Bill as Introduced

HB 94 – AS INTRODUCED

2003 SESSION

03-0170
08/09

HOUSE BILL ***94***

AN ACT relative to warrant articles.

SPONSORS: Rep. Dickinson, Carr 4; Rep. C. Brown, Carr 4; Rep. Mock, Carr 4; Sen. Kenney, Dist 3

COMMITTEE: Municipal and County Government

ANALYSIS

This bill disallows amending a petitioned warrant article if the petition was signed by no less than 10 percent of the number of voters at the previous year's first session.

This bill also requires certain changes to a previous year's municipal budget which is adopted when a new budget article is not adopted.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 94 – AS INTRODUCED

03-0170
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to warrant articles.

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

1 New Subparagraph; Use of Official Ballot; Petitioned Warrant Articles. Amend RSA 40:13, IV by inserting after subparagraph (b) the following new subparagraph:

(c) Petitioned warrant articles shall not be amended if the petition is signed by no less than 10 percent of the number of voters in the previous year's first session.

2 Use of Official Ballot. Amend RSA 40:13, X to read as follows:

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, ***written*** contracts, and other obligations [~~previously incurred or~~] mandated by law, [~~or~~] ***and*** reduced by one-time expenditures contained in the operating budget, or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body of the local political subdivision.

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

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 94 Date 1/16/03 @ [redacted]

Committee Municipal & County Government

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro (check one)	Con (check one)
Rep Kurk	Dist. 48				✓
Pat Libby	51 Forbes Dr. No Conway	356-0156	CCC	✓	

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 94

BILL TITLE: relative to warrant articles.

DATE: January 16, 2003

LOB ROOM: 301 **Time Public Hearing Called to Order:** 1:07 PM

Time Adjourned: 2:20 PM

(please circle if present)

Committee Members: Reps. Patten, Brundige, Lockwood, Twombly, Boyce, Dumaine, Stohl, Noyes, Buhlman, Doyle, Dupuis, Gillick, Gould, N. Johnson, M. Cooney, Davidson, Osborne and Schmidt.

Bill Sponsors: Rep. Dickinson, Carr 4; Rep. C. Brown, Carr 4; Rep. Mock, Carr 4, Sen. Kenney, Dist 3

TESTIMONY

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

Rep. Dickinson, Dist 4
Filed at request. Line four needs explaining.

***Irene Bey, Conway Concerned Citizens**
Bill applies only to SB-2 municipalities. Citizens' petitions can get amended to the point where it no longer does what it intended. Wants to add to the section concerning default budget.
Question: Is it fair to be able to amend the Selectmen's warrant article, but not to be able to amend a petitioned article?
Yes, there is a difference.
Yield to Rep. Dickinson.

Rep. Dickinson
Explanation of SB-2 towns. How a petitioned article gets amended.

***Gary Daniels, Granite State Taxpayers**
Supports HB 94. Gave an example of a petitioned article that was changed drastically. We need this safeguard.

Judy Silva, NHMA
Opposes the bill, particularly section I. SB-2 separates the deliberative and the voting . The debate goes on during the deliberation session. The ability to debate the articles is extremely important. If you pass this, you will lose the ability to make any changes, even the ones you might want. There is another way – Charter form of official ballot. Suggests that as a solution rather than change SB-2.

Barbara Robinson, DRA

Neither for nor against Section I. Has problem with 10% of voters. Warrant articles cannot be changed except for up and down dollar amounts. Often need to amend articles for the good.

Respectfully submitted,

Patricia P. Lockwood
Clerk

Testimony

Municipal and County Government
January 16, 2003 hearing of

HB 94

My name is Irene Bey. I am from Conway. I am chair of Conway Concerned Citizens, a local taxpayers organization. I am here to speak in favor of this bill.

This bill applies only to what are commonly known as SB2 towns.

For those of you who are not familiar with the voting process under RSA 40:13 Official Ballot voting, commonly called SB2, here is just a short introduction to the process as it takes place in Conway:

1. The budget and warrant articles are prepared by employees and elected officials. They hold public meetings and hearings which are also televised.

2. Both budget and warrant articles are reviewed by the Municipal Budget Committee in open hearings. The Budget Committee cannot make any changes, they can only recommend changes. Their recommended changes will be printed on the ballot along with the proposed requests by officials. These hearings are also televised.

3. Next comes the first session of town Meeting, the deliberative portion. There officials present their budget and warrant articles which can then be discussed and amended by those that are attending this meeting. In Conway, in 2002 there were less than 200 attending, and that number included officials and employees.

4. The final step in the process is voting by official ballot a month later. In 2002 there were more than 2,000 voters participating in this step in Conway.

There are 2 parts to this bill.

PART 1 **Petitioned Warrant Articles**

What has been happening is citizens' petitions get altered or eliminated (see 3 above) to the point where what citizens petitioned for is unrecognizable or gone entirely. That is wrong. This amounted to less than 200 citizens preventing the more than 2,000 from being able to address the original content of the petition.

