

HB 1573-FN – AS INTRODUCED

2014 SESSION

14-2395
03/01

HOUSE BILL ***1573-FN***

AN ACT discontinuing regional planning commissions and requiring the election of municipal planning board members.

SPONSORS: Rep. Cormier, Belk 8; Rep. Cordelli, Carr 4; Rep. Peterson, Hills 21; Rep. Notter, Hills 21; Rep. Sylvia, Belk 6; Rep. Comtois, Belk 7; Sen. Cataldo, Dist 6

COMMITTEE: Municipal and County Government

ANALYSIS

This bill eliminates regional planning commissions. This bill also requires that the majority of municipal planning board members be elected.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT discontinuing regional planning commissions and requiring the election of
 municipal planning board members.

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

1 1 Reference Deleted. Amend RSA 4:29 to read as follows:

2 4:29 By Purchase. The governor, with the advice and consent of the council, may acquire on
3 behalf of the state, either by purchase or otherwise, as hereinafter provided, any real estate within
4 the state which he *or she* may deem necessary for any military purpose, for public parks, *for* public
5 buildings, or for any other public improvement purposes and to accept deeds thereof in the name of
6 the state[; ~~provided, however, that 60 days before a purchase of any real estate within the city of~~
7 ~~Concord or the Concord region, the governor shall provide written notice of such proposed purchase~~
8 ~~to the state capitol region planning commission]. No dam or any real property appurtenant thereto~~
9 or any rights and easements in either may be acquired pursuant to the authority of this section or
10 any other provision of law except an act of the legislature which authorizes the acquisition of a
11 particular dam, real property, or right or easement.

12 2 Reference Deleted. Amend RSA 4:30 to read as follows:

13 4:30 By Eminent Domain. The governor and council, for the purposes aforesaid, are empowered
14 to take and appropriate any such real estate for the use of the state in accordance with RSA 498-A[;
15 ~~provided, however, that 60 days before a taking in the city of Concord or the Concord region, the~~
16 ~~governor shall provide written notice of such proposed taking to the state capitol region planning~~
17 ~~commission].~~

18 3 Reference Deleted. Amend RSA 4:40, IV to read as follows:

19 IV. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real
20 estate given or bequeathed to the state under provisions of trust or in settlement of public assistance
21 claims or liens, or to state lands or their products required to be held to procure a continuance of
22 federal conservation work[; ~~provided, however, that the state capitol region planning commission~~
23 ~~shall be provided written notice 60 days before any sale in the city of Concord or Concord area]. This~~
24 section shall also not apply to the exchange of state-owned lands for other lands of equal or greater
25 value, which are under the jurisdiction of a department and used by such department during right-
26 of-way negotiations or to the sale of buildings that need to be moved to clear such right-of-way for
27 public projects found necessary under other state laws.

28 4 Reference Deleted. Amend RSA 4-C:2, II to read as follows:

29 II. In preparing the state development plan, the office of energy and planning shall consult
30 with the chief executive officers of the various departments and agencies of state government. The

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1 office shall also consult with officials of [~~regional planning commissions and~~] regional and local
2 planning and development agencies, local officials, representatives of the business and
3 environmental community, and the general public.

4 5 Reference Deleted. Amend RSA 4-C:8, II to read as follows:

5 II. As requested [~~and in cooperation with regional planning commissions~~], provide technical
6 assistance and information in support of the planning and growth management efforts of local units
7 of government, including training requested under RSA 673:3-a. [~~The office shall encourage~~
8 ~~municipalities to first seek assistance from established regional planning commissions.~~]

9 6 Reference Deleted. Amend RSA 9-A:1, IV to read as follows:

10 IV. The comprehensive development plan shall serve as the basis for policy and program
11 development by the various departments of state government. State agencies shall develop and
12 [~~regional planning commissions and~~] local planning boards are encouraged to develop plans which
13 are consistent with the policies and priorities established in the comprehensive development plan.

14 7 Reference Deleted. Amend RSA 12-A:46, II(h)(7) to read as follows:

15 (7) One member representing a regional economic development organization [~~or a~~
16 ~~regional planning commission~~]; and

17 8 Reference Deleted. Amend RSA 31:104 to read as follows:

18 31:104 Liability of Municipal Executives. Notwithstanding any provisions of law to the
19 contrary, no member of the governing board of any municipal corporation or political subdivision, no
20 member of any other board, commission, or bureau of any municipal corporation or political
21 subdivision created or existing pursuant to a statute or charter, and no chief executive officer of such
22 municipal corporation or political subdivision, including but not limited to city councilors and
23 aldermen, selectmen, county convention members, members of boards of adjustment, members of
24 planning boards, school board members, mayors, city managers, town managers, county
25 commissioners, [~~regional planning commissioners,~~] town and city health officers, overseers of public
26 welfare, and school superintendents shall be held liable for civil damages for any vote, resolution, or
27 decision made by said person acting in his or her official capacity in good faith and within the scope
28 of his or her authority.

