

Bill as Introduced

HB 181 - AS INTRODUCED

2011 SESSION

11-0821

04/03

HOUSE BILL **181**

AN ACT permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

SPONSORS: Rep. Watrous, Merr 12; Rep. B. Patten, Carr 4

COMMITTEE: Municipal and County Government

ANALYSIS

This bill provides that the charter of any city, town, or school district that was established in statute by the general court shall revert to the control of the voters of the city, town, or school district and such charter shall be governed by the provisions of RSA 49-B.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 181 - AS INTRODUCED

11-0821
04/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

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

1 1 City, Town, or School District Charter; Reversion to Voters. Notwithstanding any provision of
2 law to the contrary, the charter of any city, town, or school district that was established in statute by
3 the general court shall hereby revert to the control of the voters of the city, town, or school district
4 and such charter shall be governed by the provisions of RSA 49-B. The existing charter shall remain
5 in effect until the voters chose to revise, amend, or replace it under the terms of RSA 49-B.

6 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Municipal and County Government
January 27, 2011
2011-0104h
04/10

Amendment to HB 181

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

2

3 1 City, Town, or School District Charter; Reversion to Voters. Notwithstanding any provision of
4 law to the contrary, the charter of any city, town, or school district that was established by the
5 general court and which does not have a local amendment process shall hereby revert to the control
6 of the voters of the city, town, or school district and such charter shall be governed by the provisions
7 of RSA 49-B. The existing charter shall remain in effect until the voters choose to revise, amend, or
8 replace it under the terms of RSA 49-B.

2011-0104h

AMENDED ANALYSIS

This bill provides that the charter of any city, town, or school district that was established by the general court and which does not have a local amendment process, shall revert to the control of the voters of the city, town, or school district and such charter shall be governed by the provisions of RSA 49-B.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 181

BILL TITLE: permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

DATE: January 25, 2011

LOB ROOM: 301 **Time Public Hearing Called to Order:** 10:07 am

Time Adjourned: 10:30 am

(please circle if present)

Committee Members: Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copeland, Moore, Munck, Shackett, Stroud, DeStefano, Roberts, Hooper and Tatro.

Bill Sponsors: Rep. Watrous, Merr 12; Rep. B. Patten, Carr 4

TESTIMONY

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

***Rep. Watrous** – amendment adds local amendment process phrase. Support- Some charters are in chapter law and do not have a local amendment process and require each change to the charter to be authorized through the Legislature. The Municipal and County Government Committee is reluctant to get involved in purely local matters. This is the case in Rochester and Franklin as well as the Concord School District. Ans. I don't know if this would apply to the Hooksett Police Commission but don't think so. Ans. At one time charters were established by chapter law. Ans. Would give just the amendment process to the voters under 49-B.

Rep. Patten – Co-sponsored with Rep. Watrous- support- because this has come up before in this committee and I think it is a good idea for local voters to be able to change their charter without having to go through the Legislature. I don't think the Hooksett Police Commission was adopted under RSA 49-B. We might want to amend this to extend to other villages and districts.

Tony Schinella – a Concord resident and parent. Supports- This bill restores our political rights which have been denied for 50 years. In 1961 the City asked to have the School District taken over by the Legislature over school teacher salary issues.

Respectfully submitted,


Rep. Philip Munck
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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DATE:

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Time Adjourned: 10:43

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HB181

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Testimony

Testimony for the House Municipal Committee
January 25, 2011
HB 181

For the record I am Representative Rick Watrous of Merrimack District 12, Concord wards 5, 6, and 7. I am the prime sponsor of House Bill 181 and am submitting the proposed amendment so that the bill's intent will be clearer. This is a bill to give voters, who now lack that option, control over amending their own local government charter.

HB 181 is needed because there are a few cities, towns and school districts whose charters are still in state statute law and lack a local amendment process. The only way for citizens to amend these charters is to persuade a legislator to introduce a bill and have it passed by the House, Senate and Governor.

I know this all too well because in 2009 I was one of six Concord representatives who introduced legislation for referendum questions that would amend the Concord School District charter. That charter is one of those rare charters that exists entirely in state chapter law, which means that any amendment has to be passed by the General Court. The bills were introduced before this very committee. The Municipal Committee was justifiably reluctant to get involved in such local matters, but there was no other option because a local amendment process did not exist.

That legislation became a political football as various parties tried to promote or oppose the legislation. The General Court punted by eventually creating a study commission for the Concord School District Charter. That commission recommended another commission which is still trying to determine its mission. Two years after the initial legislation, Concord voters still lack control over their own district charter and there is no guarantee under current law that they will attain that control.

There appear to be a few other instances where local control is denied the local voters. The city charters of Rochester and Franklin are both in NH State Law with no apparent amendment process other than going through the General Court. HB 181 would bring the home rule provisions of 49-B to those unfortunate towns, cities or school districts whose charter is currently locked away in state law. (I have passed out copies of the Purpose and Intent of 49-B and you will see that this chapter was created to provide home rule and allow cities and towns to amend their own charters.)

The citizens of these locales would finally enjoy the same rights and powers of the rest of New Hampshire and have home rule over amending their own charters. The General Court would not have to be brought into these strictly local matters. HB 181 would be a win/win for state and local government and for the voters of NH.

