

# Bill as Introduced

HB 403-LOCAL - AS INTRODUCED

2011 SESSION

11-0593  
04/03

HOUSE BILL            **403-LOCAL**

AN ACT                requiring a public hearing on certain school district warrant articles.

SPONSORS:            Rep. Pitre, Straf 3

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill requires that petitioned articles shall have a public hearing before the budget committee or governing body prior to insertion into the school district warrant.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring a public hearing on certain school district warrant articles.

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

- 1       1 School Meetings and Officers; Warrants and Articles. Amend RSA 197:6 to read as follows:  
2       197:6 Warrant and Articles. Upon the written application of 25 or more voters or 2 percent of  
3 the voters of the school district, whichever is less, although in no event shall fewer than 10 registered  
4 voters be sufficient, presented to the school board or one of them not later than 30 days before the  
5 date prescribed for the school district meeting or the second Tuesday in March, whichever is earlier,  
6 the school board shall, ***after a public hearing before the budget committee or governing body,***  
7 ***as may be appropriate,*** insert in the school district warrant for such meeting the petitioned article  
8 with only such minor textual changes as may be required. No article may be inserted after posting of  
9 said warrant. ~~[The right to have an article inserted in the warrant conferred by this section shall not~~  
10 ~~be invalidated by the provisions of RSA 32]~~ ***The public hearing shall be for informational***  
11 ***purposes only.***  
12       2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Rep. Pitre, Straf. 3  
February 8, 2010  
2011-0225h  
04/10

Amendment to HB 403-LOCAL

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to  
2 read as 5:

3  
4 2 Use of Official School Ballot. Amend RSA 40:13, II-a (a) to read as follows:

5 (a) The final date for posting notice of budget hearings under RSA 32:5, *RSA 197:6*, and  
6 RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in January.

7 3 Use of Official School Ballot. Amend RSA 40:13, II-b (a) to read as follows:

8 (a) The final date for posting notice of budget hearings under RSA 32:5, *RSA 197:6*, and  
9 RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in February.

10 4 Use of Official School Ballot. Amend RSA 40:13, II-c (a) to read as follows:

11 (a) The final date for posting notice of budget hearings under RSA 32:5, *RSA 197:6*, and  
12 RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in March.



2011-0225h

AMENDED ANALYSIS

This bill requires that petitioned articles shall have a public hearing before the budget committee or governing body prior to insertion into the school district warrant and in accordance with the schedule established in political subdivisions that have adopted the use of official ballot voting.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 403-LOCAL

**BILL TITLE:** requiring a public hearing on certain school district warrant articles

**DATE:** February 8, 2011

**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 11:41 am

**Time Adjourned:** 11:55 am

(please circle if present)

**Committee Members:** Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copeland, Moore, Munck, Shackett, Stroud, DeStefano, Roberts, Hooper and Tatro.

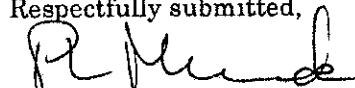
**Bill Sponsors:** Rep. Simard, Graf 8

TESTIMONY

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

Rep. Petrie – Purpose of the bill is to give timely notice to the voters of a public hearing.

Respectfully submitted,



Rep. Philip Munck  
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 403-LOCAL

BILL TITLE: requiring a public hearing on certain school district warrant articles

DATE: 2-8-11

LOB ROOM: 301

Time Public Hearing Called to Order: 11:41

Time Adjourned: 11:55

(please circle if present)

Committee Members: Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, ~~Copeland~~, Moore, Munck, Shackett, ~~Stroud~~, DeStefano, ~~Roberts~~, Hooper and Tatro.

Bill Sponsors: Rep. Simard, Graf 8

TESTIMONY

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

Municipal and County Government Committee  
February 8, 2011

HB367-LOCAL

Rep. Babson (Carroll County) – Purpose is to allow only the people of the county commissioner district to vote only for the commissioner of their own district. District 1 voters should elect the District 1 commissioner. Ans. Election by district is unique only to two counties. Ans. - Commissioners must live in their district but are elected by the county at large.

Rep. Umberger (Carroll County 1) – Oppose. Believe that voters should be familiar with all of their commissioners which requires them to run a county-wide campaign. Know of no support within the county for this change. Ans. - Have not seen that any particular area in the county dominated because of local voting. Ans. - The districts are roughly equal in population. Ans. - Don't know if this could be voted upon unless the Legislature required it.

HB393

[see yellow paper]

HB396

\*Rep. Packard – It is a matter of fairness and practicality to pass this bill. We help people and we need help in helping people.

Rep. Jasper – Support. Here on my own behalf as a Mason. Masons work in many areas but not necessarily in the towns in which their property is located. My lodge will not benefit because we have rental property. This is not a 28-a issue. Ans. - Don't know how other states handle this issue. Is the Grange more deserving than the Masons?

