

HB 379 - AS INTRODUCED

2021 SESSION

21-0504

05/04

HOUSE BILL

379

AN ACT relative to electronic notice.

SPONSORS: Rep. Dolan, Rock. 5; Rep. Maggiore, Rock. 22; Rep. Marsh, Carr. 8; Rep. Bordes, Belk. 3; Rep. Abramson, Rock. 37; Rep. T. Lekas, Hills. 37; Rep. J. MacDonald, Carr. 6; Rep. Deshaies, Carr. 6; Rep. Edwards, Rock. 4

COMMITTEE: Judiciary

ANALYSIS

This bill defines electronic notice and expressly authorizes electronic notice in lieu of newspaper publication in certain statutes that require a city, town, or other political subdivision to provide notice of a meeting, hearing or other event.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to electronic notice.

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

1 1 Statutory Construction; Electronic Notice. Amend RSA 21:32 to read as follows:

2 21:32 Publication of Notice; Publication for Statewide Circulation; ***Electronic Notice.***

3 I. By the words "publish," "published," "publishing," or "publication," when notice is required
4 or permitted to be given by publication, shall be intended publication in a newspaper circulated in
5 the vicinity, and the publication shall be for 3 weeks successively, and the last publication one week,
6 at least, before the day or thing of which notice is given, unless otherwise specially provided.

7 II. The terms "publication of daily statewide circulation," "publication of general statewide
8 circulation," or "publication in a newspaper of statewide circulation" regarding any requirement of
9 any executive branch state agency, board, department, or official to provide notice under state law in
10 respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or
11 notice, shall mean publication of such notice at the offices of the agency, board, department, or
12 official; prominently on a publicly accessible Internet site maintained by the agency, board,
13 department, or official; and in any local or regional publication circulated where the real or personal
14 property is located or where the act, event, hearing, or other occurrence is to take place, all in
15 accordance with the time frame for notice prescribed by law.

16 ***III. When a statute requires a city, town, or other political subdivision, or any***
17 ***agency or department of a political subdivision, to provide notice of a meeting, hearing, or***
18 ***other event or occurrence by newspaper publication, the political subdivision, agency, or***
19 ***department may instead provide electronic notice if the applicable statute expressly***
20 ***authorizes electronic notice in lieu of newspaper publication. Unless otherwise specified,***
21 ***“electronic notice” shall mean notice posted on the entity’s internet website, and the***
22 ***following shall apply:***

23 (a) *The notice shall appear prominently on the website’s home page, or a link*
24 *directly to the notice shall appear prominently on the home page; and*

25 (b) *The notice shall be posted at the time notice is required under the statute*
26 *and shall remain on the website until the conclusion of the meeting, hearing, or other event*
27 *or occurrence; and*

28 (c) *Any requirements in the statute for additional notice shall still apply.*

29 2 Appropriations for Funds Made Available During Year; Notice of Hearing. Amend RSA 31:95-
30 b, III(a) to read as follows:

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(a) For unanticipated moneys in the amount of \$10,000 or more, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held. ***In lieu of newspaper publication, electronic notice may be given as provided in RSA 21:32, III.***

3 Special Revenue Funds; Procedure for Adoption; Notice of Hearing. Amend RSA 31:95-d, I(b) to read as follows:

(b) The selectmen shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing. ***In lieu of newspaper publication, electronic notice may be given as provided in RSA 21:32, III.***

4 Bonds in Excess of \$100,000; Notice of Hearing; Notice of Reconsideration. Amend RSA 33:8-a to read as follows:

33:8-a Procedure for Authorizing Bonds or Notes in Excess of \$100,000.

I. There shall be at least one public hearing concerning any proposed municipal bond or note issue in excess of \$100,000 held before the governing board of any municipality. Said hearing shall be held at least 15 days, but not more than 60 days prior to the meeting, or adjourned session thereof, at which the bond or note issued is to be voted upon. Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least 7 days before it is held. ***In lieu of newspaper publication, electronic notice may be given as provided in RSA 21:32, III.*** Whenever possible the governing board shall determine the form of the warrant article after the public hearing.

