

Bill as Introduced

HB 88 - AS INTRODUCED

2021 SESSION

21-0098

06/04

HOUSE BILL **88**

AN ACT relative to the city of Claremont police commission.

SPONSORS: Rep. O'Hearne, Sull. 3; Rep. Merchant, Sull. 4; Rep. Stapleton, Sull. 5; Rep. Cloutier, Sull. 10

COMMITTEE: Municipal and County Government

ANALYSIS

This bill provides that the city council of Claremont shall appoint the police commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the city of Claremont police commission.

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

1 1 Claremont; Appointment of Police Commission. Amend 1947, 342:1 as amended by 1963,
2 275:9 as amended by 1973, 382:1 to read as follows:

3 1. Establishment. The city [~~manager~~] *council* of the city of Claremont shall appoint for said
4 city a police commission consisting of three persons. The term of office of said commissioners shall
5 be for three years and until their successors are appointed. Said commissioners shall have been
6 residents of Claremont for at least five years immediately preceding the date of their appointment.
7 Not more than two of said commissioners shall be of the same political party. Any vacancy on said
8 commission shall be filled in like manner for the unexpired term.

9 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 32
HB 88 - FINAL VERSION

2021 SESSION

21-0098
06/04

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

1 32:1 Claremont; Appointment of Police Commission. Amend 1947, 342:1 as amended by 1963,
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6 residents of Claremont for at least five years immediately preceding the date of their appointment.
7 Not more than two of said commissioners shall be of the same political party. Any vacancy on said
8 commission shall be filled in like manner for the unexpired term.

32:2 Effective Date. This act shall take effect upon its passage.

Approved: May 17, 2021
Effective Date: May 17, 2021

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 7, 2021

HEARINGS

Monday

04/12/2021

Election Law and Municipal Affairs		REMOTE	9:00 a.m.
(Name of Committee)		(Place)	(Time)
9:00 a.m.	HB 64-LOCAL	relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.	
9:15 a.m.	HB 79	relative to town health officers.	
9:30 a.m.	HB 88	relative to the city of Claremont police commission.	
9:50 a.m.	HB 101	relative to the close of a county's books of records.	
10:15 a.m.	HB 284	relative to the restoration of involuntarily merged lots.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93269591456>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 93269591456# or 16465588656, 93269591456#
4. Webinar ID: [932 6959 1456](https://www.zoom.us/j/93269591456)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 64-LOCAL

Rep. Aron
Rep. McGhee

Rep. Porter

Rep. Steven Smith

Sen. Ward

HB 79

Rep. Marsh
Rep. Edwards

Rep. Salloway
Rep. Deshaies

Rep. Merchant
Sen. Bradley

Rep. Avellani
Sen. Sherman

HB 88

Rep. O'Hearne

Rep. Merchant

Rep. Stapleton

Rep. Cloutier

HB 101

Rep. J. MacDonald
Rep. Avellani

Rep. Marsh
Rep. Deshaies

Rep. Crawford

Rep. Nelson

HB 284

Rep. McBeath

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 88, relative to the city of Claremont police commission.

Hearing Date: April 12, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward and Perkins Kwoka

Members of the Committee Absent : Senator Soucy

Bill Analysis: This bill provides that the city council of Claremont shall appoint the police commission.

Sponsors:

Rep. O'Hearne
Rep. Cloutier

Rep. Merchant

Rep. Stapleton

Who supports the bill: Representative Andrew O'Hearne, Representative Walter Stapleton, Eric Pauer, John Cloutier

Who opposes the bill: Ronald Garnett

Summary of testimony presented in support:

Representative Andrew O'Hearne

- Due to the fact that the city of Claremont had one of the first police commissions in the state, all changes need to go through the legislature.
- This bill will allow the City Council to appoint the Police Commissioners instead of the City Manager Change the authority from the city manager to the city council
- More than a majority has voted to do this because they feel that the nine members of the City Council will make a better decision than one City Manager who also sits on the Police Commission.
- It passed the House last year with a voice vote but was placed on the table due to COVID-19.

Representative Walter Stapleton

- In 2019, Claremont ordinance 570 was trying to correct the mismatch of having the City Manager appointing the Commissioners and the desire of the City Council to do so.
- The issue goes back to 1947 and has had a few ordinance changes over the years, 1963, 1971, and it became complex.

- This bill is an attempt to clean up the law according to the city ordinance to give the City Council the authority to appoint the police commissioners instead of the City Manager.
- Senator Birdsell asked if the town has passed an ordinance to have the City Council appoint the police commissioners.
 - Representative Stapleton replied yes, Ordinance #570 goes back to September of 2019 but due to COVID – 19, HB 1443 which would have put it in statute was not brought forth. They are trying to coordinate with RSA 105, which provides for how police commissioners are appointed and their authority within towns. Claremont is a city and not covered under RSA 105 and need this bill.
- Senator Birdsell asked if this will just allow the Claremont Ordinance to align with what the town has already voted on.
 - Representative Stapleton replied that is it exactly.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: April 14, 2021

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB88 on 2021.

Support: 3 Oppose: 1 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
OHEARNE, ANDREW	Andrew.OHearne@leg.state.nh.us	603.558.1038	An Elected Official	Myself	Support	Yes
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No
garnett, ronald	soup31314@yahoo.com	603.236.1637	A Member of the Public	Myself	Oppose	No
Cloutier, John	jocloutier@comcast.net	16034773690	An Elected Official	Myself	Support	No

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill **HB 88**

Hearing date: 4-12-2021

Executive Session date: 4-15-2021

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Birdsell

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, April 15, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 88**

AN ACT relative to the city of Claremont police commission.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Regina Birdsell
For the Committee

This bill changes the appointing of police commissioners in the city of Claremont from the City Manger to the City Council. A City Ordinance making this change, was passed in 2019 and this legislation will codify it in statute.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB88

Docket Abbreviations

Bill Title: relative to the city of Claremont police commission.**Official Docket of HB88.:**

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Municipal and County Government HJ 2 P. 34
1/27/2021	H	Public Hearing: 02/08/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/96815613466 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/2/2021	H	Executive Session: 02/09/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93215390740
2/25/2021	H	Committee Report: Ought to Pass (Vote 18-0; CC) HC 18 P. 20
4/7/2021	H	Ought to Pass: MA VV 04/07/2021 HJ 5 P. 43
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Election Law and Municipal Affairs; SJ 11
4/7/2021	S	Remote Hearing: 04/12/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; SC 19
4/16/2021	S	Committee Report: Ought to Pass, 04/22/2021; Vote 5-0; CC; SC 20
4/22/2021	S	Ought to Pass: RC 23Y-1N, MA; OT3rdg; 04/22/2021; SJ 12
5/6/2021	S	Enrolled RC 23Y-0N , MA, (In recess of 05/06/2021); SJ 15
5/6/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 102
5/19/2021	H	Signed by Governor Sununu 05/17/2021; Chapter 32; Eff: 05/17/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SP HB 88

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office 