinding this authorization shall be: "Shall the town rescind the authorization for the appointment of an expert highway agent by the selectmen pursuant to RSA 231:64, returning to (number) highway agent(s) being (selectmen appointed or elected by the voters) serving for (1, 2, or 3) year terms?" If the town has not adopted an official ballot,***

1 *the clerk shall cause the same question to be printed upon special ballots which shall be*
2 *used to determine the vote of the town.*

3 5 Repeal. RSA 231:62-b, relative to repair of highways by large towns, is repealed.

4 6 Applicability. RSA 231:62, RSA 231:62-a, RSA 231:62-b, and RSA 231:64 as amended by
5 sections 1, 2, 4, and 5 of this act, shall not change the existing number, method of selection, or terms
6 of town highway agents, and shall not require local amendment or readoption by the town.

7 7 Effective Date. This act shall take effect 60 days after its passage.