29 9 Reference Deleted. Amend RSA 31:105 to read as follows:

30 31:105 Indemnification for Damages. A city, town, county, village district or precinct, school
31 district, chartered public school, school administrative unit, or any other municipal corporation or
32 political subdivision may by a vote of the governing body indemnify and save harmless for loss or
33 damage occurring after said vote any person employed by it and any member or officer of its
34 governing board, administrative staff or agencies including but not limited to selectmen, school board
35 members, chartered public school trustees, city councilors and aldermen, town and city managers,
36 [~~regional planning commissioners,~~] town and city health officers, overseers of public welfare, and
37 superintendents of schools from personal financial loss and expense including reasonable legal fees

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1 and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other
2 act resulting in accidental injury to a person or accidental damage to or destruction of property if the
3 indemnified person at the time of the accident resulting in the injury, damage, or destruction was
4 acting in the scope of employment or office.

5 10 Reference Deleted. Amend RSA 31:106 to read as follows:

6 31:106 Indemnification; Civil Rights Suits. All cities, towns, counties, village districts and
7 precincts, school districts, chartered public schools, school administrative units, and other municipal
8 corporations and political subdivisions shall indemnify and save harmless any person employed by it
9 and any member or officer of its governing board, administrative staff, or agencies including but not
10 limited to selectmen, school board members, chartered public school trustees, city councilors and
11 aldermen, town and city managers, ~~[regional planning commissioners,]~~ town and city health officials,
12 overseers of public welfare, and superintendents of schools from personal financial loss and expense
13 including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment
14 by reason of any act or omission constituting a violation of the civil rights of an employee, teacher or
15 student, or any other person under any federal law if such act or omission was not committed with
16 malice, and if the indemnified person at the time of such act or omission was acting within the scope
17 of employment or office.

18 11 Reference Deleted. Amend RSA 36:54, II to read as follows:

19 II. Provide opportunities for the ~~[regional planning commission and the]~~ potentially affected
20 municipalities to furnish timely input to the municipality having jurisdiction.

21 12 References Deleted. Amend RSA 36:57 to read as follows:

22 36:57 Procedure.

23 I. Upon determination that a proposed development has a potential regional impact, the
24 local land use board having jurisdiction shall afford the ~~[regional planning commission and the]~~
25 affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of
26 providing notice and giving testimony.

27 II. Not more than 5 business days after reaching a decision regarding a development of
28 regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the
29 ~~[regional planning commission and the]~~ affected municipalities with copies of the minutes of the
30 meeting at which the decision was made. ~~[The local land use board shall, at the same time, submit
31 an initial set of plans to the regional planning commission, the cost of which shall be borne by the
32 applicant.]~~

33 III. At least 14 days prior to public hearing, the local land use board shall notify, by certified
34 mail, all affected municipalities ~~[and the regional planning commission]~~ of the date, time, and place
35 of the hearing and their right to testify concerning the development.

36 IV. Notwithstanding the foregoing, when the building inspector determines that a use or
37 structure proposed in a building permit application will have the potential for regional impact and no

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1 such determination has previously been made by another local land use board, he or she shall notify
2 the local governing body. The building inspector shall also notify by certified mail the ~~[regional~~
3 ~~planning commission and the]~~ affected municipalities, who shall be provided 30 days to submit
4 comment to the local governing body and the building inspector prior to the issuance of the building
5 permit.

6 13 Reference Deleted. Amend the introductory paragraph of RSA 36-B:1 to read as follows:

7 36-B:1 Compact Authorized. The director of the office of energy and planning ~~[and/or a regional~~
8 ~~planning commission which is established under RSA 36, or both,]~~ may negotiate with the proper
9 authorities of the states of Maine, Massachusetts, and Vermont a compact for interstate regional
10 planning substantially in form as follows, which is hereby ratified:

11 14 Reference Deleted. Amend RSA 38-B:2, I to read as follows:

12 I. Before the establishment of a regional transit district is put to the local legislative body,
13 the ~~[regional planning commission or]~~ metropolitan planning organization having jurisdiction shall
14 make a recommendation on forming a district. Following the recommendation, the selectmen or
15 mayor of each municipality intending to join shall present to the next annual or special town
16 meeting, city council meeting, or board of aldermen meeting the following question: “Shall the
17 city/town of _____ accept the provisions of RSA 38-B providing for the establishment
18 of a regional transit district, together with the towns/cities of _____, and the
19 operation of a regional public transit system by the district?” If a majority of the local legislative
20 body voting on the question shall vote in the affirmative, the municipality shall join the proposed
21 regional transit district.

