

CHAPTER 117
HB 139 – FINAL VERSION

13Mar2013... 0219h
04/18/13 1257s

2013 SESSION

13-0288
06/04

HOUSE BILL **139**

AN ACT relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts and ratifying the Greenland school district meeting held on March 11 and 12, 2013.

SPONSORS: Rep. Cushing, Rock 21; Rep. Muns, Rock 21; Rep. Andrews-Ahearn, Rock 37; Rep. F. Rice, Rock 21; Rep. Emerick, Rock 21; Sen. Stiles, Dist 24

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill extends the time towns that have adopted official ballot voting procedures have to:

- I. Approve bonding in solid waste management districts; and
- II. Withdraw from solid waste management districts.

This bill also ratifies the Greenland school district meeting and election held March 11 and 12, 2013.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts and ratifying the Greenland school district meeting held on March 11 and 12, 2013.

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

1 117:1 Solid Waste Management Districts; Vote on Establishing District. Amend RSA 53-B:6, I
2 to read as follows:

3 I. The governing bodies shall cause the question of accepting any proposed agreement to be
4 presented for determination by vote of the respective legislative bodies. In municipalities that hold
5 town meetings, the proposed agreement shall be voted on, in accordance with proper notice and
6 procedure requirements, at the next annual town meeting or at a special town meeting called for this
7 purpose. Voting at a town meeting may be by printed ballot or official ballot. In all other
8 municipalities, the legislative bodies shall vote on the proposed agreement within 60 days of the
9 governing bodies' receiving the proposed agreement. The question to be voted on shall be: "Shall the
10 (insert name of municipality) accept the provisions of RSA 53-B:1-RSA 53-B:14 providing for the
11 establishment of a solid waste management district, together with the municipalities of
12 _____ in accordance with the provisions of the proposed agreement filed with the (insert
13 appropriate office for governing body)?" Approval by a legislative body shall be by simple majority
14 unless the agreement waives the [~~45-day~~] **120-day** debt rejection period and authority set forth in
15 RSA 53-B:7, VI, in which case approval must be by 2/3 vote. If all of the legislative bodies vote in the
16 affirmative, the proposed solid waste management district shall thereby be established in accordance
17 with the terms of the proposed agreement. Otherwise, the district shall not be established, except as
18 specified in paragraph II.

19 117:2 Solid Waste Management Districts; Corporate Body; Powers. Amend RSA 53-B:7, VI(a) to
20 read as follows:

21 (a) No debt may be incurred until [~~45~~] **120** days after it was authorized by the district
22 committee to allow for rejection of the debt incurrence by member municipalities under
23 subparagraph (c), unless the rejection period and authority have been waived in the district
24 agreement.

25 117:3 Solid Waste Management Districts; Corporate Body; Powers. Amend RSA 53-B:7, VI(c) to
26 read as follows:

27 (c) If, before the [~~45-day~~] **120 day** period has passed, the legislative body of any member

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1 municipality votes to disapprove of the debt, it shall not be incurred. The provisions of RSA 31:5
2 shall not apply to actions by special town meetings under this paragraph. *The provisions of*
3 *RSA 32 and 33:8-a shall apply to actions by town meetings under this paragraph.* A
4 legislative body may disapprove the debt only if, under the terms and conditions of the district
5 agreement, the municipality will incur obligations under RSA 53-B:7-c. After ~~[60]~~ **120** days the
6 district committee may again authorize the incurrence of debt which shall be subject to the rejection
7 conditions of subparagraphs (a) and (c). A municipality which votes to reject 2 successive debt
8 incurrences shall be allowed to withdraw from the district in accordance with the provisions of this
9 chapter and the district agreement. If the municipality has not withdrawn within ~~[60]~~ **120** days of
10 the second debt rejection, the committee is authorized to incur the debt over the member
11 municipality's rejection.

12 117:4 Solid Waste Management Districts; Corporate Body; Powers. Amend RSA 53-B:7, XX(a)
13 to read as follows:

14 (a) No long-term contract shall take effect until ~~[45]~~ **120** days after authorization by the
15 district committee to allow for rejection of the proposed long-term contract by member municipalities
16 under subparagraph (c), unless the rejection period and authority have been waived in the district
17 agreement.

18 117:5 Solid Waste Management Districts; Corporate Body; Powers. Amend RSA 53-B:7, XX(c) to
19 read as follows:

20 (c) If, before the ~~[45-day]~~ **120-day** period has passed, the legislative body of any member
21 municipality votes to disapprove of the long-term contract, it shall not be entered into. The
22 provisions of RSA 31:5 shall not apply to action by special town meetings under this paragraph. A
23 legislative body may disapprove the contract only if, under the terms and conditions of the district
24 agreement, the municipality will incur obligations under RSA 53-B:7-c. After ~~[60]~~ **120** days the
25 district committee may again authorize the long-term contract which shall be subject to the rejection
26 conditions of subparagraphs (a) and (c). A municipality which votes to reject 2 successive long-term
27 contracts shall be allowed to withdraw from the district in accordance with the provisions of this
28 chapter and the district agreement. If the municipality has not withdrawn within ~~[60]~~ **120** days of
29 the second contract rejection, the committee is authorized to enter into the long-term contract over
30 the member municipality's rejection.

31 117:6 Ratification of Greenland School District Meeting. All acts, notices, hearings, proceedings,
32 and votes of the annual Greenland school district meeting and election held on March 11, 2013 and
33 March 12, 2013, concerning warrant article 9 to adopt the provisions of RSA 40:13 to allow official
34 ballot voting, which passed by the required 3/5 vote, are hereby legalized, ratified, and confirmed.

35 117:7 Effective Date.

36 I. Section 6 of this act shall take effect upon its passage.

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1 II. The remainder of this act shall take effect 60 days after its passage.

2

3 Approved: June 25, 2013

4 Effective Date: I. Section 6 shall take effect June 25, 2013.

5 II. Remainder shall take effect August 24, 2013.