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

**CHAPTER 49-B
HOME RULE--MUNICIPAL CHARTERS**

Section 49-B:1

49-B:1 Purpose and Intent. – It is the purpose of this chapter to implement the home rule powers recognized by article 39, part first, of the constitution of the state of New Hampshire. To that end, the general court hereby provides a vehicle whereby a municipality may adopt a form of government that best addresses local needs. At the same time, however, the general court recognizes a need to require uniform procedures and practices when there is a corresponding state interest. Therefore, this chapter is intended only to provide a procedural framework by which a city or town may amend its actual form of government. Nothing in this chapter shall be construed to create any power in, or confer any power upon, any city or town beyond that necessary to carry out the amendment of a charter or form of government as set forth in this chapter. The general laws of this state shall remain in full force and effect, and they shall be construed to be consistent with this chapter to the greatest extent possible in the effectuation of this chapter's stated purpose. Accordingly, this chapter shall be strictly interpreted to allow towns and cities to adopt, amend, or revise a municipal charter relative to their form of government so long as the resulting charter is neither in conflict with nor inconsistent with the general laws or the constitution of this state.

Source. 1979, 241:1. 1988, 223:1, eff. June 29, 1988.

Section 49-B:2

49-B:2 Scope of Authorization; Definitions. –

I. Any incorporated town or city, regardless of population, shall be entitled to exercise the home rule powers recognized by article 39, part first, of the New Hampshire constitution, and implemented through this chapter, to create a charter commission and to present to its voters by referendum a municipal charter, in which they may establish either a town or city government.

II. If the proposed charter denominates the municipality as a town, the charter shall be prepared pursuant to RSA 49-D.

III. If the proposed charter denominates the municipality as a city, the charter shall be prepared pursuant to RSA 49-C.

IV. In this chapter:

(a) "Amendment" means the enactment or repeal of a single section or subsection of a charter pertaining to any one subject matter, and any related section the meaning or operation of which is changed as a result of the enactment or repeal.

(b) "Elected body" means the mayor and board of aldermen, mayor and council, and city council in a city adopting a charter under RSA 49-C and a town council or representative town meeting in a town adopting a charter under RSA 49-D.

(c) "Governing body" means the board of selectmen, the board of aldermen, or the council in a city or in a town with a town council.

(d) "Legislative body" means a town meeting, representative town meeting, city or town council, mayor and council, and mayor and board of aldermen.

(e) "Municipality" means a city or a town.

(f) "Municipal officers" means the mayor and board of aldermen, mayor and council, and city council in a city, and board of selectmen and town council in a town.

(g) "Municipal year" means the fiscal year of the municipality.

(h) "Operating budget" means total appropriations, as determined by the department of revenue administration, exclusive of county and school taxes; principal and interest payments on bonds and notes; and amounts in satisfaction of court judgments.

(i) "Revision" means multiple changes in the basic form of government proposed by several enactments or repeals.

(j) "Revocation" means the repeal of an entire charter such that the resultant form of government is the form in existence immediately prior to the adoption of the charter being repealed.

Source. 1979, 241:1. 1988, 223:2. 1991, 162:1; 304:3, 4, eff. Aug. 23, 1991. 2003, 289:9, eff. Sept. 1, 2003.

Section 49-B:3

49-B:3 Charter Revisions, Adoptions, Procedure. –

I. The municipal officers may determine that the revision of the municipal charter is necessary or that adoption of a new municipal charter is necessary and, by order, provide for the establishment of a charter commission to carry out such purpose as provided in this chapter; or

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in the municipality at the last regular municipal election, but in no case less than 10 voters, the municipal officers shall, by order, provide for the establishment of a charter commission for the revision of the municipal charter or for the preparation of a new municipal charter in the form and manner provided in this chapter.

III. The following procedure shall be used in the alternative method set out in paragraph II.

(a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating they will constitute the petitioners' committee, circulate the petition and file it in proper form. The affidavit shall state the names and addresses of the members and specify the address to which all notices to the committee are to be sent. The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition. Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee.

(b) The petition forms shall be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary. Petition forms shall be prepared by the municipal clerk at the expense of the municipality.

(1) Petition forms shall carry the following legend in bold lettering at the copy of each form on the face thereof.

Municipality of

"Each of the undersigned voters respectfully requests the municipal officers to establish a charter commission for the purpose of revising the municipal charter or preparing a new municipal charter." Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.

(2) The clerk shall note the date of each petition form issued and all petitions, unless sooner filed, shall become null and void for every purpose on the 120th day after the date of issue.

(3) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.

(4) Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note thereon the date of filing.

IV. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal officers.

(a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.

(b) Within 5 days after the filing of a supplementary petition the clerk shall complete and file a certificate as to its sufficiency in the manner provided for in an original petition.

(c) When an original or supplementary petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the municipal officers for review. The municipal officers shall inspect the petitions and shall make due certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the committee. The certificate of the municipal officers shall be a final determination of the sufficiency of the petitions.

(d) Any petitions finally determined to be insufficient shall become null and void and of no further force or effect. Such petitions shall be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required for secret ballots.

V. Within 30 days after the adoption of an order under paragraph I or the receipt of a certificate or final determination of sufficiency under paragraph IV, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at a special municipal election held not less than 60 days nor more than 90 days after the adoption of such an order or receipt of such a certificate of final determination. The question to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?"