22 15 Reference Deleted. Amend RSA 38-D:6 to read as follows:

23 38-D:6 Energy Commission Support. The office of energy and planning ~~[and New Hampshire~~
24 ~~regional planning commissions]~~ may establish programs to assist, at their request, the cities and
25 towns which have established an energy commission.

26 16 Reference Deleted. Amend RSA 147-A:4-a, I to read as follows:

27 I. There is hereby established a hazardous waste facility siting board consisting of 5
28 members of the general public. ~~[Four]~~ **The** members of the board shall be appointed by the governor
29 with the consent of the council and shall serve terms of 4 years. ~~[The remaining member shall be~~
30 ~~chosen by the regional planning commission for the area where the proposed facility is to be located~~
31 ~~and shall serve for the period during which the facility application is under review.]~~ An employee of
32 the department shall serve as executive secretary to the board. Board members shall receive a per
33 diem of \$25.

34 17 Reference Deleted. Amend RSA 162-A:4, I to read as follows:

35 I. The management of the authority shall be vested in a board of 14 directors, who shall
36 serve without compensation. The governor, with the consent of the council, shall appoint 9 members
37 of the board, who shall include ~~[an executive director of a regional planning commission and]~~ one

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1 elected or appointed local official. The governor shall designate one of the board members as
2 chairperson. Each board member appointed by the governor shall hold office for 3 years, or until a
3 successor has been appointed. The state treasurer shall serve as a voting ex officio member of the
4 board. Two members of the house of representatives, who shall be appointed by the speaker of the
5 house of representatives, and 2 members of the senate, who shall be appointed by the president of
6 the senate, shall serve as nonvoting members of the board. A director serving as a member of the
7 house of representatives or as a member of the senate shall serve for a term ending when the general
8 court dissolves.

9 18 Reference Deleted. Amend RSA 162-A:5, II to read as follows:

10 II. If a director is appointed to the board as an [~~executive director of a regional planning~~
11 ~~commission or as an~~] elected or appointed local official and the director ceases to hold such office, the
12 director shall continue as a director for the remainder of the unexpired term and shall be treated for
13 purposes of RSA 162-A:4 as if the director continued to hold such office. If a director is appointed to
14 the board as a member of the house of representatives or as a member of the senate and the director
15 ceases to be a member of the house of representatives or the senate, such director shall also cease to
16 be a director.

17 19 Reference Deleted. Amend RSA 162-F:14, II(b) to read as follows:

18 (b) Restoration and rehabilitation of any site, including the physical and aesthetic
19 appearance of the site, that is subject to the requirements of subparagraph II(a) to permit non-
20 nuclear commercial, industrial, or other similar use, consistent with the orderly development of the
21 region with due consideration having been given to the views of municipal [~~and regional~~] planning
22 commissions and municipal governing bodies.

23 20 Reference Deleted. Amend RSA 162-F:21, III to read as follows:

24 III. Each committee shall rely on all available data and experience in determining the
25 amount of such fund including, but not limited to, information from the Nuclear Regulatory
26 Commission; the public utilities commission; the owner or owners of the facility; municipal [~~and~~
27 ~~regional~~] planning commissions and municipal governing bodies; and relevant construction cost
28 indices. The committee shall publish a transcript of all proceedings during which information was
29 presented or offered into testimony, and a detailed analysis of the facts and figures used in
30 determining the amount of the fund.

31 21 Reference Deleted. Amend RSA 162-H:16, IV(b) to read as follows:

32 (b) Will not unduly interfere with the orderly development of the region with due
33 consideration having been given to the views of municipal [~~and regional~~] planning commissions and
34 municipal governing bodies.

35 22 References Deleted. Amend RSA 216-J:2, II(a)(4) and II(b) to read as follows:

36 (4) The [~~members~~] *member* appointed under [~~subparagraphs I(d) and~~]
37 *subparagraph I(g)* shall serve *a* one-year [~~terms~~] *term*.