Rep. Weyler – Support. This committee supported a similar bill several years ago. The Grange was an offshoot of the Masons. We are a charitable organization. In years past the burden of taxation was much less than now and Masons chose to pay taxes as an act of citizenship. Taxes are much higher now and membership is much smaller.

\*Paul Smith of Farmington representing himself – Support. Grange was exempted because they needed help and approached Legislature in 1983. The Masonic family is not just men. We include women and children in our organization. Masons have supported DARE program in N.H. with \$1 million. There are 63 lodges in New Hampshire of which 6 rent out space and would not be affected.

Williams of NHMA – Oppose. The Masons should be able to get their charitable exemption by demonstrating their charitable work.

\*Rep. Cooney – Oppose. Official mission of Masons is not a charitable one.

HB403 [no minute sheet – Copeland, Stroud, Roberts not present]

Open at 11:41 a.m.

Rep. Petrie – Purpose of the bill is to give timely notice to the voters of a public hearing.

Close at 11:55 a.m.

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 403-LOCAL

**BILL TITLE:** requiring a public hearing on certain school district warrant articles.

**DATE:** March 3, 2011

**LOB ROOM:** 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Coffey

Seconded by Rep. Ferrante

Vote: 13-3 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

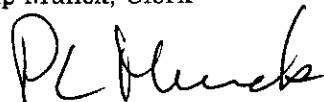
**CONSENT CALENDAR VOTE: YES NO** (Please circle)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 403-LOCAL

BILL TITLE: requiring a public hearing on certain school district warrant articles.

DATE: 3-3-11

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. Coffey

Seconded by Rep. Ferrante

Vote: (Please attach record of roll call vote.) 13-3

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: YES NO (Please circle)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 403 Title: \_\_\_\_\_

PH Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Exec Session Date: 3 / 3 / 11

Motion: \_\_\_\_\_ ITL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman		✓
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry		✓
Belanger, James P	✓	
Burt, John A		✓
Coffey, James E	✓	
Copeland, Timothy D		
Moore, Robert W	✓	
Munck, Philip L	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	
F		
TOTAL VOTE:	13	3



# Committee Report

**REGULAR CALENDAR**

**March 3, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred HB403-L,**

**AN ACT requiring a public hearing on certain school district warrant articles. Having considered the same, report the same with the following Resolution:**

**RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. James E Coffey**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**  
Bill Number: **HB403-L**  
Title: **requiring a public hearing on certain school  
district warrant articles.**  
Date: **March 3, 2011**  
Consent Calendar: **NO**  
Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

The committee voted 13-3 to ITL HB 403-LOCAL because petitioned articles are presently well covered by existing statutes. This bill required an informational hearing only which would create an additional burden for school districts without any significant benefit

Vote 13-3

Rep. James E Coffey  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

**HB403-L**, requiring a public hearing on certain school district warrant articles. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for the **Majority** of MUNICIPAL AND COUNTY GOVERNMENT. The committee voted 13-3 to ITL HB 403-LOCAL because petitioned articles are presently well covered by existing statutes. This bill required an informational hearing only which would create an additional burden for school districts without any significant benefit **Vote 13-3.**

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

Coffey

COMMITTEE:

MFCG

BILL NUMBER:

HB 403

TITLE:

merged lots warrant articles

DATE:

3-3-11

CONSENT CALENDAR:

YES

NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

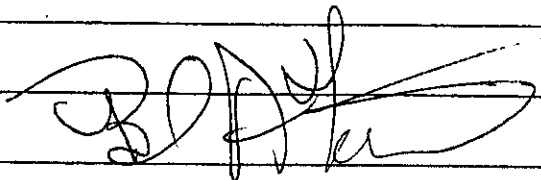
INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

THE COMMITTEE VOTED 13-3 TO FTL HB 403-LOCAL  
BECAUSE ~~THE~~ PETITIONED ARTICLES ARE PRESENTLY WELL  
COVERED BY EXISTING STATUES. THIS BILL REQUIRED  
AN INFORMATIONAL HEARING ONLY WHICH WOULD  
CREATE AN ADDITIONAL BURDEN FOR SCHOOL  
DISTRICTS WITHOUT ANY SIGNIFICANT BENEFIT.

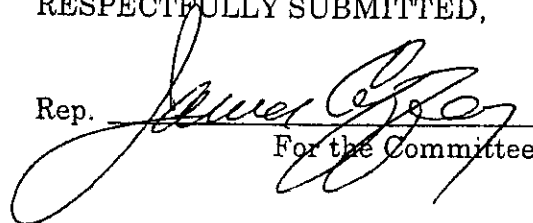


COMMITTEE VOTE:

13-3

RESPECTFULLY SUBMITTED,

Rep.