VI. Notwithstanding any other provision of this chapter, for the purposes of establishing a charter commission to amend or adopt a charter relative to official ballot town council under RSA 49-D:3, I-a, official ballot town meeting under RSA 49-D:3, II-a, budgetary official ballot village district meeting under RSA 52:2-a, or budgetary official ballot school district meeting under RSA 197:5-b only, the question of whether to establish a charter commission and the election of charter commission members shall be placed on the same ballot. No other issues shall be addressed by a charter commission established under this paragraph. The question on the establishment of a charter commission to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established for the sole purpose of establishing official ballot voting under the current form of government?"

Source. 1979, 241:1. 1991, 304:5, 12. 1995, 53:1. 1998, 343:1, eff. Aug. 25, 1998. 2003, 289:10, eff. Sept. 1, 2003.

Section 49-B:4

49-B:4 Charter Commission, Membership, Procedure. –

I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected as hereinafter provided.

(a) Within 5 days after the deadline for a recount of a vote confirming the establishment of a charter commission, the municipal officers shall meet to order a special election to be held on the Tuesday not less than 56 days nor more than 63 days after such meeting for the purpose of electing charter commission members.

(b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged alphabetically by surname.

II. The municipal clerk shall within 7 days after the election of the charter commission members, notify those elected to the charter commission of the date, time and place of the organizational meeting of the charter commission. Such date, time and place shall be fixed by the clerk and 7 days' notice of the organizational meeting shall be given. The charter commission shall organize by electing from its members a chairman, vice chairman and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

III. The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees and consultants as are deemed necessary within the limits of its budget.

IV. (a) A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials and employees during ordinary working hours. Within 20 days after the election of a charter commission, the municipal officers shall credit to the charter commission account the sum of \$100. A municipality may from time to time appropriate additional funds to the charter commission account.

Such funds may be raised by taxation, borrowed or transferred from surplus.

(b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, provided, that no contribution of more than \$5 shall be accepted from any other source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.

V. Within 14 days after its organizational meeting, the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions. Within 170 days after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. Within 231 days after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general laws. Minority reports if filed shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the municipality at such times and places as may be specified in a notice published at least 7 days prior to the hearing in a newspaper having general circulation in the municipality, but hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the municipal officers shall order, as determined by the charter commission, the proposed new charter or charter revision to be submitted to the voters at the next primary or general municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election held at least 45 days after the filing of the final report.

VII. The charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers for the purpose of winding up its affairs.

Source. 1979, 241:1. 1988, 223:3. 1991, 304:6, 7. 1992, 96:1; 194:1-3, eff. July 11, 1992. 2003, 25:4, eff. April 30, 2003. 2006, 22:1, eff. May 30, 2006.

Section 49-B:5

49-B:5 Charter Amendments, Procedure. –

I. The municipal officers may determine that amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, IV(a). Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election held not less than 60 days after the order is passed; or they may order a special election to be held not less than 60 days from the date of the order for the purpose of voting on the proposed amendments.

(a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in a municipality at the last regular municipal election, but in no case less than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below.

(a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II-a. The following procedure shall be used in the alternative method set out in paragraph II:

(a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating that they shall constitute a petitioners' committee. Such affidavit shall be signed by the members of such committee

and an additional 20 voters of the municipality and shall include:

- (1) The language of the proposed amendment.
- (2) The names and addresses of the committee members.
- (3) The address to which all notices to the committee are to be sent.

(b) The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.

(c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment in accordance with RSA 49-B:5-a. Promptly after receiving approval of the proposed amendment from the state officials under RSA 49-B:5-a, the clerk shall issue petition blanks to the committee.

III. The petition forms shall carry the following legend in bold lettering at the top of each form on the face thereof.

Municipality of _____

"Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment of the municipal charter as set out below." No more than one subject may be included in a petition. Except as provided in RSA 49-B:5, II-a, in all other respects the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under RSA 49-B:3 including procedures relating to filing, sufficiency and amendments.

IV. (a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them.

(b) Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers.

(c) Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than 365 days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days from the date of the order for the purpose of voting on the proposed amendments.

Source. 1979, 241:1. 1988, 223:4, 5. 1991, 304:13. 1992, 96:2, 3. 1995, 53:2, eff. July 8, 1995. 2005, 38:1, eff. July 16, 2005. 2008, 230:1, 2, eff. Aug. 19, 2008.

Section 49-B:5-a

49-B:5-a Approval and Review. –

I. The municipal clerk shall file a report with the secretary of state, attorney general, and the commissioner of the department of revenue administration as follows:

(a) Within 10 days of the filing of the preliminary report relative to any new municipal charter, charter revision, or charter amendment, if initiated by a charter commission or the municipal officers, the municipal clerk shall file a certified copy of said report.

(b) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.

(c) Within 30 days of the receipt of said report by the secretary of state, attorney general, and the commissioner of the department of revenue administration, they shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state.

II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration do not approve, the proposed charter or charter amendment question, if initiated by a charter commission or the municipal officers, shall not be placed on the municipal ballot. If the proposed charter amendment was initiated by a petitioners' committee, official petition forms shall not be provided. The secretary of state, attorney general, and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk and to the petitioners' committee if relative to a

charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter or charter amendment to be voted upon. Failure to specify objections to a proposed charter or charter amendment under this section shall constitute approval by the secretary of state, attorney general, or the commissioner of the department of revenue administration.

III. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

Source. 1988, 223:6. 1991, 304:8. 1992, 194:4, eff. July 11, 1992. 2006, 22:2, eff. May 30, 2006. 2008, 230:3, 4, eff. Aug. 19, 2008.

Section 49-B:6

49-B:6 Submission to Voters. – The method of voting at municipal elections when a question relating to a charter revision, a charter adoption or a charter amendment is involved shall be in the manner prescribed for municipal elections.