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1 (b) Following the staggering of terms, subsequent terms of commission members
2 appointed under subparagraphs ~~I(a)-(d)~~ **I(a)-(c)** shall be for 3 years. The term of members
3 designated to serve under subparagraphs I(e)-(f) shall be coterminous with his or her term in office.
4 Vacancies shall be filled for an unexpired term in the same manner and by the same body as the
5 original appointment was made.

6 23 Reference Deleted. Amend RSA 227-E:4, II to read as follows:

7 II. The governor and council shall appoint the members designated in subparagraphs I(f)
8 through (k). These members shall all be residents of the Connecticut River Valley and shall serve 3-
9 year terms, provided that the initial appointments shall be 2 for a term of one year, 4 for a term of 2
10 years, and 4 for a term of 3 years. The members appointed under subparagraphs I(a), (b), ~~(e)~~, (d),
11 and (e) shall serve at the pleasure of the organizations they represent.

12 24 Reference Deleted. Amend RSA 227-E:6, IV to read as follows:

13 IV. Cooperate with, and suggest guidelines for, local communities ~~[and regional planning~~
14 ~~commissions]~~ to accomplish the purposes of this chapter.

15 25 Number. Amend the introductory paragraph of RSA 227-M:4, II(c) to read as follows:

16 (c) ~~[Eight]~~ **Seven** public members, to be appointed by the governor and council:

17 26 References Deleted. Amend RSA 228:99, I to read as follows:

18 I. Each metropolitan planning organization ~~[and rural regional planning commission]~~ shall
19 reach agreement with the department of transportation relative to funding unified planning work
20 programs consistent with 23 U.S.C. sections 134 and 135 no later than December 1 of each even-
21 numbered year. Each metropolitan planning organization ~~[and rural regional planning commission]~~
22 shall provide a regional transportation improvement program (TIP) to the department of
23 transportation no later than April 1 of each odd-numbered year. Such plans shall include a public
24 involvement plan and education initiative to ensure early and adequate input from residents,
25 municipalities, and any other interested parties in New Hampshire.

26 27 References Deleted. Amend RSA 228:99, III-IV to read as follows:

27 III. The governor's advisory commission on intermodal transportation shall conduct at least
28 one public hearing in each executive council district to present the tentative STIP to the public and
29 to receive the public's comments and recommendations regarding the program. The governor's
30 advisory commission on intermodal transportation shall submit such program along with the
31 commission's recommendations to the governor no later than December 1 of each odd-numbered
32 year. Each metropolitan planning organization ~~[and rural regional planning commission]~~ should
33 conduct an informational meeting after the commission submits its recommendations to receive the
34 public's final comments and recommendations regarding the proposed programs before adoption by
35 the governor.

36 IV. The governor shall submit the STIP to the general court to be acted on no later than
37 January 15 of each even-numbered year. After an enactment by the general court of the STIP or by

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1 June 1 of each even-numbered year, whichever is earlier, each metropolitan planning organization
2 [~~and rural regional planning commission~~] should continue its public involvement program by
3 conducting at least one informational meeting concerning the STIP.

4 28 Reference Deleted. Amend RSA 230:75, VIII to read as follows:

5 VIII. May assist and cooperate with [~~regional planning commissions,~~] municipal
6 governments, other state agencies, and citizens' groups in the development and construction of local
7 and regional bicycle projects and in the application for any funds available for such projects.

8 29 References Deleted. Amend RSA 238-A:5, II-III to read as follows:

9 II. The board of directors shall determine when to expand the service area of the authority.
10 Upon approval of a resolution to expand the service area of the authority, after a properly noticed
11 public hearing, the board of directors shall notify eligible cities[;] **or** towns[; ~~or regional planning~~
12 ~~commissions~~] of the determination to expand the service area of the authority. A city[;] **or** town[; ~~or~~
13 ~~regional planning commission~~] may petition the authority to support the development and
14 establishment of commuter rail and related public transportation services within its jurisdiction.
15 The board of directors shall have sole discretion to accept or reject any such petition. When
16 considering an expansion of the service area of the authority the board of directors shall consider
17 support for the proposed passenger or commuter rail project by affected towns[;] **and** cities, [~~and~~
18 ~~regional planning commissions,~~] and the completion of an alternatives analysis or major investment
19 study.

20 III. When the service area of the authority is expanded as identified in RSA 238-A:5, II new
21 members will be added to the board of directors as follows:

22 [(a)] One designee for each town or city added to the service area that is not represented
23 on the board of directors.

