

LEGISLATIVE COMMITTEE MINUTES

**SB102**

# Bill as Introduced

SB 102 - AS INTRODUCED

2013 SESSION

13-0910  
08/03

SENATE BILL **102**

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

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

COMMITTEE: Public and Municipal Affairs

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ANALYSIS

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

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

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

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

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

2 36-A:3 Composition of Commission.

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

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

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

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

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

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

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

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

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

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

# Committee Minutes

**SENATE CALENDAR NOTICE  
PUBLIC AND MUNICIPAL AFFAIRS**

*ATTENDANCE*

- ✓ Senator David Boutin Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator Bette Lasky
- ✓ Senator David Pierce
- ✓ Senator Nancy Stiles

①9

*START: 9:22 AM*  
*STOP: 9:41 AM*

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: February 7, 2013**

**HEARINGS**

**Wednesday 2/13/2013**

PUBLIC AND MUNICIPAL AFFAIRS	LOB 102	9:00 AM
(Name of Committee)	(Place)	(Time)

**EXECUTIVE SESSION MAY FOLLOW**

- |          |            |  |
|----------|------------|--|
| 9:00 AM  | SB172-FN-L | relative to public funds.  |
| 9:15 AM  | SB102      | relative to the selection of members of the conservation commission.   |
| 9:30 AM  | SB111      | permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds.                  |
| 9:45 AM  | SB88       | relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces. |
| 10:30 AM | SB120-FN   | relative to political contributions and expenditures and relative to reporting by political committees.                  |

**Sponsors:**

- |                       |                       |                      |                     |
|-----------------------|-----------------------|----------------------|---------------------|
| <b>SB172-FN-L</b>     | Sen. David Boutin     | Rep. Rick Ladd       | Rep. Suzanne Smith  |
| Sen. Jeanie Forrester | Sen. John Reagan      | Sen. Sharon Carson   | Sen. Sam Cataldo    |
| Rep. Herbert Vadney   | Sen. Sylvia Larsen    | Sen. Bette Lasky     | Sen. Chuck Morse    |
| Sen. Peggy Gilmour    | Sen. Jim Rausch       | Sen. Donna Soucy     | Sen. David Watters  |
| Sen. Bob Odell        |                       |                      |                     |
| <b>SB102</b>          | Rep. Mark McConkey    | Rep. Edward Butler   |                     |
| Sen. Jeb Bradley      |                       |                      |                     |
| <b>SB111</b>          | Rep. Shannon Chandley |                      |                     |
| Sen. Peter Bragdon    |                       |                      |                     |
| <b>SB88</b>           | Sen. Sharon Carson    | Rep. Robert Greemore | Rep. Herbert Vadney |
| Sen. Jeanie Forrester | Rep. Linda Lauer      | Rep. Rick Ladd       | Sen. Jeb Bradley    |
| Rep. Dennis Fields    | Sen. David Boutin     | Sen. Nancy Stiles    |                     |
| Sen. Jeff Woodburn    |                       |                      |                     |
| <b>SB120-FN</b>       | Sen. Sharon Carson    | Sen. Bob Odell       | Rep. Shawn Jasper   |
| Sen. Jeb Bradley      |                       |                      |                     |
| Rep. Gary Richardson  |                       |                      |                     |

Debra Martone 271-3092

Sen. David Boutin  
Chairman

# **PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE**

## **Hearing Report**

*Deb Martone, Legislative Aide*

**SB 102 -- An Act relative to the selection of members of the conservation commission.**

Hearing Date: February 13, 2013

Time Opened: 9:22 am

Time Closed: 9:41 am

**Members of the Committee Present:** Senators Boutin, Forrester, Stiles, Lasky and Pierce.

**Bill Analysis:** Enables members of the conservation commission to be elected.

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**Sponsors:** Senator Bradley; Representatives McConkey and Butler.

**Who supports the bill:** Senator Bradley; Representative McConkey; Jack Rose, Albany Select Board; Rob Nadler, Albany Conservation Commission; Jasen Stock, NH Timberland Owners Association.

**Who opposes the bill:** Representative Suzanne Smith; Carol Andrews, NH Association of Conservation Commissions; Bruce Kantner, Temple Conservation Committee; Harrison Bourne, Lebanon; Linda Walsh.

### **Summary of testimony presented in support:**

Senator Bradley:

- The Select Board of Albany requested the Legislature consider allowing towns, at their option, to elect their conservation commission. In the spirit of local control, please pass this enabling legislation.
- Senator Forrester stated she had received many emails opposing this bill. Because it is enabling legislation, perhaps that message isn't getting through?
- There is some angst about the bill. There is a belief that electing members would politicize the commission.
- Some individuals don't want to have to run for office in order to serve.