I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall include a summary which explains both the current form of government utilized by the municipality as well as the changes in that form of government which will occur if the charter revision or charter adoption question is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

II. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

III. Voter Information.

(a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office and shall post the report in the same manner that proposed ordinances are posted.

(b) In the case of a charter amendment, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

IV. If a majority of the ballots cast on any question under paragraph I or II favor acceptance, the new charter, charter revision or charter amendment becomes effective as provided in subparagraph (a) or (b).

(a) Charter revisions, new charters, or revocations of a charter adopted by the voters shall become effective immediately for the purpose of conducting necessary elections; otherwise charter revisions, new charters, and revocations of charters become effective on the first day of the next succeeding municipal year or as specified in any transition provisions of the charter.

(b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

Source. 1979, 241:1. 1983, 34:1. 1985, 128:1. 1991, 304:9, eff. Aug. 23, 1991.

Section 49-B:7

49-B:7 Recording. – Within 3 days after the results of the election have been declared, the municipal clerk shall prepare and sign duplicate certificates setting forth any charter that has been adopted or revised and any charter amendment approved. One certificate shall be recorded in the office of the secretary of state and one certificate shall be deposited in the office of the municipal clerk.

Source. 1979, 241:1, eff. Aug. 14, 1979.

Section 49-B:8

49-B:8 Ordinance, Power Limited. – Any municipality may, by the adoption, amendment or repeal of ordinances or bylaws, exercise any power or function granted to a municipality by the constitution or

general law. No change in the composition, mode of election or terms of office of the legislative body, the mayor or the manager of any municipality may be accomplished by bylaw or ordinance.

Source. 1979, 241:1. 1988, 223:8, eff. June 29, 1988.

Section 49-B:8-a

49-B:8-a Powers of Town Council. – [Repealed 1991, 304:15, eff. Aug. 23, 1991.]

Section 49-B:8-b

49-B:8-b Powers of Representative Town Meeting [Omitted]. –

Section 49-B:9

49-B:9 Private, Special, and General Laws. – Private and special laws applying to a specific municipality and general laws which a municipality has the option to adopt or rescind shall continue in force and effect unless specifically repealed by a charter adoption, revision, or amendment under this chapter.

Source. 1979, 241:1. 1988, 223:11, eff. June 29, 1988.

Section 49-B:10

49-B:10 Judicial Review. –

I. The superior court may, upon petition of 10 voters of the municipality or on petition of the attorney general, enforce this chapter.

II. A petition for declaratory relief may be brought on behalf of the public by the attorney general or, by leave of the court, by 10 voters of the municipality. In the case of petition of 10 voters, the attorney general shall be served with notice of the preliminary petition for leave, and may intervene as a party at any stage of the proceedings; and the petitioners shall be liable for, but may in the court's discretion also be awarded costs, which may include reasonable attorney's fees.

III. Judicial review to determine the validity of the procedures whereby any charter is adopted, revised or amended may be had by petition of 10 voters of the municipality brought within 30 days after the election at which such charter, revision or amendment is approved. If no such petition is filed within such period, compliance with all the procedures required by this chapter and the validity of the manner in which such charter adoption, revision or amendment was approved shall be conclusively presumed. No charter adoption, revision or amendment shall be deemed invalid on account of any procedural error or omission unless it is shown that the error or omission materially and substantially affected such adoption, revision or amendments.

IV. Any municipality aggrieved by the decision of the secretary of state under RSA 49-B:5-a may seek review by way of appeal in superior court to determine the lawfulness of the secretary's decision. The clerk shall schedule a hearing on any such appeal within 10 days of the filing of such petition.

Source. 1979, 241:1. 1988, 223:10, eff. June 29, 1988.

Section 49-B:11

49-B:11 Construction. – [Repealed 1988, 223:14, eff. June 29, 1988.]

Section 49-B:12

49-B:12 Return to Former Form of Government. –

I. Notwithstanding the provisions of this chapter, any town, through the petition procedure in RSA 49-B, may repeal its charter and return to its former form of government without establishing a charter commission.

II. The question of whether the town should repeal its charter and return to its former form of government shall be put to the voters in the same manner as an amendment to a charter, under RSA 49-B:5.

Source. 1991, 304:10, eff. Aug. 23, 1991.

Section 49-B:13

49-B:13 Separability; Preservation. –

I. The provisions of this chapter and of charters created under this chapter are separable. If any portion of this chapter, or of any charter adopted under the provisions of this chapter, or if the application of the chapter or such charter to any person or circumstance shall be invalid, the remainder of the chapter or such charter or the application of such invalid portions to other persons or circumstances shall not be affected by such invalidation.

II. All town and city charters which have been adopted, revised or amended; all charter commissions which have been properly established and elected; all elections properly held; and actions properly taken pursuant to such charters are hereby legalized, provided that such charters at the time of their adoption were not contrary to the general laws and constitution of the state.

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D unless that municipality adopts a budgetary town meeting, official ballot town meeting, an official ballot town council, or representative town meeting pursuant to RSA 49-D:3, I-a, II, II-a and III.

Source. 1991, 304:10. 1993, 332:4, eff. Aug. 28, 1993. 2008, 243:2, eff. Aug. 23, 2008.

Concord School District Charter Commission

Section 49-B:14

[RSA 49-B:14 repealed by 2010, 213:2, II, effective as provided by 2010, 213:3; see contingency note below.]