24 [(b) ~~One designee for each regional planning commission added to the service area that is~~
25 ~~not represented on the board of directors.~~]

26 30 Reference Deleted. Amend RSA 238-A:7, II(c) to read as follows:

27 (c) Contracts with the department of transportation[; ~~a regional planning commission,~~]
28 or any other government agency.

29 31 Reference Deleted. Amend RSA 240:3, XI to read as follows:

30 XI. The GACIT shall provide the first statewide review of the plan as drafted by the
31 department of transportation [~~with input from the regional planning commissions~~].

32 32 Reference Deleted. Amend RSA 261:92 to read as follows:

33 261:92 Publicly Owned Vehicles; Nonprofit Corporations. The director shall have the authority
34 to prescribe special rules relative to registration of vehicles owned and driven by the government of
35 the United States, the state, or by any county, city, town, [~~regional planning commission,~~] school
36 district, volunteer fire department, eligible nonprofit corporation operating transportation under
37 contract with the department of transportation for the public or for elderly or disabled persons, or

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1 public or private educational institution used for the purpose of student driver training, and may
2 issue permanent number plates for such vehicles. Said vehicles displaying said number plates shall
3 be deemed to be properly registered under the provisions of this title and may be driven upon the
4 ways of the state without further registration or subsequent number plates.

5 33 References Deleted. Amend RSA 432:27, II to read as follows:

6 II. Municipal planning boards [~~and regional planning commissions~~] established pursuant to
7 RSA 673 [~~or RSA 36~~] shall be notified in writing by the commissioner of the acquisition or release of
8 an agricultural preservation site which shall be duly noted in the master plan of the municipality or
9 region.

10 34 Reference Deleted. Amend RSA 483:10, I to read as follows:

11 I. The rivers coordinator, with the cooperation and assistance of the office of energy and
12 planning, shall develop detailed guidelines for river corridor management plans. The rivers
13 coordinator shall provide technical assistance to [~~regional planning commissions,~~] municipalities[~~]~~
14 and local river management advisory committees and shall encourage the development and
15 implementation of river corridor management plans.

16 35 Reference Deleted. Amend the introductory paragraph of RSA 483-A:7, V to read as follows:

17 V. Lake management and shoreland protection plans developed pursuant to paragraphs I[~~,~~
18 H[~~,~~] and III shall address, but not be limited to, the following:

19 36 Reference Deleted. Amend RSA 483-B:21, I(b)(1) to read as follows:

20 (1) A representative of [~~a regional planning commission or~~] the office of energy and
21 planning.

22 37 Reference Deleted. Amend RSA 485-E:1, II(b) to read as follows:

23 (b) Establish a regional framework for coastal watershed communities, [~~regional~~
24 ~~planning commissions,~~] the state, and other stakeholders to collaborate on planning and
25 implementation measures to improve and protect water quality and more effectively address the
26 challenges of meeting clean water standards, particularly with respect to nutrients pollution;

27 38 Reference Deleted. Amend RSA 485-E:3, II to read as follows:

28 II. To foster improved municipal and intermunicipal land use planning and regulation, [~~in~~
29 ~~coordination with the applicable regional planning commissions,~~] such as to encourage low impact
30 development and innovative zoning and land use management approaches, and to advance the
31 state's economic growth, resource protection, and planning policy.

32 39 References Deleted. Amend RSA 485-E:4 to read as follows:

33 485-E:4 Advisory Committee. The Alliance shall include an advisory committee consisting of the
34 commissioner of the department, or designee, the commissioner of the department of transportation,
35 or designee, [~~the Strafford, Rockingham, and southern New Hampshire regional planning~~
36 ~~commission executive directors, or designees,~~] and the Piscataqua Region Estuaries Partnership
37 director, or designee. The committee shall provide technical assistance, education, scientific advice,

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1 and consultation on whether plans advance the state’s economic growth, resource protection, and
2 planning policy, and otherwise share expertise and provide resources to assist the Alliance, in
3 accordance with available resources. Members of the advisory committee shall be nonvoting
4 members of the Alliance. The Alliance may add members to the advisory committee as it determines
5 its needs for expertise.

6 40 Reference Deleted. Amend RSA 485-E:5, I(a) to read as follows:

7 (a) Notify the governing bodies, planning boards, conservation commissions, and public
8 works departments of each municipality in the coastal watershed~~[- and the applicable regional~~
9 ~~planning commissions,]~~ of the establishment of the Southeast Watershed Alliance and of the need
10 and purpose of the Alliance, and solicit their participation;

11 41 Planning Board; Election. Amend RSA 673:2 to read as follows:

12 673:2 Planning Board.