II. All articles appearing in the warrant which propose a bond or note issue exceeding \$100,000 shall appear in consecutive numerical order and shall be acted upon prior to other business except the election of officers, action on the adoption, revision, or amendment of a municipal charter, and zoning matters or as otherwise determined by the voters at the meeting. Polls shall remain open and ballots shall be accepted by the moderator on each such article, for a period of not less than one hour following the completion of discussion on each respective article. A separate ballot box shall be provided for each bond article to be voted upon pursuant to this section.

III. The provisions of this section shall not apply to cities nor to any borrowing under the authority of RSA 33:7, relative to tax anticipation notes.

IV. Upon favorable approval on the motion to reconsider the vote on a bond or note issue under paragraphs I and II, actual reconsideration of the bond issue shall not take place until the expiration of at least 7 days from the date on which the original vote on the motion was taken. Notice of time and place where such reconsideration shall take place shall be published in a newspaper of general circulation in the municipality at least 2 days before the reconsideration vote.

1 ***In lieu of newspaper publication, electronic notice may be given as provided in RSA 21:32,***
2 ***III.*** Wherever required, the provisions of RSA 33:8-a shall apply.

3 V. Bonding authority under this section may be limited or rescinded as provided in RSA
4 33:8-f.

5 5 Bonds or Notes in Municipalities Adopting Charters; Notice of Hearing. Amend RSA 33:8-d,
6 I(a) to read as follows:

7 (a) At least one public hearing shall be held at least 15 days, but not more than 60 days,
8 prior to the vote on the bond issue or note. Notice of the time, place and subject matter of such
9 hearings shall be published in a newspaper of general circulation in the municipality at least 7 days
10 before the hearing is held and posted in at least 2 public places in the municipality. ***In lieu of***
11 ***newspaper publication, electronic notice may be given as provided in RSA 21:32, III.***

12 6 Adoption of Official Ballot Referendum Form of Meeting; Notice of Hearing. Amend RSA
13 40:14, IV to read as follows:

14 IV. A public hearing shall be held by the local governing body on the question at least 15
15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a
16 public hearing shall be held in each town embraced by the district, none of which shall be held on the
17 same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2
18 public places in each town of multi-town districts, and published in a newspaper of general
19 circulation at least 7 days prior to the date of the hearing. ***In lieu of newspaper publication,***
20 ***electronic notice may be given as provided in RSA 21:32, III. If electronic notice is used in a***
21 ***multi-town district, notice of all the hearings shall be posted on each town's website.***

22 7 Change of Date for Local Elections and Second Session of Town Meeting; Notice of Hearing.
23 Amend RSA 40:14, XI(b) to read as follows:

24 (b) A public hearing shall be held by the local governing body on the question at least 15
25 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a
26 public hearing shall be held in each town embraced by the district, none of which shall be held on the
27 same day. Notice of the hearing shall be posted in at least 2 public places in the town, or in at least
28 2 public places in each town of multi-town districts, and published in a newspaper of general
29 circulation at least 7 days prior to the date of the hearing. ***In lieu of newspaper publication,***
30 ***electronic notice may be given as provided in RSA 21:32, III. If electronic notice is used in a***
31 ***multi-town district, notice of all the hearings shall be posted on each town's website.***

32 8 Establishment of Fees; Notice of Hearing. Amend RSA 41:9-a, IV to read as follows:

33 IV. Prior to the establishment or amendment of any such fees, the selectmen shall hold a
34 public hearing, notice for which shall be given at least 7 days prior to the hearing by posting in 2
35 public places in the town and by publication in a newspaper of general circulation in the town. The
36 notice shall include the proposed schedule of fees. ***In lieu of newspaper publication, electronic***
37 ***notice may be given as provided in RSA 21:32, III.***

1 9 Special Revenue Funds; Procedure for Adoption; Notice of Hearing. Amend RSA 47:1-c, I(b) to
2 read as follows:

3 (b) The city council shall hold a public hearing on the question at least 15 days but not
4 more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at
5 least 2 public places in the municipality and published in a newspaper of general circulation at least
6 7 days before the hearing. ***In lieu of newspaper publication, electronic notice may be given as***
7 ***provided in RSA 21:32, III.***