49-B:14 Concord School District; Charter Commission Established. –

I. A charter commission shall be established to develop a local procedure, which does not require the approval of the legislature, to revise, amend, or replace the Concord school district charter, established in chapter 355 of the 1961 Laws of New Hampshire, as amended by chapter 123:1 of the 1983 Laws of New Hampshire. The charter commission shall submit its recommendations for a procedure to revise, amend, or replace the Concord school district charter in the form of a ballot question to the Concord school district voters for a vote at the November 2011 regular election. If the ballot question is approved, then the Concord school district charter shall be revised, amended, or replaced in accordance with the local procedure approved by the school district voters and, effective on the date the ballot question is approved, the Concord school district shall be solely responsible for revising, amending, or replacing the charter.

II. (a) The charter commission shall consist of 9 members who shall be registered voters of the Concord school district, and who shall run without party designation, as follows:

- (1) Two members who shall be from wards 1, 2, 3, and 4.
- (2) Two members who shall be from wards 5, 6, and 7.
- (3) Two members who shall be from wards 8, 9, and 10.
- (4) Three members who shall run at-large.

(b) The election of charter commission members shall be held in conjunction with the regular November elections in 2010 in accordance with RSA 49-B:4.

III. The charter commission shall have all the powers and duties of a charter commission established pursuant to this chapter and shall comply with the provisions of this chapter, except as otherwise indicated in this section.

Source. 2010, 213:1, eff. June 28, 2010.

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CHAPTER 353.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING HELD IN THE TOWN OF
EXETER, MARCH 14, 1961.

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

353:1 Proceedings Validated. The proceedings of the annual town meeting of the town of Exeter held March 14, 1961, relating to and resulting in the appropriation and raising of money pursuant thereto, whether by vote and pronouncement of the moderator or by vote by use of the Australian ballot, are hereby legalized, ratified and confirmed.

353:2 Takes Effect. This act shall take effect upon its passage.
[Approved June 30, 1961.]
[Effective date June 30, 1961.]

CHAPTER 354.

AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF DOVER.

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

354:1 Salary of Mayor of Dover. Amend section 7 of chapter 430 of the Laws of 1949 by striking out said section and inserting in place thereof the following: **7. Salary of Mayor:** The annual salary of the mayor shall be set by majority vote of the city council, shall be payable monthly, and he shall devote his full time to his duties.

354:2 Takes Effect. This act shall take effect January 1, 1962.
[Approved June 30, 1961.]
[Effective date January 1, 1962.]

CHAPTER 355.

AN ACT RELATIVE TO THE ELECTION OF MEMBERS OF THE UNION SCHOOL
DISTRICT IN CONCORD.

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

355:1 District Established. The Union School District of Concord, as herebefore established by law, is hereby continued, with all the rights, immunities, powers and privileges, and subject to all the duties and liabilities as are established by general law for the government of school

districts and municipal corporations. All existing property of the district shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it. The boundaries of the district as presently constituted shall be preserved.

355:2 Elections. The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct an election at the expense of the district, as hereinafter provided, on the fourth Tuesday in March annually, to elect three members of the board of education for three years each. For the purposes of this election, the voters in the several wards shall cast their ballots in their respective wards for the election of members of the board of education, in such convenient places as may be designated by the supervisors of the checklist and provided by the district. In the first election under this act the six members of the board of education whose terms do not expire in 1962 shall continue in office until the expiration of the terms for which they were elected.

355:3 Qualification of Voters. Persons residing in the district who would be qualified to vote in a biennial election if held on the day of such district election shall be the qualified voters therein. The polls shall be open at each district election for not less than six hours, and the time of the opening and closing of the polls shall be fixed and determined by the board of education, and shall be posted at the several voting places not less than fourteen days prior to the day of the election.

355:4 Preparation of Ballots. The clerk of the district or some other competent person designated by the board of education shall prepare all ballots to be used at the district elections. The ballot shall contain the names, in alphabetic order without party designation, of all persons who file with the district clerk as candidates for the office of member of the board of education not sooner than the thirtieth day nor later than the fifteenth day before the election. Each candidate shall pay to the clerk, for the use of the district, three dollars, except one on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such a petition unless consent thereto shall be endorsed on the petition by the candidate himself, not later than the tenth day before the election. Below the names of the candidates on the ballot there shall be provided three blank spaces for the election of members of the board of education, which may be used by the voters. The district clerk shall have the same powers and duties with reference to district elections as has the secretary of state with reference to biennial elections, so far as such powers and duties are not inconsistent herewith.

355:5 Contested Elections. Within seven days after a district election the board of education shall canvass the votes cast, and the candidates receiving the highest number of votes shall be declared elected to fill the vacancies occurring on the board. Within seven days after said declara-

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tion the board of education, upon request of any candidate, shall recount the ballots cast in the election and hear and determine any contest. The board's decision in such contested elections shall be final. Tie votes for any school board office shall be resolved by lot in a manner to be determined by the board. In the event of a vacancy occurring on the board of education by death, resignation or other reason, said vacancy shall be filled for the remaining period of the unexpired term at the district election next following the occurrence of the vacancy, in the same manner as provided herein; provided, however, that the election to fill such a vacancy shall be a separate election conducted on the same ballot as regular elections, but on a separate portion of the ballot. In the event of such a vacancy, the board of education may by majority vote appoint some qualified voter in the district to serve as interim member of the board until the vacancy can be filled by an election as above provided.