13 I.(a) In cities, the planning board shall consist of 9 members:

14 (1) The mayor of the city, or with the approval of the local legislative body the
15 mayor’s designee, who shall be an ex officio member;

16 (2) An administrative official of the city selected by the mayor, who shall be an ex
17 officio member;

18 (3) A member of the city council selected by the council, who shall be an ex officio
19 member; and

20 (4) Six ~~[persons appointed by the mayor, if the mayor is an elected official, or such~~
21 ~~other method of appointment or election as shall be provided for by the local legislative body or~~
22 ~~municipal charter]~~ ***elected members.***

23 (b) Alternatively, the local legislative body in a city with a city council-city manager form
24 of government may establish a planning board with membership as provided in paragraph I-a.

25 I-a. In cities with a city council-city manager form of government, the planning board may
26 consist of the following 9 members:

27 (a) The city manager, or with the approval of the local legislative body the city manager’s
28 designee, who shall be an ex officio member;

29 (b) A member of the city council selected by the council, who shall be an ex officio
30 member; and

31 (c) Seven ~~[persons appointed by the mayor, if the mayor is an elected official, or such~~
32 ~~other method of appointment or election as shall be provided for by the local legislative body or~~
33 ~~municipal charter]~~ ***elected members.***

34 I-b. In towns which operate under the town council form of government, the planning board
35 shall consist of 7 or 9 members, as determined by the local legislative body or by the municipal
36 charter. If the planning board shall consist of 9 members, the members shall be the persons listed in
37 paragraph I. If the planning board shall consist of 7 members, the members shall be as follows:

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1 (a) A member of the town council or administrative official of the town selected by the
2 town council, who shall be an ex officio member; and

3 (b) Six ~~[persons appointed by the mayor, if the mayor is an elected official, or such other~~
4 ~~method of appointment or election as shall be provided for by the local legislative body or municipal~~
5 ~~charter]~~ **elected members.**

6 ***I-c. Elected planning board members shall serve terms as provided in RSA 673:5, II.***

7 II. In other towns, the planning board shall consist of 5 or 7 members as determined by the
8 local legislative body. The membership shall be ~~[filled by one of the following procedures]~~ **as**
9 ***follows:***

10 (a) The selectmen shall designate one selectman or administrative official of the town as
11 an ex officio member ~~[and appoint 4 or 6 other persons who are residents of the town, as appropriate;~~
12 ~~or];~~ **and**

13 (b) ~~[The local legislative body may decide, by majority vote at the town meeting, that~~
14 ~~planning board members shall be elected according to either the procedure in subparagraph (1) or in~~
15 ~~subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA~~
16 ~~673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c).~~
17 ~~The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2)~~
18 ~~shall specifically state which procedure for electing planning board members is being voted upon.~~
19 ~~Following the majority vote at town meeting, planning board members shall be elected as follows:~~

20 (1) ~~The selectmen shall choose one selectman or administrative official of the town as~~
21 ~~an ex officio member and the remaining planning board positions shall be filled at the next regular~~
22 ~~town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the~~
23 ~~term provided under RSA 673:5, II; or~~

24 (2) ~~The selectmen shall choose one selectman or administrative official of the town as~~
25 ~~an ex officio member and the remaining planning board positions shall be filled on a staggered basis~~
26 ~~at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed~~
27 ~~member expires, until each member of the board is an elected member. The maximum number of~~
28 ~~elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member~~
29 ~~is an elected member, such member shall be elected for the term provided in RSA 673:5, II]~~ **Four or**
30 ***6 elected members.***

31 ~~[(c) A local legislative body which has voted to elect planning board members may, by~~
32 ~~majority vote at town meeting, decide to rescind that action and have the planning board appointed~~
33 ~~in the manner set forth in subparagraph (a). The vote to have planning board members so appointed~~
34 ~~shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint~~
35 ~~members in accordance with RSA 673:5. The planning board shall, however, continue in existence,~~
36 ~~and the elected members in office at the time of the town meeting vote to appoint members may~~
37 ~~continue to serve until their successors are appointed and qualified.]~~

1 III. In village districts, the planning board shall consist of either 5 or 7 members as
2 determined by the village district meeting. The district commissioners shall[-

3 ~~(a)] designate one district commissioner or administrative official of the district as an ex~~
4 officio member[-and

5 ~~(b) Appoint].~~ **The other** 4 or 6 ~~[other persons who are residents of the village district, as~~
6 ~~appropriate]~~ **members shall be elected by the legislative body.**

7 IV. In counties in which there are located unincorporated towns or unorganized places, the
8 planning board shall consist of 5 or 9 members. The county commissioners shall recommend
9 appointees to the planning board, and the appointees shall be approved by the county delegation.
10 Planning board members shall be residents of the county, and **appointed members** shall be evenly
11 distributed geographically throughout the county. The membership of the planning board shall be as
12 follows:

13 (a) The chairperson of the board of county commissioners or designee shall be an ex
14 officio member.

