

CHAPTER 266
HB 293 – FINAL VERSION

04Apr2007... 0834h
05/17/07 1525s
05/17/07 1707s
27Jun2007... 2188cofc

2007 SESSION

07-0719
08/05
HOUSE BILL 293

AN ACT allowing municipalities to establish agricultural commissions and relative to the ratification of a vote taken by the town of Barrington.

SPONSORS: Rep. O’Connell, Hills 6; Rep. Spang, Straf 7; Rep. Snow, Rock 1; Rep. Kaen, Straf 7; Rep. Wall, Straf 7; Sen. Cilley, Dist 6

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill allows municipalities to establish agricultural commissions.

This bill also ratifies a vote taken by the town of Barrington.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE
In the Year of Our Lord Two Thousand Seven

AN ACT allowing municipalities to establish agricultural commissions and relative to the ratification of a vote taken by the town of Barrington.

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

266:1 New Subdivision; Agricultural Commission. Amend RSA 674 by inserting after section 44-d the following new subdivision:

Agricultural Commission

674:44-e Agricultural Commission. An agricultural commission may be established in accordance with RSA 673 for the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources, tangible or intangible, that are valued for their economic, aesthetic, cultural, historic, or community significance within their natural, built, or cultural contexts. The word "agriculture" shall include the entirety of RSA 21:34-a, which is the definition of farm, agriculture, and farming.

674:44-f Powers. Agricultural commissions shall have advisory and review authority and other duties as follows:

I. Survey and inventory all agricultural resources.

II. Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.

III. Assist the planning board, as requested, in the development and review of those sections of the master plan which address agricultural resources.

IV. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting agricultural resources.

V. Coordinate activities with appropriate service organizations and nonprofit groups.

VI. Publicize and report its activities.

VII. Hire consultants and contractors as needed.

VIII. Receive gifts of money to assist in carrying out its purpose.

IX. Hold meetings and hearings necessary to carry out its duties.

674:44-g Appropriations Authorized.

I. A town or city, having established an agricultural commission under this subdivision, may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-f shall be placed in an agricultural fund and allowed to accumulate from year to year.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the agricultural fund and shall pay out the same only upon order of the agricultural commission. The disbursement of agricultural funds shall be authorized by a majority of the agricultural commission. The use of such funds shall not be for the purchase of any interest in real property.

266:2 Establishment of Agricultural Commissions. Amend RSA 673:1, II to read as follows:

II. Any local legislative body may establish a heritage commission, historic district commission, or both, **and may establish an agricultural commission.**

266:3 New Section; Agricultural Commissions; Membership. Amend RSA 673 by inserting after section 4-a the following new section:

673:4-b Agricultural Commissions.

I. The agricultural commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body.

II. Each agricultural commission member shall be a resident of the city or town which establishes the commission. One commission member may be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the agricultural commission.

III. Members of an agricultural commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, a historic district commission established under RSA 674:46, or a heritage commission established under RSA 674:44-a.

266:4 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, II(c) to read as follows:

(c) Either one appointed member or one ex officio member may be a member of the heritage commission, ~~the historic district commission, or both,~~ **or the agricultural commission, or all 3** if such ~~a commission exists~~ **commissions exist** in the city.

266:5 Scheduling of Meetings. Amend RSA 673:10, I to read as follows:

I. Meetings of the heritage commission, historic district commission, **the agricultural commission**, the building code board of appeals, and the zoning board of adjustment shall be held at the call of the chairperson and at such other times as the board may determine.

266:6 Disqualification of Member. Amend RSA 673:14, I to read as follows:

I. No member of a zoning board of adjustment, building code board of appeals, planning board, heritage commission, ~~the historic district commission,~~ **or agricultural commission** shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

266:7 Abolishing an Agricultural Commission. Amend RSA 673:18 to read as follows:

673:18 Abolishing Planning Board, Heritage Commission, ~~the Historic District Commission,~~ **or Agricultural Commission.**

I. The local legislative body of a city, of a county in which there are located unincorporated towns or unorganized places, or of a town operating under the town council form of government, shall determine the manner in which the planning board, the heritage commission, ~~the historic district commission,~~ **or the agricultural commission** may be abolished.

II. In all other towns, upon a petition to abolish the planning board, the heritage commission, [ø] the historic district commission, **or the agricultural commission**, signed by 100 or more voters or 1/10 of the registered voters in town, whichever number is less, the planning board, heritage commission, [ø] historic district commission, **or agricultural commission** shall submit the proposal to the town or village district in the same manner prescribed in RSA 675:4, except that the question put to the voters shall be in substantially the following form: “Are you in favor of abolishing the planning board (heritage commission, [ø] historic district commission, **or agricultural commission**) as proposed by petition of the voters of this town (village district)?”

266:8 Effect of Abolishing Agricultural Commissions. Amend RSA 673:20 to read as follows:

673:20 Effect of Abolishing Heritage Commissions [and], Historic District Commissions, **and Agricultural Commissions**. Upon the effective date of the abolition of a heritage commission [ø], historic district commission, **or agricultural commission** all the powers and duties of such commission shall cease.

266:9 Transfer of Documents Upon Abolition of Agricultural Commission. Amend RSA 673:21 to read as follows:

673:21 Transfer of Documents Upon Abolition of Planning Board, Heritage Commission, [and] Historic District Commission, **and Agricultural Commission**.

I. Whenever a heritage commission [ø], historic district commission, **or agricultural commission** is abolished, the records shall be transferred to the planning board. In a municipality where a planning board does not exist, the records shall be transferred to the city, town, or village district clerk, or to the clerk for the county commissioners, whichever is appropriate.

II. Whenever a planning board is abolished, the records shall be transferred to the city or town clerk, to the clerk of the board of district commissioners, or to the clerk for the county commissioners, whichever is appropriate.

266:10 Bond Warrant Article Legalized. The vote taken by the town of Barrington under article 4 at its March 8, 2005 annual town meeting, by which the town approved bond financing for the purpose of acquiring conservation easements or open space land, or both, by more than the required 3/5 vote, is hereby legalized, ratified, and confirmed, regardless of the fact that the town did not hold a public hearing on the bonds, as required by RSA 33:8-a, I.

266:11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Approved: June 29, 2007

Effective: I. Section 10 shall take effect June 29, 2007.

II. Remainder shall take effect August 28, 2007.