355:6 Governing Body. All the powers of the district shall be vested in a board of education of nine members, hereinafter called the board. The board shall, at its first regular meeting in April, choose one of its members as president for a term of one year. In the event of a vacancy occurring in the office of president, the board shall choose one of its members to serve for the unexpired term. The board shall, at its first meeting in April, choose a person who shall not be a member of the board to serve as clerk of the district, and shall choose some other person, who also shall not be a member of the board, as treasurer of the district and shall define their duties and determine their compensation. The district treasurer may be a regular employee of the district, but the clerk may not be an employee of the district.

355:7 Qualifications. No person shall be a candidate for election as member of the board of education who is not a duly qualified voter in the district. Whenever a board member during his term shall move away from the district, the board shall declare his seat vacant and shall fill the vacancy as herein provided.

355:8 Compensation. Members of the board of education shall receive fifty dollars per annum in full for their services.

355:9 All Meetings Public. All meetings of the board of education shall be public. Regular meetings shall be held on the second Monday of each month and special meetings shall be held on call of the president or on written request of at least five members of the board. The board shall establish its own rules, and a majority shall constitute a quorum for the transaction of its business. Nothing herein shall prevent the board from holding executive sessions from which all except its own members may be excluded, for the discussion of matters which, in the opinion of a majority of the board, would not be in the public interest or would tend to injure any individual in his professional or personal affairs. All business of the board, however, shall be transacted in public session. Newly

elected members of the board shall take office at the first meeting in April following their election.

355:10 Action by Resolution. District legislation shall be by resolution, adopted by a majority vote of those present, which shall be recorded by some officer or employee of the district designated by the board, and which shall be available to public inspection at the offices of the district during reasonable business hours. In the adoption of resolutions, the president of the board shall have a voice and vote in the determination.

355:11 General Powers. Except as herein otherwise provided, the board of education hereby established shall have and exercise all the powers and discharge all the duties conferred on or imposed upon school boards, school district and school committees by general law now in force or hereafter enacted.

355:12 District Meeting Abolished. All provisions of law relating to the annual meeting of Concord union school district are hereby repealed, so far as they are inconsistent with the intents and provisions of this act.

355:13 Finances. The fiscal and budget year of the district shall begin on the first day of July, unless otherwise determined by resolution of the board. The district treasurer, or some other person designated by the board, shall maintain accounting control over the finances of the district, make financial reports, and shall audit and approve all claims against the district before paying the same.

355:14 Budget Procedure. The board of education shall timely prepare an annual estimate of the district's expenditures for the ensuing fiscal year, itemized in such detail as may be required by the state board of education. A public hearing on this budget shall be held by the board of education at some convenient place in the district not later than one hundred days prior to the beginning of the fiscal year, public announcement of the time and place of which shall be duly advertised not less than ten days prior to such hearing. The budget appropriation shall be made by the board of education not later than sixty days prior to the beginning of the fiscal year for which it shall apply. No additional appropriation shall be made for any purpose not included in the annual budget as adopted, unless voted by seven members of the board after a public hearing held to discuss such additional appropriation.

355:15 Use of Funds. After the annual budget has been adopted by the board of education, it shall be a charge upon the polls and ratable estates of the district in the same manner as a budget adopted by the board of aldermen for the city of Concord. A tax warrant signed by the president of the board, with the authorization of a majority of said board, shall be timely served upon the board of assessors and tax collector of the city of Concord, for the collection of the taxes within the district necessary for the support of the district. The president of the board, or some officer

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designated by the board, shall from time to time as the occasion requires it, draw upon the treasurer of the city of Concord for funds necessary for the support of the district. After the annual budget has been adopted no money shall be drawn from the district treasury, nor any obligation for the expenditure of money or property of the district be incurred, except pursuant to a budget appropriation, unless there shall be a specific additional appropriation therefor. The board shall designate a depository or depositories for district funds.

355:16 Independent Audit. An independent audit shall be made of all accounts of the district at least annually, and more frequently if deemed necessary by the board. Such audit shall be made by a certified public accountant, except that an audit made by employees of the state board of education or the state tax commission may be deemed sufficient to meet the requirements of this section. Any district officer or employee may be required by the board to give a bond for the faithful performance of his duties, and all officers or employees of the district receiving or disbursing district funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums shall be paid by the district, and the bonds shall be filed with the chief administrative officer of the district designated by the board.

355:17 Borrowing. Subject to the applicable provisions of general law, the board of education by resolution approved by at least two-thirds of its members, may authorize the borrowing of money for any purpose within the scope of the powers vested in the district and may issue bonds of the district or other evidences of indebtedness therefor, and may pledge the full faith, credit and resources of the district for the payment of the obligations created thereby. Borrowing for a term exceeding one year shall be authorized by the board only after a duly advertised public hearing. The board shall have the authority, when issuing bonds or other obligations of the district, to negotiate with the city of Concord for the use of its facilities and credit.

355:18 Oath of Office. Every person elected or appointed to any district office, before entering upon the duties of his office, shall take and subscribe to an oath of office as provided by law, which shall be filed and kept in the office of the district. Written notice of election or appointment of any district officer shall be mailed to him at his address by the district clerk or some other person designated by the board, within forty-eight hours after the appointment is made or the vote is canvassed.

355:19 No elective or appointive officer of the district shall take part in a decision concerning the business of the district in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer. No officer or employee shall devote any district property or labor to private use, except as may be provided by law or resolution of the board.