Representative McConkey:

- Albany is one of the towns Representative McConkey represents.
- He has served as both an appointed official and an elected official for the town of Ossipee.
- The state of New Hampshire is in love with elected officials. We elect everyone, i.e., cemetery trustees. It's not all that important to most people.
- People are always apprehensive to run. But good people always rise to the occasion.
- Many folks end up running unopposed.



Rob Nadler, Chair, Albany Conservation Commission:

- It is the town's option whether to choose or elect conservation commission members. It would be nice to have it more representative of the people to be able to elect them. It would make the commission independent.
- This is not being forced upon any town.
- If no individual ran for election, the town would continue to appoint the commission.
- None of Albany's commission members are concerned about having to run for office.

Jack Rose, Albany Selectman:

- Mr. Rose presented a letter of support from the Albany Board of Selectmen, endorsing the legislation.
- If SB 102 was enacted, the town would develop a warrant article to approve the change.

**Summary of testimony presented in opposition:**

Carol Andrews, Executive Director, NH Association of Conservation Commissions:

- The association works with the 215 conservation commissions throughout the state.
- One of their greatest concerns is that people will not want to volunteer for these positions. People simply serve on these types of commissions because they want to help with managing lands and clearing trails. They have no real interest in standing for election; they only want to volunteer for the town.
- In some commissions it will cost people money to run for these seats.
- We don't want people placed on conservation commissions because of name recognition, or because they are popular in town.
- There is no guarantee or evidence that elections would result in a more capable group of volunteers for conservation commissions.
- Ms. Andrews doesn't believe there are any other states who allow for municipal conservation commissions to be elected.
- The association would need a compelling reason to change the way things are done currently.
- Conservation commissions in some towns are concerned this legislation may be imposed onto them, even though the bill is proposed as enabling. The enabling portion of the bill doesn't appear to appease those who are in opposition.

Harrison Bourne, Lebanon (submitted testimony, not in attendance):

- The Lebanon Conservation Commission frequently experiences an empty seat on the commission. This bill would only exacerbate the situation.

Bruce Kantner, Temple Conservation Committee (submitted testimony, not in attendance):

- Opening the selection process to a town vote could politicize the conservation commission's role, make it more vulnerable to special interests and discourage new members from applying.

**Action:** By a vote of 3-2 the bill was found inexpedient to legislate.

dam

Date hearing report completed: February 14, 2013

# Speakers



## Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: 02/13/13

Time: 9:15 am    Public Hearing on SB 102

SB 102

relative to the selection of members of the conservation commission.

**PLEASE PRINT**

Name	Representing	Please Check				
LINDA WALSH	SELF	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>



# Testimony

**Town of Albany**  
1972 A NH Route 16  
Albany, NH 03818  
www.albanynh.org  
603-447-6038  
fax-603-452-5633

February 6, 2013

To Whom It May Concern;


This letter is to offer support of legislation which is sponsored by Senator Bradley. The bill is to change RSA 36-A:3, which as now written, stipulates that the selectmen appoint members to the conservation commission. Our proposed change would also allow voters to elect members to the conservation commission.

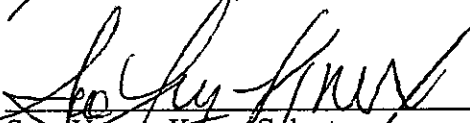
Conservation Commissions play an important role in our communities, being responsible for managing town lands, and other community assets. They also are responsible for funds that accrue due to this oversight.

The Albany Selectmen feel that there should be a direct accountability between this commission and the voters, and one way to ensure this is to have the commission elected by the town.

Regards,

  
\_\_\_\_\_  
Joseph Ferris, Selectmen Chair

  
\_\_\_\_\_  
John "Jack" Rose, Selectman

  
\_\_\_\_\_  
Sara Young-Knox, Selectman

**Martone, Debra**

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**From:** Pierce, David  
**Sent:** Tuesday, February 12, 2013 9:50 PM  
**To:** Bourne, Harrison; Boutin, David; Boutin, David; Forrester, Jeanie; Lasky, Bette; Stiles, Nancy  
**Subject:** Re: SB 102

Mr. Bourne,

Thank you for your service to Lebanon. NH government wouldn't run without its volunteers.

SB102 merely authorizes a city or town to choose to elect its cc members; it doesn't mandate it. If Lebanon still wants to have cc members appointed by the mayor, Lebanon may continue to do that even if the bill passes.

In light of this, do you remain opposed to the legislation?

