

SB 102 – AS INTRODUCED

2013 SESSION

13-0910
08/03

SENATE BILL ***102***

AN ACT relative to the selection of members of the conservation commission.

SPONSORS: Sen. Bradley, Dist 3; Rep. McConkey, Carr 3; Rep. Butler, Carr 7

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill enables members of the conservation commission to be elected.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the selection of members of the conservation commission.

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

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

2 36-A:3 Composition of Commission.

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

20 ***II.*** *A local legislative body which has previously provided for the appointment of*
21 *conservation commission members may rescind that action by majority vote and choose to*
22 *elect commission members.*

23 ***III.*** *A local legislative body's decision to change from an elected to an appointed*
24 *conservation commission or from an appointed to an elected conservation commission may*
25 *be made by the following:*

26 (a) *In a town operating under the town meeting form of government, the*
27 *decision may be made at any annual or special town meeting.*

28 (b) *If a town has adopted the official ballot for the election of town officers, the*
29 *question may be, but is not required to be, placed on the official ballot. If the question is*
30 *not placed on the official ballot, the question shall be placed in the warrant and shall be*
31 *voted on as a separate article at the town meeting.*

SB 102 – AS INTRODUCED

- Page 2 -

1 ***IV. A local legislative body which has provided for the election of conservation***
2 ***commission members may rescind that action by majority vote, in which event members***
3 ***shall thereafter be appointed in a manner prescribed by the local legislative body. The***
4 ***elected commission shall, however, continue in existence and the elected members in office***
5 ***may continue to serve until their successors are appointed and qualified.***

6 2 Elected Conservation Commission Members. Amend RSA 669:17, IX to read as follows:

7 IX. ***Elected conservation commission members (RSA 36-A:3).***

8 X. Any other officers the town may judge necessary for managing its affairs under RSA 41:2.

9 3 Effective Date. This act shall take effect January 1, 2014.