355:20 Claims. No action at law or bill in equity for money or damages claimed due shall be sustained against the district unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the principal office of the district not less than sixty days prior to the commencement of said action at law or bill in equity.

355:21 Miscellaneous Provisions. All records of the district shall be public. Any person who violates any provision of this act, unless otherwise provided, or who violates any resolution of the board for which no other punishment is provided, shall be fined not exceeding five hundred dollars or imprisoned not exceeding sixty days, or both. All general law relative to the government of school districts and the powers of school boards, with the exception of such provisions as may be inconsistent with this act, is hereby continued in force. The sections of this act and the parts thereof are separable. If any portion of this act, or the application thereof, to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

355:22 Takes Effect. This act shall take effect on January 1, 1962, provided that prior to said dates its adoption shall be voted by a majority of the ballots cast at a special meeting of the voters of Concord Union School District to be called by the board of education and held at the expense of the district in such manner that the voters of the several wards may cast their ballots in their respective wards at such convenient places as may be designated by the supervisors of the checklists and provided by the district during a period of not less than six hours, notice of which and the time of the opening and closing of the polls as fixed and determined by the board of education shall have been posted at the several voting places not less than fourteen days prior to the date of the meeting. [Approved June 30, 1961.] [Effective date January 1, 1962, with provisions.]

CHAPTER 356.

AN ACT TO REVISE THE CHARTER OF THE CITY OF NASHUA.

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

356:1 Vacancies. Amend Section 44, chapter 427, Laws of 1913, by striking out the same and inserting in place thereof the following: Sect. 44. Vacancy In Office of Alderman. In case a vacancy occurs in the office of alderman from any cause, the board of aldermen shall choose some duly qualified person not already a member of that body to fill the same.

A person so chosen to fill the vacancy under the provisions of this act shall take office on the first day of January next following the date of the vacancy. In the event of an additional alderman being appointed to fill the vacancy, other than the alderman who voted at a municipal election to fill the vacancy, the vacancy shall be filled by the board of aldermen in such manner as to be provided for in the charter of the city of Nashua.

356:2 Amend Section 111 of the Charter of 1913, Part 1 of the Charter.

Section 111 of the Charter of 1913, Part 1 of the Charter, shall be amended by vote of the mayor, the board of aldermen, two to be appointed by the board of aldermen, the General Council, and three residents of the city, by the mayor, the chairman of the board of aldermen, and the chairman of the board of aldermen.

Each charter of the city of Nashua shall be amended by the board of aldermen, the week of the regular session of the board of aldermen, the chairman of the board of aldermen, and the chairman of the board of aldermen.

Each charter of the city of Nashua shall be amended by the board of aldermen, the week of the regular session of the board of aldermen, the chairman of the board of aldermen, and the chairman of the board of aldermen.

Each charter of the city of Nashua shall be amended by the board of aldermen, the week of the regular session of the board of aldermen, the chairman of the board of aldermen, and the chairman of the board of aldermen.

The sum of the general fund of the city of Nashua shall be expended in its regular session or suspended or returned to the city of Nashua.

No member of the board of aldermen shall be eligible for his service.

Complete Document

Can Be Viewed

In Bill Folder

CHAPTER 49-B
Home Rule—Municipal Charters

* Also includes
49-C Local Option
City Charters

- 49-B:1 Purpose and Intent.
- 49-B:2 Scope of Authorization; Definitions.
- 49-B:3 Charter Revisions, Adoptions, Procedure.
- 49-B:4 Charter Commission, Membership, Procedure.
- 49-B:5 Charter Amendments, Procedure.
- 49-B:5-a Approval and Review.
- 49-B:6 Submission to Voters.
- 49-B:7 Recording.
- 49-B:8 Ordinance, Power Limited.
- 49-B:8-a Powers of Town Council.
- 49-B:8-b Powers of Representative Town Meeting [Omitted.].
- 49-B:9 Private, Special, and General Laws.
- 49-B:10 Judicial Review.
- 49-B:11 Construction.
- 49-B:12 Return to Former Form of Government.
- 49-B:13 Separability; Preservation.

NOTES TO DECISIONS

1. Scope
2. Charter amendment
3. Constitutionality

1. Scope

This chapter provides the statutory framework through which cities and towns may amend their actual form of government, and grants them the power necessary to carry out such changes. *Harriman v. Lebanon*, 122 N.H. 477, 446 A.2d 1158, 1982 N.H. LEXIS 382 (1982).

This chapter was intended only to provide a statutory framework by which cities and towns may amend their actual form of government. *Girard v. Allenstown*, 121 N.H. 268, 428 A.2d 488, 1981 N.H. LEXIS 295 (1981).

2. Charter amendment

Where proposed charter amendment provided for implementation of citizen initiative and referendum, the amendment, if adopted, could not be utilized by the voters to amend or alter the city charter, because all charter alterations and amendments must be adopted in accordance with provisions of this chapter. *Harriman v. Lebanon*, 122 N.H. 477, 446 A.2d 1158, 1982 N.H. LEXIS 382 (1982).

consideration, require a referendum to enact the ordinance.

(c) Conflicts of interest so long as any provisions adopted are at least as stringent as the state general laws relative to conflicts of interest.

II. Any election pursuant to initiative and referendum procedures shall be held within 60 days after certification of a valid petition or at the next regular municipal election, whichever is earlier.

Source. 1991, 304:11, eff. Aug. 23, 1991.

49-C:34 Saving Clause.