8 10 Notice and Publication of Ordinances. Amend RSA 47:18 to read as follows:

9 47:18 Notice and Publication of Ordinances. All proposed city bylaws and ordinances and all
10 adopted city bylaws and ordinances shall be kept on file at the office of the city clerk and at such
11 other public place as the city council may designate. Notice of proposal and of adoption of a bylaw or
12 an ordinance shall be made by publishing the title and brief description of the bylaw or ordinance in
13 such newspaper or newspapers as the city council shall direct. ***In lieu of newspaper publication,***
14 ***electronic notice may be given as provided in RSA 21:32, III.*** The sufficiency of the published
15 notice shall not affect the validity of the ordinance.

16 11 Charter Commission; Preliminary Report; Notice of Hearing. Amend RSA 49-B:4, V to read
17 as follows:

18 V. Before issuing its preliminary report, the charter commission shall hold at least 2 public
19 hearings, scheduled at its discretion. At least one of such hearings shall be for the purpose of
20 receiving information, views, comments, and other pertinent material relative to its functions and at
21 least one shall be for the purpose of explaining, in general terms, its proposed preliminary report
22 and receiving comments on its proposal. The commission may, but is not required to, provide a draft
23 of its preliminary report at the latter hearing. Notice of each such hearing shall be posted in at least
24 2 public places in the municipality and published in a newspaper of general circulation in the
25 municipality at least 7 days before the date of the meeting. ***In lieu of newspaper publication,***
26 ***electronic notice may be given as provided in RSA 21:32, III.***

27 12 Charter Amendments; Procedure; Notice of Hearing. Amend the introductory paragraph of
28 RSA 49-B:5, I to read as follows:

29 I. The municipal officers may determine that one or more amendments to the municipal
30 charter are necessary and shall, by order, provide for notice and hearing on them. The notice of the
31 hearing shall be published in a newspaper having general circulation in the municipality at least 7
32 days prior to the hearing, and shall contain the text of the proposed amendment and a brief
33 explanation. ***In lieu of newspaper publication, electronic notice may be given as provided in***
34 ***RSA 21:32, III.*** The hearing shall be conducted by the municipal officers or a committee appointed
35 by them. If substantive changes are made to the proposed amendment, a hearing on the modified
36 amendment shall be held. Notice of the hearing and the conduct thereof shall be as provided in this
37 paragraph.

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1 13 Charter Amendments; Procedure; Notice of Hearing. Amend RSA 49-B:5, V(a) to read as
2 follows:

3 V.(a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers
4 shall by order provide for and issue notice of a public hearing on the proposed amendment. The
5 notice of the hearing shall be published in a newspaper having general circulation in the
6 municipality at least 7 days prior to the hearing, and shall contain the text of the proposed
7 amendment and a brief explanation. ***In lieu of newspaper publication, electronic notice may***
8 ***be given as provided in RSA 21:32, III.*** The hearing shall be conducted by the municipal officers
9 and no substantive changes may be made to the amendment.

10 14 Library Trustees' Authority to Accept and Expend Gifts; Notice of Hearing. Amend RSA 202-
11 A:4-c, III(a) to read as follows:

12 III.(a) For unanticipated moneys in the amount of \$5,000 or more, the public library trustees
13 shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of
14 such hearing shall be published in a newspaper of general circulation in the relevant municipality at
15 least 7 days before the hearing is held. ***In lieu of newspaper publication, electronic notice may***
16 ***be given as provided in RSA 21:32, III.***

17 15 Zoning Board of Adjustment; Public Hearing; Notice. Amend RSA 676:7, I(b) to read as
18 follows:

19 (b) A public notice of the hearing shall be placed in a newspaper of general circulation in
20 the area not less than 5 days before the date fixed for the hearing of the appeal, ***unless the board of***
21 ***adjustment's rules adopted under RSA 676:1 provide for electronic notice. If the board's***
22 ***rules provide for electronic notice, such notice shall be given as provided in RSA 21:32, III.***

23 16 Effective Date. This act shall take effect 60 days after its passage.