

# Bill as Introduced

HB 1332 - AS INTRODUCED

2010 SESSION

10-2224

03/09

HOUSE BILL           **1332**

AN ACT               relative to planning board members.

SPONSORS:           Rep. A. Perkins, Rock 14; Rep. Weare, Rock 14

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill limits the applicability of the prohibition on 2 or more town planning board members serving on another board or commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT           relative to planning board members.

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

1           1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as  
2 follows:

3           I. In the case of towns, appointed or elected members of the planning board may also serve  
4 on any other municipal board or commission, provided that such multiple membership does not  
5 result in 2 planning board members serving on the [~~same~~] ***zoning board of adjustment,***  
6 ***conservation commission, heritage commission, or other land use*** board or commission.

7           2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Municipal and County Government  
January 19, 2010  
2010-0193h  
03/05

Amendment to HB 1332

1 Amend the bill by replacing section 1 with the following:

2

3 1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as  
4 follows:

5 I. In the case of towns, appointed or elected members of the planning board may also serve  
6 on any other municipal board or commission, provided that such multiple membership does not  
7 result in 2 planning board members serving on the [same] *conservation commission, the local*  
8 *governing body, or a local land use board* [or commission] *as defined in RSA 672:7.*

# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1332

**BILL TITLE:** relative to planning board members.  
**DATE:** January 12, 2010  
**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 11:00 am  
**Time Adjourned:** 11:23 am

(please circle if present)

**Committee Members:** Reps. ~~Cooney, Gagnon, Osborne, L. Brown, Caliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins~~ and Sterling.

**Bill Sponsors:** Rep. A. Perkins, Rock 14; Rep. Weare, Rock 14

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Perkins** introduced the bill. Intent was to provide for multiple memberships except for land use boards. My town has an individual who, per RSA 673:7 almost blocks anyone else from serving. Cordell Johnston pointed out a few other issues but that could be worked out.

**Rep. Crisler:** Would this include recreation members. Ans.-No, language says or other land use board.

**Rep. Brown:** What about the same people serving on Planning Board and Zoning board. Ans.-This specifically prohibits serving on other land use boards. **Rep. Osborne:** Why can't this one individual just be not reappointed. Ans.- I don't think people think we need to get rid of this individual, but she is blocking anyone else.

**Rep. Boisvert:** This person does get elected or appointed, right? How many positions does she hold. Ans.- 2 elected, one appointed.

**Rep. Sterling:** I think the point is that most of these are quasi-official boards. I think your proposal would address that.

**Rep. Crisler:** I think the intent of this initial statute is to avoid one small group of people controlling a town. This can work to disadvantage, but the original intent is still a valid concern. Ans. - I agree but we do have this problem in my town to be resolved.

**Rep. Ferrante:** What are you considering land use boards, conservation would not be? Ans. No. I want the statute to stay, but it means conflict within land use boards. I'm not sure. If there are other boards that need to be included, please advise me.

**Rep. Sterling:** There is a definition of land use boards in statute that should apply you may want to make reference to that in your amendment.

**Rep. Ferrante:** Is this specific to elected? Ans. Let others respond.

**Chris Porter,** NH Muc Assoc. Spoke in support. Would suggest changing words, as Rep. Sterling suggests, reference RSA 673 or 672:7, so that there is no doubt which offices this means. Also, in referring to land use boards, the word local should be included.

**Rep. Crisler:** Currently, members for planning boards are clearly defined. Would this allow two members of Board of Selectmen to serve on Planning Board? Ans.-Yes, unless it's amended to correct that Lines 5 and 6.

**Ben Frost,** NH Planners Assoc.: I would support what Mr. Porter said, except I would add "local

governing body or land use board," after conservation board. To read from line 5 of the bill. "result in 2 planning board members serving on the [same] zoning board of adjustment, conservation commission, local governing body or other local land use board or commission."

Respectfully submitted,

*Rep. Dianne Schuett*  
Rep. Dianne Schuett  
Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1332

BILL TITLE: relative to planning board members.

DATE:

1/12/2010

LOB ROOM:

301

Time Public Hearing Called to Order: 11:00 am

Time Adjourned: 11:23 am

(please circle if present)

Committee Members: Reps. Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Ratten, Boyce, C. Soucy, D. Sullivan, Crisler, Ferrante, Perkins and Sterling.

Bill Sponsors: Rep. A. Perkins, Rock 14; Rep. Weare, Rock 14

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Hearing, minutes on  
HB 1332 Jan. 12, 2010

Hearing opened at 11:00 a.m.

Rep. Perkins introduced the bill. Intent was to provide for multiple memberships except for land use boards. My town has an individual who, per RSA 673:7 almost blocks anyone else from serving. Cordell Johnston pointed out a few other issues but that could be worked out.

Rep. Crisler: Would this include recreation members.

Ans.-No, language says or other land use board.

Rep. Brown: What about the swame people serving on Planning Board and Zoning board.

Ans.-This specifically prohibits serving on other land use boards.

Rep. Osborne: Why can't this one individual just be not reappointed.

Ans.- I don't think people think we need to get rid of this individual, but she is blocking anyone else.

Rep. Boisvert: This person does get elected or appointed, right? How many positions does she hold.

Ans.- 2 elected, one appointed.

Rep. Sterling: I think the point is that most of these are quasi-official boards. I think your proposal would address that.

Rep. Crisler: I think the intent of this initial statute is to avoid one small group of people

controlling a town. This can work to disadvantage, but the original intent is still a valid concern.

Ans. - I agree but we do have this problem in my town to be resolved.