So much of the previous charter of the city and of laws passed in amendment or supplementary to the charter, as now may be in force, relative to the constitution and bounds of its several wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, to its water works, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this chapter. All special legislation relative to the government of the city, not expressly saved, is hereby repealed. All general laws relative to the government of cities shall remain in force in the city so far as consistent with this chapter. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this chapter, but are hereby annulled so far as inconsistent with this chapter. In all existing laws, ordinances and regulations hereby saved, references to the city councils, board of mayor and aldermen, board of public works, or other bodies or officers hereby abolished and superseded, or to bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by the charter or by the administrative code.

Source. 1991, 304:11, eff. Aug. 23, 1991.

session laws Law Definition

n

A bound volume of the statutes enacted by a legislative body during a single annual or biennial session; a collection of all of those aforementioned statutes.

Webster's New World Law Dictionary Copyright © 2010 by Wiley Publishing, Inc., Hoboken, New Jersey. Used by arrangement with John Wiley & Sons, Inc.

Session laws. The name commonly given to the body of laws enacted by a state legislature at one of its annual or biennial session. So called to distinguish them from the "compiled laws" or "revised statutes" of the state. Published laws of a state enacted by each assembly and separately bound for the session and for extra sessions. The session laws are normally published on a periodic basis, in a pamphlet format, throughout the legislative session and then at the end of the session are bound, in the order of their enactment, into a more permanent form.

Black's Law Dictionary, Abridged Sixth Edition

Session Laws: All laws passed by the legislature in a given legislative session, numbered in the order in which they are passed. Session laws include private acts, appropriation measures, and laws which amend or add to the permanent laws. (RSA's)

RSA's (Revised Statutes Annotated): Since 1944 the name of the codified volumes of permanent New Hampshire laws.

The Handbook of New Hampshire Elected Officials, 2009-2010, Northeast Information Services

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 181

BILL TITLE: permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

DATE: January 27, 2011

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Patten

Seconded by Rep. Burt

Vote: 16-0 (Please attach record of roll call vote.)

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

Moved by Rep. Patten

Seconded by Rep. Belanger

Vote: 16-0 (Please attach record of roll call vote.)

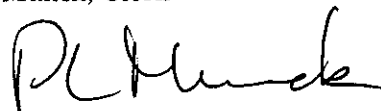
CONSENT CALENDAR VOTE: YES vv

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk



*put this aside
for an additional
amendment*

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 181

BILL TITLE: permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

DATE: 1/27/11

LOB ROOM: 301

Amendments:

Sponsor: Rep.	OLS Document #:	0104 h 2011-006th
Sponsor: Rep.	OLS Document #:	
Sponsor: Rep.	OLS Document #:	

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

Moved by Rep. *Patten*

Seconded by Rep. *Burt*

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

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

Moved by Rep. *Patten*

Seconded by Rep. *Belanger*

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

CONSENT CALENDAR VOTE: 16-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Philip Munck, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: _____ Title: _____

PH Date: 1 / 25 / 11

Exec Session Date: 1 / 27 / 11

Motion: OTP

Amendment #: 2011-0104

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W	Abs	
Munck, Philip L	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	
TOTAL VOTE:	16	0

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: 181 Title: _____

PH Date: 1 / 25 / 11

Exec Session Date: 1 / 27 / 11

Motion: OTPA

Amendment #: 2011-0104h

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W	Abs	
Munck, Philip L	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	

Committee Report

CONSENT CALENDAR

February 1, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on MUNICIPAL AND COUNTY
GOVERNMENT to which was referred HB181,**

AN ACT permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Betsey L Patten

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB181
Title:	permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.
Date:	February 1, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

Currently there are cities, town or school districts that have local charters that were created by the legislature. Every time one of those political subdivisions wants to revise, amend or replace their charter the governing body or voters have to come to the legislature for action which then has to be ratified at the local level. This amendment would set up a process for those political subdivisions who do not have a local amendment process to use the provisions in RSA 49-B so that local control is instituted. The amendment also states that the existing charter shall remain in effect until the voters choose to revise, amend or replace it under the terms of RSA 49-B. The committee voted unanimously to have the general court get out of the business of determining local issues.

Vote 16-0.

Rep. Betsey L Patten
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for MUNICIPAL AND COUNTY GOVERNMENT. Currently there are cities, town or school districts that have local charters that were created by the legislature. Every time one of those political subdivisions wants to revise, amend or replace their charter the governing body or voters have to come to the legislature for action which then has to be ratified at the local level. This amendment would set up a process for those political subdivisions who do not have a local amendment process to use the provisions in RSA 49-B so that local control is instituted. The amendment also states that the existing charter shall remain in effect until the voters choose to revise, amend or replace it under the terms of RSA 49-B. The committee voted unanimously to have the general court get out of the business of determining local issues. **Vote 16-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: M+CG permitting the charter of a city, town or
school district which is in Statute to revert to the
BILL NUMBER: 181 control of the voters
TITLE: charters

DATE: 1/27 CONSENT CALENDAR: YES NO

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

Amendment No.
2011-0104 h

STATEMENT OF INTENT:

See attached

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

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

Rep. _____
For the Committee

HB 181 permitting the charter of a city, town or school district which is in statute to revert to the control of the voters

OTPA 16-0 Consent Calendar

Amendment No. 2011-0104h

Betsey Patten for the committee

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BAF

HB 181

OTPA 2011-0104h

16-0 CC

Rep. Betsey Patten

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