15 (b) A member of the county convention selected by the convention shall be an ex officio
16 member.

17 (c) An administrative official of the county selected by the chairperson of the board of
18 county commissioners shall be an ex officio member.

19 ~~(d) Two or 6 [persons appointed by the board of county commissioners and approved by~~
20 ~~the county convention.~~

21 ~~(e) One or 3 alternates appointed by the board of county commissioners and approved by~~
22 ~~the county convention]~~ **elected members.**

23 42 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I-II to read as
24 follows:

25 I. In the case of towns, any 2 ~~[appointed or]~~ elected members of the planning board may also
26 serve together on any other municipal board or commission, except that no more than one member of
27 the planning board shall serve on the conservation commission, the local governing body, or a local
28 land use board as defined in RSA 672:7.

29 II. In cities, ~~[appointed]~~ **elected** members shall not hold any other municipal office, except
30 that:

31 (a) One of the ~~[appointed]~~ **elected** members may be a member of the zoning board of
32 adjustment;

33 (b) Either one ~~[appointed]~~ **elected** member or one ex officio member may be a member of
34 the conservation commission if one exists in the city; and

35 (c) Either one ~~[appointed]~~ **elected** member or one ex officio member may be a member of
36 the heritage commission, the historic district commission, the agricultural commission, the housing
37 commission, or all 4 if such commissions exist in the municipality.

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1 43 Reference Deleted. Amend RSA 674:2, III(l) to read as follows:

2 (l) A housing section which assesses local housing conditions and projects future housing
3 needs of residents of all levels of income and ages in the municipality and the region [~~as identified in~~
4 ~~the regional housing needs assessment performed by the regional planning commission pursuant to~~
5 ~~RSA 36:47, II, and~~] which integrates the availability of human services with other planning
6 undertaken by the community.

7 44 Reference Deleted. Amend RSA 674:3, III to read as follows:

8 III. During the preparation of the various sections of the master plan, the board shall inform
9 the general public and the office of energy and planning [~~and regional planning commissions~~] and
10 solicit public comments regarding the future growth of the municipality in order to involve citizens in
11 the preparation of the master plan in a way which is most appropriate for the municipality.

12 45 Reference Deleted. Amend RSA 674:44-i, I(a) to read as follows:

13 (a) Conduct a housing needs assessment[~~, which may be done in cooperation with the~~
14 ~~regional housing needs assessment compiled by the regional planning commission under RSA 36:47,~~
15 ~~II~~].

16 46 Repeal. The following are repealed:

- 17 I. RSA 4-C:2, I(c), relative to development plan.
18 II. RSA 4-C:8, I, relative to planning assistance.
19 III. RSA 4-C:8, III, relative to planning interface.
20 IV. RSA 9-A:2, IV, relative to planning coordination.
21 V. RSA 21-L:4, II, relative to planning consultation.
22 VI. RSA 21-O:3, VII, relative to planning contracts.
23 VII. RSA 36:45 through RSA 36:53, relative to regional planning commissions.
24 VIII. RSA 36:56, II, relative to development review.
25 IX. RSA 204-C:56, II(f), relative to eligible applicants.
26 X. RSA 216-J:2, I(d), relative to commission members.
27 XI. RSA 227-E:4, I(c), relative to commission members.
28 XII. RSA 227-M:4, II(c)(7), relative to board members.
29 XIII. RSA 238-A:1, IV, relative to definitions.
30 XIV. RSA 238-A:4, I(f) and (g), relative to board members.
31 XV. RSA 238-A:4, I(n), relative to board members.
32 XVI. RSA 238-A:4, I(s) and (t), relative to board members.
33 XVII. RSA 238-A:4, I(v) and (w), relative to board members.
34 XVIII. RSA 238-A:8, VI, relative to regional planning commission services.
35 XIX. RSA 239:3, I(k), relative to board of directors.
36 XX. RSA 239-A:3, I(c), relative to board of directors.
37 XXI. RSA 239-B:2, I(f), relative to SCC membership.

