

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1134, relative to the town meeting form of local governance.

Hearing Date: March 18, 2026

Time Opened: 1:00 p.m.

Time Closed: 1:20 p.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent: None

Bill Analysis: This bill determines the order in which total appropriations in warrant articles accumulate for purposes of determining when a warrant article will trigger an override vote of a local tax or budget cap.

Sponsors:

Rep. Pauer

Rep. Berezhny

Rep. DeRoy

Rep. Erf

Rep. Granger

Rep. Litchfield

Rep. Nalevanko

Rep. Ammon

Rep. Lascelles

Rep. Harvey-Bolia

Sen. Avard

Sen. Murphy

Who supports the bill: 6 people signed in to support the bill. For a full list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.us

Who opposes the bill: 43 people signed in opposed to the bill. For a full list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.us

Summary of testimony presented:

Rep. Diane Pauer, Hillsborough-District 6

- This is a straightforward bill that clarifies existing law and does not change anything in law.
- This bill has two goals:
 - Clarifies that appropriations accumulate in the order that warrant articles appear, providing a transparent running total. This helps everyone know when the statutory caps are reached during a town meeting or on the ballot in an SB 2 town, ensuring that everyone is aware when the statutory cap is nearing.

- Provides clear rules for when a cap triggers a cap override and explains proper ballot procedures. When the cap is close to being reached, a 3/5 vote is needed to approve that warrant article.
- At a traditional town meeting, the moderator shall use a secret ballot to determine the tax cap override.
- This bill clarifies the existing law to make it more functional and practical.

Senator Perkins Kwoka expressed concern about lines 7 through 9: “If voting on a warrant article requires the use of a ballot by statute, the moderator shall ensure the warrant article is acted upon by conducting a "yes-no" ballot vote for that warrant article.” Does that eliminate the ability to introduce amendments?

Rep. Pauer said no, it does not. Some types of articles require a yes-no ballot vote. Under SB 2 or a charter, warrant articles appear on an official ballot and are voted on during a town election. Under a traditional meeting, some warrant articles need a paper ballot. For example, for an SAU budget, when multiple towns are involved, it’s important that all the towns vote on it.

Senator Perkins Kwoka said she understands that RSA 32:18 already references a 10% excess in total appropriation. This bill seems to state the rules slightly differently and asked if that might create an issue.

Rep. Pauer said the idea behind it is to ensure they appear in the order they appear on the warrant, and she doesn’t see that there is an issue.

Senator Perkins Kwoka said that normally, all of the articles are voted through, then the total amount of appropriation is assessed against the cap to see if it exceeds the cap by 10% yearly. This says something different than the statute it references. Doesn’t this remove the local control?

Rep. Pauer said she has direct experience with her town because they have both the budget and finance committees. The running total concept is the same for caps as well as the 10% rule.

Senator Lang said, the way he reads this bill is that budget committees are required to vote on all warrant articles with financial implications, so say the selectmen vote 3-0 in favor and the budget committee votes 7-0 in favor, does this mean that you can’t be 10% above the total of all combined articles?

Rep. Pauer said that it is her understanding. As she understands it, the current statute provides that a meeting cannot approve spending exceeding 10% of the budget committee's recommendation.

Senator Lang gave an example and asked if the first 4 articles do not exceed the tax cap or the 10%, but the 5th and 6th articles would. Would you then have to hold a ballot vote on numbers 5 and 6, with a 3/5th vote?

Rep. Pauer said yes. If you see the number in the warrant article and that is going to exceed the tax cap, you would need a 3/5th vote by paper ballot.

Brodie Deshaies, NH Municipal Association

- Opposes this bill.
- The way HB 1134 is drafted, it doesn't appear to allow a traditional town meeting the ability to go back and reconsider articles if the cap is reached.
- This is especially important in smaller communities.
- This would also prevent SB 2 towns from amending warrant articles during the deliberative session to include contingency language. Such language would specify what happens if multiple articles pass and one must be eliminated because the total exceeds the limit.

Senator Perkins Kwoka is concerned that this would be removing the ability to amend articles, which is a significant hamstring for towns.

Mr. Deshaies said that it is their concern as well. The rule is currently being applied and abided by. This would codify some aspects of that rule, but it goes above and beyond those rules. Additionally, sections 1 (Roman numerals I and II) are redundant and already duplicate existing parts of the statutes.

Senator Gray asked Rep. Pauer to come back to the microphone.

Rep. Pauer said this is just to provide for procedural clarity. The need to override a cap needs to be consistent across the state. In her experience, the laws are not being followed. Tax caps and budget caps are confusing. The intent of the bill was not to restrict a meeting from reconsidering articles, and she doesn't see that in the bill as it is written.

Senator Lang said that, in his experience as a moderator, they can move articles anywhere they want. The question is: under this bill, once a vote is held, can we undo an article if the tax cap is reached?

Rep. Pauer replied that she believes that can happen, yes. The main emphasis is to work through the warrant articles in the order they are presented. The intent was not to tie a meeting's hands so it could not go back and reconsider.

Senator Gray said it depends on whether a town is operating under Robert's Rules, which include provisions that allow reconsideration. The order of those warrant articles becomes important when approaching the tax cap. He is concerned about the moderator's ability to set that order, either by the people at the meeting or through the moderator.

Mr. Deshaies said that most municipalities typically don't use Robert's Rules. He pointed out concerns on lines 13 through 15, which state, "total appropriations in warrant articles approved by a legislative body shall accumulate in the order in which the warrant articles are taken up at the annual meeting." The phrase "shall accumulate in the order they are taken up" is what concerns NHMA. This language is strict and would prevent the moving of articles.