For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report

**REGULAR CALENDAR**

**March 3, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred HB403-L,**

**AN ACT requiring a public hearing on certain school district warrant articles. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.**

**Rep. John A Burt**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**  
Bill Number: **HB403-L**  
Title: **requiring a public hearing on certain school  
district warrant articles.**  
Date: **March 3, 2011**  
Consent Calendar: **NO**  
Recommendation: **OUGHT TO PASS**

**STATEMENT OF INTENT**

This bill requires that petitioned warrant articles shall have a public hearing on budgetary impact issues before the budget committee or governing body prior to insertion into the school district warrant. This would allow a timely hearing to inform voters and give them the opportunity to research topic and make reasonable decisions. RSA 197:6 requires petition warrant articles to be posted in the school warrant articles regardless of the requirements of RSA 32:5. This does not give the voters a chance to purview the budgetary impact of the petition warrant article, especially in towns that are under RSA 40:13, Optional Form of Meeting---Official Ballot Referenda commonly known as (SB2). There are four possible sets of dates; regular town meeting, SB2, March, April or May second session voting, respectively. The first session under SB2 resembles traditional town meeting, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and dates adjust respectively for April and May voting sessions. The petition warrant article is due the second Tuesday of January and the budget hearing must be completed by the third Tuesday. This schedule could only allow 11 days in some years to research and realize the ramifications of a petition warrant article, this unfair to the involved voter.

Original: House Clerk  
Cc: Committee Bill File

Rep. John A Burt  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File



## REGULAR CALENDAR

### MUNICIPAL AND COUNTY GOVERNMENT

**HB403-L**, requiring a public hearing on certain school district warrant articles. **OUGHT TO PASS.** Rep. John A Burt for the **Minority** of MUNICIPAL AND COUNTY GOVERNMENT. This bill requires that petitioned warrant articles shall have a public hearing on budgetary impact issues before the budget committee or governing body prior to insertion into the school district warrant. This would allow a timely hearing to inform voters and give them the opportunity to research topic and make reasonable decisions. RSA 197:6 requires petition warrant articles to be posted in the school warrant articles regardless of the requirements of RSA 32:5. This does not give the voters a chance to purview the budgetary impact of the petition warrant article, especially in towns that are under RSA 40:13, Optional Form of Meeting---Official Ballot Referenda commonly known as (SB2). There are four possible sets of dates; regular town meeting, SB2, March, April or May second session voting, respectively. The first session under SB2 resembles traditional town meeting, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and dates adjust respectively for April and May voting sessions. The petition warrant article is due the second Tuesday of January and the budget hearing must be completed by the third Tuesday. This schedule could only allow 11 days in some years to research and realize the ramifications of a petition warrant article, this unfair to the involved voter.

Original: House Clerk

Cc: Committee Bill File

Bart

# MINORITY REPORT

COMMITTEE: Municipal and County Government

BILL NUMBER: HB 403

TITLE: This bill requires that petitioned articles shall

DATE: 3-3-11 CONSENT CALENDAR: YES  NO  *warrant.*  
have a public hearing before the budget committee or governing body prior to insertion into the school district

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
------------------------

STATEMENT OF INTENT:  
see attached report

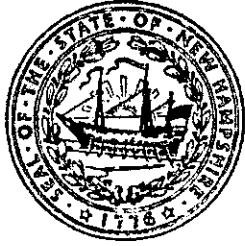
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*Bart*

COMMITTEE VOTE: 13-3

• Copy to Committee Bill File
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RESPECTFULLY SUBMITTED,  
 Rep. *Bart*  
 For the Minority



**Blurb HB 403-LOCAL / A**  
2011 Session

3/3/11

Rep. John A. Burt for the Minority of Municipal and County Government:

HB 403-LOCAL/A requires that petitioned warrant articles shall have a public hearing on budgetary impact issues before the budget committee or governing body prior to insertion into the school district warrant. This would allow a timely hearing to inform voters and give them the opportunity to research topic and make reasonable decisions. RSA 197:6 requires petition warrant articles to be posted in the school warrant articles regardless of the requirements of RSA 32:5. This does not give the voters a chance to purview the budgetary impact of the petition warrant article, especially in towns that are under RSA 40:13, Optional Form of Meeting--Official Ballot Referenda commonly known as (SB2). There are four possible sets of dates; regular town meeting, SB2, March, April or May second session voting, respectively. The first session under SB2 resembles traditional town meeting, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and dates adjust respectively for April and May voting sessions. The petition warrant article is due the second Tuesday of January and the budget hearing must be completed by the third Tuesday. This schedule could only allow 11 days in some years to research and realize the ramifications of a petition warrant article, thus unfair to the involved voter.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burt".

NH Representative  
John A. Burt

John A. Burt  
NH State Representative  
Goffstown, Weare, NH  
7 Bay Street  
Goffstown, NH 03045  
Tel: 603-624-5084  
Cell: 603-289-0792

Municipal and County  
Government Committee  
Room 301, LOB