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1 XXII. RSA 483-A:7, II, relative to lakes management assistance.

2 XXIII. RSA 483-E:2, I(q) and (r), relative to membership of coastal risk and hazards
3 commission.

4 XXIV. RSA 673:6, I(b), relative to alternate planning board members.

5 47 Regional Planning Commissions; Discontinuance; Funds.

6 I. Regional planning commissions are prohibited from entering into contracts or agreements
7 or accepting grants as of the effective date of this section.

8 II. Except as provided in paragraph III, each regional planning commission shall provide for
9 the pro-rata payment to its member municipalities of all unobligated, unencumbered, and
10 unexpended funds upon the discontinuation of the commission.

11 III. Property and records in the custody of a discontinued regional planning commission
12 shall be transferred or returned, as appropriate, to the commission's member municipalities. If
13 transfers or returns are not possible or practicable, the governor may designate an appropriate state
14 agency and the property and records shall be transferred to the designated state agency.

15 48 Effective Date.

16 I. Sections 1-40 and 43-46 of this act shall take effect December 31, 2014.

17 II. The remainder of this act shall take effect upon its passage.

HB 1573-FN - FISCAL NOTE

AN ACT discontinuing regional planning commissions and requiring the election of municipal planning board members.

FISCAL IMPACT: FISCAL IMPACT:

The Office of Energy and Planning, Department of Environmental Services, New Hampshire Municipal Association, and New Hampshire Association of Counties state this bill, **as introduced**, will increase state general fund expenditures by \$87,770 in FY 2015, \$95,798 in FY 2016, \$105,032 in FY 2017, and \$114,765, and have an indeterminable impact on local expenditures in FY 2015 and each year thereafter. There will be no impact on county expenditures, or state, county, and local revenue.

METHODOLOGY:

The Office of Energy and Planning (OEP) states this bill abolishes regional planning commissions (RPC) and requires that all planning board members, other than ex officio members, be elected rather than appointed. The OEP grants a total of \$100,000 in general funds each year to the nine RPCs for the purpose of providing services to the municipalities and counties the RPCs serve. Current RSA 4-C:7 states the OEP shall establish a program of regional and municipal assistance “with the goal of assuring delivery of efficient and effective assistance to local governments in areas related to growth management and resource protection.” Currently, RPCs provide assistance to municipalities in these areas, supporting the OEP’s own efforts. Should RPCs be abolished, the OEP anticipates there will be an increase in its current responsibilities for providing technical assistance to municipalities. The OEP states that, while it is not possible to predict with a high level of accuracy the impact this will have on the Office’s staffing needs, it will not be able to absorb the additional responsibilities within existing staff resources. Consequently, the OEP estimates it will need to hire two full-time planners to provide additional direct services to municipalities. The Office projects the bill’s fiscal impact will be as follows:

	FY 2015	FY 2016	FY 2017	FY 2018
Expenditures:				
Two principal planners (LG 24, with annual steps)	\$89,927	\$95,005	\$99,164	\$103,527
Benefits	\$52,576	\$55,840	\$59,069	\$62,492
Indirect costs	\$35,626	\$37,711	\$39,558	\$41,505
Other (equipment, travel, etc.)	\$9,641	\$7,241	\$7,241	\$7,241
Total	\$187,770	\$195,798	\$205,032	\$214,765
Less general fund grants to RPCs that will no longer be made	\$100,000	\$100,000	\$100,000	\$100,000
Total Cost to State	\$87,770	\$95,798	\$105,032	\$114,765

The Department of Environmental Services states the bill's fiscal impact is indeterminable. The Department works with RPCs to assess the air quality impact of transportation plants, a requirement of the federal Clean Air Act. Outputs from the RPC transportation demand models are a necessary input to models used by the Department. Because the bill only abolishes the RPCs and not the four federally required metropolitan planning organizations, the Department assumes the data from the demand models will continue to be available. Should the data *not* be available, the state may be subject to federal sanctions and withholding of federal highway funds.

The New Hampshire Municipal Association states that most but not all municipalities currently pay voluntary dues to regional planning commissions, which they will no longer pay should the bill pass. The Association states it does not have access to information about total dues paid to RPC, nor is it able to estimate the additional expenses municipalities may have to pay in the absence of RPCs.

The New Hampshire Association of Counties states the bill will have no fiscal impact. The Association states that to date, only a few counties have chosen to be members of RPCs, and these counties will no longer pay voluntary dues should the bill pass.