Rep. Ferrante: What are you considering land use boards, conservation would not be?

Ans. - No. I want the statute to stay, but it means conflict within land use boards. I'm not

sure. If there are other boards that need to be included, please advise me.

Rep. Sterling: There is a definition of land use boards in statute that should apply - you

may want to make reference to that in your amendment.

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Ans.?? Let others respond.

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in referring to land use boards, the work local should be included.

Rep. Crisler: Currently, members for planning boards are clearly defined. Would this allow

two members of Bd of Selectment to serve on Planning Board.

Ans.- Yes, unless it's amended to correct that. Lines 5 and 6.

Ben Frost, NH Planners Assoc.: I would support what Mr. Porter said, except I would add "local governing body or land use board," after conservation board. To read from line 5 of the bill...

"result in 2 planning board members serving on the [same] zoning board of adjustment, conservation commission, local governing body or other local land use board or commission."

Hearing closed at 11:23 a.m.

Respectfully submitted,

Rep. Dianne Schuett

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1332

**BILL TITLE:** relative to planning board members.

**DATE:** January 20, 2010

**LOB ROOM:** 301

Amendments:

Sponsor: Rep. OLS Document #: 2010 0193h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Perkins

Seconded by Rep. Lauterborn

Vote: 17-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Perkins

Seconded by Rep. Sterling

Vote: 17-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

*Rep. Dianne E. Schuett*

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1332

BILL TITLE: relative to planning board members.

DATE: 1/20/2010

LOB ROOM: 301

Amendments:

Sponsor: Rep. Perkins OLS Document #: 0193h  
Sponsor: Rep. Lauterborn OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: AM  
OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. ~~AS~~

Seconded by Rep.

Vote: 17-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Perkins

Seconded by Rep. Sterling

Vote: 17-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Wheeler/Lauterborn

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1332 Title: re planning board members

PH Date: 1/12/2010

Exec Session Date: 1/20/2010

Motion: Perkins

Amendment #: 0193h

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	17	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R		1
Carlson, Nancy L	absent	
Lauterborn, Elaine M	6	
Lewis, Robert D	absent	
Schuett, Dianne E, Clerk	7	
Patten, Betsey L	8	
Boyce, Laurie J	9	
Soucy, Connie M	10	
Sullivan, James M	11	
Crisler, Margaret M	12	
Ferrante, Beverly A	13	
Perkins, Amy Stasia	14	
Sterling, Franklin W	15	
CUNNINGHAM	16	
TOTAL VOTE:	17	1

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1332 Title: re planning board members

PH Date: 1/12/2010

Exec Session Date: 1/20/2010

Motion: ~~P~~ OTP/AM

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	17	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R		1
Carlson, Nancy L	absent	
Lauterborn, Elaine M	6	
Lewis, Robert D	absent	
Schuett, Dianne E, Clerk	7	
Patten, Betsey L	8	
Boyce, Laurie J	9	
Soucy, Connie M	10	
Sullivan, James M	11	
Crisler, Margaret M	12	
Ferrante, Beverly A	13	
Perkins, Amy Stasia	14	
Sterling, Franklin W	15	
CUNNINGHAM	16	
TOTAL VOTE:	17	1



# Committee Report

**CONSENT CALENDAR**

**January 21, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred HB1332,**

**AN ACT relative to planning board members. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Amy Stasia Perkins**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>MUNICIPAL AND COUNTY GOVERNMENT</b>
Bill Number:	<b>HB1332</b>
Title:	<b>relative to planning board members.</b>
Date:	<b>January 21, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

The intent of this bill was to fine tune the existing restrictions of planning board membership. It was recognized that in smaller municipalities there may be only a few individuals willing to serve on town boards. This bill allows candidates additional board or commission opportunities while restricting only conflicting dual membership to all land use boards, conservation commissions or local governing bodies.

Vote 17-1.

Rep. Amy Stasia Perkins  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### MUNICIPAL AND COUNTY GOVERNMENT

**HB1332**, relative to planning board members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Amy Stasia Perkins for MUNICIPAL AND COUNTY GOVERNMENT. The intent of this bill was to fine tune the existing restrictions of planning board membership. It was recognized that in smaller municipalities there may be only a few individuals willing to serve on town boards. This bill allows candidates additional board or commission opportunities while restricting only conflicting dual membership to all land use boards, conservation commissions or local governing bodies. **Vote 17-1.**

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: HB 1332

TITLE: re. planning board members

DATE: 1/20/2010 CONSENT CALENDAR: YES [X] NO [ ]

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. 2010-0193b

STATEMENT OF INTENT:

The intent of HB 1332 was to fracture <sup>the</sup> existing restrictions of planning board members. It is recognized that in some municipalities there are only a <sup>that may</sup> select few individuals become involved in <sup>board or commission</sup> ~~select positions~~ further the intent of this bill to allow candidates additional board or commission opportunities while <sup>not</sup> ~~restricting~~ <sup>only</sup> conflicting board positions by preventing dual membership to all land use boards, conservation commissions or local governing bodies.

COMMITTEE VOTE: 17-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Perkins For the Committee

The intent of HB 1332 was to fine tune  
the existing restrictions of planning board  
membership ~~members~~. It was recognized that in smaller municipalities  
there may be only a few board seeking individuals. Further  
this bill allows candidates additional <sup>other</sup> board or <sup>other</sup> commission  
opportunities while restricting only conflicting ~~board~~ dual  
membership to all land use boards, conservation  
commissions or local governing bodies.

*[Handwritten signature]*

~~HB 1332, ~~bill~~ restricts dual planning board  
members from~~