Senator David Pierce  
District 5

**From:** Bourne, Harrison  
**Sent:** Tuesday, February 12, 2013 8:53 PM  
**To:** david.boutin@leg.state.nh.us ; dboutin1465@comcast.net ; jeanie.forrester@leg.state.nh.us ; bette.lasky@leg.state.nh.us ; NH.Sen.Pierce@gmail.com ; david.pierce@leg.state.nh.us ; nancy.stiles@leg.state.nh.us  
**Subject:** SB 102

Dear Senators:

As a resident of Lebanon and a member of the Lebanon Conservation Commission (but speaking only for myself), I urge you to vote down SB 102. Just fulfilling the obligations of being a Conservation Commission member taxes me greatly at times without the added challenges of running for office. Unfortunately, that requirement I would find so onerous that I would no longer serve my town as a commission member, which I have done for 6+ years. We also frequently have an empty seat, so SB 102 would only exacerbate this situation.

Thanks,  
Harrison Bourne  
17 South St  
Lebanon, NH

2/13/2013



## Martone, Debra

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**From:** Martone, Debra  
**Sent:** Wednesday, February 13, 2013 2:27 PM  
**To:** 'Bruce Kantner'  
**Cc:** Boutin, David  
**Subject:** RE: SB 1102

Hi Mr. Kantner:

Senator Boutin received your comments on SB 102, relative to the selection of members of the conservation commission. I also received your voicemail message.

For your information, the committee this morning voted to find SB 102 "Inexpedient to Legislate" by a vote of 3-2.

I will insure the other members of the committee receive your comments.

Deb Martone  
Legislative Aide to Senator David Boutin Aide to the Senate Public and Municipal Affairs  
Committee Legislative Office Building, Room 102-A Concord, NH 03301  
(603)271-3092  
debra.martone@leg.state.nh.us

-----Original Message-----

**From:** Bruce Kantner [mailto:bruce@tellink.net]  
**Sent:** Wednesday, February 13, 2013 12:49 PM  
**To:** Boutin, David  
**Cc:** Temple Con Com  
**Subject:** SB 1102

Dear Senator Boutin,

I'm writing about SB 102 which proposes to change the election process for Conservation Committee members. Our Temple Conservation Committee discussed this bill at our meeting last Monday and unanimously decided to oppose it. They asked me, as Secretary, to convey their decision to the Public and Municipal Affairs Committee, but I could not find an email address on the Committee's website. I left a phone message for the aide, Debra Martone, and asked her to pass along this message to the Committee.

Our members feel that SB 102 would discourage volunteers from joining the Conservation Commission if they had to go through an election process rather than the current, straightforward appointment by the Select Board. The present method has worked well for forty years.

Opening the selection process to a town vote could politicize the Con Com's role, make it more vulnerable to special interests, and discourage new members from applying.

Please convey our position to the rest of the Committee. We hope SB 102 will go no farther than your Committee.

Sincerely yours,  
Bruce Kantner, Secretary of the Temple Conservation Commission

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: February 14, 2013

THE COMMITTEE ON Public and Municipal Affairs

to which was referred Senate Bill 102

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

Having considered the same, the committee recommends that the Bill:

**IS INEXPEDIENT TO LEGISLATE**

BY A VOTE OF:    3-2

Senator Bette Lasky  
For the Committee

Debra Martone 271-3092

## New Hampshire General Court - Bill Status System

**Docket of SB102**

Docket Abbreviations

**Bill Title:** relative to the selection of members of the conservation commission.*Official Docket of SB102:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/3/2013	S	<b>Introduced</b> and Referred to Public & Municipal Affairs; <b>SJ 4</b>
2/7/2013	S	Hearing: 2/13/13, Room 102, LOB, 9:15 a.m.; <b>SC8</b>
2/20/2013	S	Committee Report: Inexpedient to Legislate, 3/7/13; <b>SC10</b>
3/7/2013	S	Inexpedient to Legislate, MF, VV
3/7/2013	S	Sen. Bradley moved Ought to Pass
3/7/2013	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; <b>SJ 6</b>
3/27/2013	H	Introduced and Referred to Municipal and County Government; <b>HJ31</b> , PG.1074
4/9/2013	H	Public Hearing: 4/17/2013 11:30 AM LOB 301
4/24/2013	H	Executive Session: 4/30/2013 10:30 AM LOB 301 ==RECESSED==
4/30/2013	H	Continued Executive Session: 5/7/2013 10:30 AM LOB 301
5/15/2013	H	Committee Report: Inexpedient to Legislate for May 29 (Vote 14-0; CC); <b>HC40</b> , PG.1374
5/22/2013	H	Removed from Consent Calendar (Rep Hoell); <b>HJ43</b> , PG.1465
5/29/2013	H	Inexpedient to Legislate: MA VV; <b>HJ45</b> , PG.1525

NH House

NH Senate

# Other Referrals

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# COMMITTEE REPORT FILE INVENTORY

SB 102 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- \_\_\_\_\_ HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED      \_\_\_\_\_ AS AMENDED BY THE HOUSE  
\_\_\_\_\_ FINAL VERSION      \_\_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

DATE DELIVERED TO SENATE CLERK

07/23/13

Debra A. Martone  
BY COMMITTEE AIDE