

SB 378 – AS AMENDED BY THE HOUSE

25Apr2012... 1640h
25Apr2012... 1841h

2012 SESSION

12-3025
10/05

SENATE BILL **378**

AN ACT allowing municipalities to remove snow from private roads and driveways and class VI highways, and relative to decertification of a bargaining unit.

SPONSORS: Sen. Bragdon, Dist 11; Rep. Daler, Hills 4

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill allows a municipality by approval of its legislative body to remove snow from private roads and driveways and class VI highways.

This bill also permits the board of certain public employers to require a secret ballot election to determine whether certification of an employee organization shall remain in effect.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT allowing municipalities to remove snow from private roads and driveways and class VI highways, and relative to decertification of a bargaining unit.

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

1 1 New Section; Repair of Highways; Snow Removal. Amend RSA 231 by inserting after section
2 59-a the following new section:

3 231:59-b Snow Removal; Private Roads and Driveways and Class VI Highways. A municipality
4 may appropriate and expend sums and may charge fees for the removal of snow from private roads
5 and driveways and class VI highways if such snow removal has been authorized by vote of the
6 legislative body pursuant to RSA 39:3, RSA 40:13, or RSA 49:-D:3 as applicable.

7 I. Any vote granting snow removal authority shall remain in effect until amended or
8 rescinded by the legislative body.

9 II. Prior to any snow removal operations authorized under this section, the governing body
10 shall adopt rules for an annual written authorization procedure enabling property owners to
11 participate in the snow removal program and any fees that may be charged. A governing body may
12 adopt rules governing operations, including storm parameters that will trigger the plowing of private
13 roads and driveways and any other operational issues that it may deem appropriate.

14 III. The granting of snow removal authority as provided in this section, and any exercise of
15 such authority by the municipality, shall not constitute acceptance of any private road or driveway
16 as a municipal highway and shall not affect any other operation of law.

17 IV. A legislative body's vote to expend funds pursuant to this section shall be considered an
18 appropriation for a public purpose.

19 2 New Subparagraph; Decertification. Amend RSA 273-A:10, VI by inserting after
20 subparagraph (c) the following new subparagraph:

21 (d) If the dues-paying membership of an employee organization is less than the number
22 of employees needed to certify a bargaining unit, and such number is less than 50 percent of the
23 number of positions comprising the bargaining unit, a secret ballot election may be requested by the
24 board of the public employer to determine whether or not certification of the employee organization
25 shall remain in effect. If such request is made, the cost of holding the secret ballot election shall be
26 borne by the public employer, though the cost of promotional materials shall be borne by the
27 respective parties. If the result of the secret ballot election results in the continuation of certification

SB 378 – AS AMENDED BY THE HOUSE
- Page 2 -

1 of the employee organization, no subsequent request shall be made by the board of the public
2 employer for one year.

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