Now you can argue that the 2,000 should have shown up at the meeting that permits changes to the contents of a citizens' petition. Here are some of the reasons why that is not happening:

a. first of all we do not have any facility in town to accommodate 2,000 and more voters.

b. secondly, with 3 local papers, a local radio station, Conway's TV Channel 3, all publicizing the issues day in and day out, many feel they know enough about the subjects without sitting through another meeting and presentation,

c. thirdly, we are a tourist town where wages are low and many work 2 and 3 jobs to keep afloat, they can't afford to take the night off from work to attend meetings, nor can they afford to get baby-sitters,

d. in addition, we have a lot of elderly retired people that can not sit on bleachers through hours of meetings, assuming they were able to get there in the first place with all the snow and ice at that time of year,

e. also business people, airline personnel, etc. may be required to be away from home on that day and cannot attend that meeting.

We believe you need to make this change in the law if a citizens' petition is to have any meaning. It needs to be presented to all voters on the ballot in its original form, because that is what citizens signed. That is what the first part of this bill is all about.

PART 2 **Default Budgets**

Under Official Ballot voting, there is the provision that should the budget proposed by officials get voted down by the voters, a Default Budget automatically becomes the budget for the ensuing year. The law specifies what can be included in a Default Budget. The problem is the law leaves gray areas that have become an opening for officials to be subjective in what they include in the default, such as estimating future utility costs. Town and school districts can and have used different subjective methods in calculating their default budgets. The law needs to be more specific. This bill is intended to address only the inequities in the law.

I would like to propose adding to Section X, line 10:
No increases other than those specified under paragraph X can be added.

(see attached the retyped Section X for easier reading)

HB 94

2 Use of Official Ballot. Amend RSA 40:13, X to read as follows:

If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, ***written*** contracts, and other obligations [previously incurred or] mandated by law, [or] ***and*** reduced by one-time expenditures contained in the operating budget [.] ***No increases other than those specified in paragraph X can be added. T*** [t]he governing body may hold a special meeting pursuant to paragraph XVI to take up the issue ...

GRANITE STATE TAXPAYERS

"Limiting Taxes Through Teamwork"

January 16, 2003

Dear members of the Municipal and County Government Committee,

On behalf of Granite State Taxpayers, a coalition of taxpayers and taxpayers associations throughout New Hampshire, I wish to show my full support of HB94.

This country was founded on principles that enable each eligible voter to have a voice in determining their government. Among those rights is the right to present their ideas to the voting public through the use of a petition.

A problem currently exists, however, where at the deliberative session of a town meeting the text of submitted petitions can be changed to reflect a counter-position of the petitioners, or even something totally meaningless.

When someone submits a petition, a safeguard should exist to ensure that the intent of that petition remains intact. The provisions of HB94 establish that safeguard. It reinforces the democratic principle that we all have an equal right to present our ideas. It adds a process for assuring that the ideas of the petitioners can be presented to the voting public without intrusion, and without modification.

This bill is about restoring local democratic rights to the voting public, and it deserves the support of this committee and the legislature.

I respectfully ask that you join me in supporting HB94 by voting that it Ought To Pass.

With regards,

Gary L Daniels

Gary L. Daniels
Chair, Granite State Taxpayers

GRANITE STATE TAXPAYERS is a coalition of taxpayers and taxpayer associations throughout New Hampshire.

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 94

BILL TITLE: **relative to warrant articles.**

DATE: January 23, 2003

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. Brundige

Seconded by Rep. Gillick

Vote: 15-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 15-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla P. Lockwood, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 94 **Title:** Relative to warrant articles

PH Date: 11/16/03 **Exec Session Date:** 11/23/03

Motion: ITL **Amendment #:**

MEMBER	YEAS	NAYS
Patten. Betsey L. Chairman	15	
Brundige. Robert W. V Chairman	1	
Lockwood. Priscilla P	2	
Twombly. James E	3	
Bovce. Laurie J	4	
Dumaine. Dudley Daniels	absent	
Pappas. Marc	absent	
Dunne. Christopher H	absent	
Stohl. Eric G	5	
Noves. Richard A	6	
Buhlman. David L	7	
Dovle. Christopher L	8	
Dupuis. Roland L	9	
Gillick. Thomas J	10	
Gould. Kenneth H	11	
Johnson. Nancy K	absent	
Coonev. Marv R	12	
Davidson. Robert A	absent	
Osborne. Jessie L	13	
Schmidt. Peter B	absent	
Theberge. Robert L	14	
TOTAL VOTE:	15	0

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 94**

TITLE: relative to warrant articles.

DATE: January 23, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The subject matter of this bill dealing with the default budget is similar to the subject matter contained in HB 85. The entire content of this bill will be discussed with HB 85-FN-L.

Vote 15-0.

Rep. Robert W. Brundige
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government

HB 94, relative to warrant articles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The subject matter of this bill dealing with the default budget is similar to the subject matter contained in HB 85. The entire content of this bill will be discussed with HB 85-FN-L. **Vote 15-0.**

HB 94

RELATIVE TO WARRANT ARTICLES

ITL - 16-0

THE SUBJECT MATTER OF

THIS BILL IS SIMILAR TO

THE SUBJECT MATTER IN HB 85 CONTAINED

~~AND~~ THE entire CONTENT OF THIS

BILL WILL BE DISCUSSED WITH

HB 85-FN-L ←

vlp

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 94**

TITLE: relative to warrant articles.

DATE: January 23, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The subject matter of this bill is similar to the subject matter contained in HB 85. The entire content of this bill will be discussed with HB 85-FN-L.

dealing with the default budget

Vote 15-0.

Rep. Robert W. Brundige
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT