

Bill as
Introduced

HB 239 - AS INTRODUCED

2013 SESSION

13-0549

10/05

HOUSE BILL

239

AN ACT

relative to online availability of certain county budget information and reports.

SPONSORS:

Rep. Cordelli, Carr 4; Rep. Reilly, Graf 9

COMMITTEE:

Municipal and County Government

ANALYSIS

This bill requires county commissioners to make available on the county website certain county reports and information on the county's budget.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Amendments

Rep. Cordelli, Carr 4
Rep. Coffey, Hills. 25
January 28, 2013
2013-0082h
10/05

Amendment to HB 239

1 Amend RSA 30-C:1, II as inserted by section 2 of the bill by replacing it with the following:

2
3 II. The county website shall include the following:

4 (a) Contact information for elected and appointed county officials.

5 (b) Notice of regular and special meetings including agendas and approved minutes of
6 regular and special meetings in accordance with RSA 91-A.

7 (c) Annual proposed budget and approved budget as approved by the county convention,
8 including estimated and actual revenues and expenditures.

9 (d) Annual financial reports and audit reports, including financial or performance
10 audits.

11 (e) Grant applications filed by any county department for an amount in excess of
12 \$10,000.

13 (f) Requests for proposals, bid requests, and resulting contracts valued in excess of
14 \$25,000. In any instance when competitive bidding is waived, the contract shall be made available
15 online along with commissioners' statement on the reasons therefore in accordance with RSA 28:8.

16
17 Amend the bill by replacing section 3 with the following:

18
19 3 Effective Date. This act shall take effect January 1, 2014.



Rep. Cordelli, Carr 4
Rep. Coffey, Hills. 25
January 28, 2013
2013-0082h
10/05

Amendment to HB 239

1 Amend RSA 30-C:1-11 as inserted by section 2 of the bill by replacing it with the following:
2

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17 Amend the bill by replacing section 3 with the following:
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Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB239

BILL TITLE: relative to online availability of certain county budget information and reports.

DATE: January 23, 2013

LOB ROOM: 301 **Time Public Hearing Called to Order:** 1:45 pm

Time Adjourned: 2:03 pm

(please circle if present)

Committee Members: Reps. ~~Porter, Tatro, Hooper~~, Roberts, ~~Malloy, Carson, Lavender~~, Enman, S. ~~White, Verschueren, Vail, Stroud, Shackett, Danielson, Coffey, J. Belanger, Lockwood, Bickford, Copeland~~ and Bishop.

Bill Sponsors: Rep. Cordelli, Carr 4; Rep. Reilly, Graf 9

TESTIMONY

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

1. * **Rep Cordelli**, Carrol Co, Sponsor. Submitted his written testimony.
2. **Rep Harold Reilly**, Grafton 9. Co-sponsor. Verbal testimony.
3. * **Betsy Miller**, NH Association of Counties. Supports the concept but is opposed to the bill. Handed out a report of what counties now do. Her feedback is that most counties already do most of what this bill calls for but don't want to be mandated from State Government. This is clearly an unfunded mandate. This would require additional personnel to meet the requirements and should remain voluntary.

Respectfully submitted,


Rep. Jim Belanger, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB239

BILL TITLE: relative to online availability of certain county budget information and reports.

DATE: 23 Jan 2013

LOB ROOM: 301 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Porter, Tatro, Hooper, Roberts, Malloy, Carson, Lavender, Enman, S. White, Verschueren, Vail, Stroud, Shackett, Danielson, Coffey, J. Belanger, Lockwood, Bickford, Copeland and Bishop.

Bill Sponsors: Rep. Cordelli, Carr 4; Rep. Reilly, Graf 9

TESTIMONY

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

House Committee on Municipal & County Government
Public Hearing on Bill # HB 239

Relative to online availability of certain county budget information and reports.

Porter, Marjorie		Tatro, Bruce	X	Bélanger, Jim	X
Bickford, David	X	Bishop, Franklin		Carson, Clyde	X
Coffey, James	X	Copeland, Timothy	X	Danielson, David	X
Enman, Larry		Hooper, Dorothy	X	Lavender, Tom	X
Lockwood, Priscilla	X	Malloy, Dennis	X	Roberts, Kris	
Shackett, Jeff	X	Stroud, Kathleen	X	Vail, Suzanne	X
Verschueren, James	X	White, Syndi	X		

LOB Room 301

Date: 23 January 2013

Hearing called to order: 1:45 PM

Hearing Adjourned: 2:03 PM

Testimony

* indicates written testimony or amendment submitted.

1. * Rep Cordelli, Carrol Co, Sponsor. Submitted his written testimony.
2. Rep Harold Reilly, Grafton 9. Co-sponsor. Verbal testimony.
3. * Betsy Miller, NH Association of Counties. Supports the concept but is opposed to the bill. Handed out a report of what counties now do. Her feedback is that most counties already do most of what this bill calls for but don't want to be mandated from State Government. This is clearly an unfunded mandate. This would require additional personnel to meet the requirements and should remain voluntary.

Nobody signed the blue sheets.

Testimony

HB239 Remarks – Rep. Glenn Cordelli

Thank you Madam Chair.

And thank you honorable colleagues for your time.

It is an honor to present HB239 which adds a new chapter to Title II.

The bill calls for online access to county information and parallels Chapter 9-F:1 of Title I which requires online access to state information.

You might have seen the results of a recent poll that Congress is less popular than traffic jams, root canals or even used-car salesmen. Now I will admit that public opinion of local government is better than that of Congress but all polls reflect a growing distrust in government – and politicians. Will Rodgers years ago said that "Everything is changing. People are taking their comedians seriously and the politicians as a joke, when it used to be vice versa."

How do we change that opinion? I believe that Supreme Court Justice Brandeis was correct back in 1913 when he said "Sunlight is the best disinfectant." Open and transparent government is the key. As President Obama wrote when he first took office, "Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing". This legislature recognized that when it passed Chapter 9-F requiring online access to state information and even established a legislative oversight committee to monitor compliance. My bill has the same goals but at the county level.

I would like to point out that all counties have web sites and much of this information is already available. I respect the concern of smaller counties; that this legislation would impact their resources. I believe, however, that increased online information can often reduce costs by reducing printing and possible FOIA requests. I would also suggest that in smaller government operations, transparency and online access to information might even be more important. Often there might be one individual wearing multiple hats and the eyes of the public keeping watch educates as well as allows for public oversight .

There are several specific kinds of information identified in my legislation: government official contact information, meeting information, proposed and adopted detailed budgets, and bidding and contract information. Availability of this information would address the most common questions I have heard from constituents. In my over 30 years working in the public sector, budgets, bidding, and contracts are the areas where I have seen the most opportunity to question

government practices. This is where we need to focus the spotlight and promote the public trust by making sure that the taxpayer has access to how their government works from the state level to the county level.

There are a great many tools available today to aid in online publishing. Many of these tools are free. In a digital age when we can take a picture on a phone and email it or publish it to the Internet in seconds, or scan and email a document in one step, the tools needed are available. Transparency starts with desire and commitment. There should be no question about the need for it on the County level.

Thank you for your time and consideration of this legislation.

Glenn Cordelli
Carroll County District 4

TITLE I THE STATE AND ITS GOVERNMENT

CHAPTER 9-F ONLINE ACCESS TO BUDGET INFORMATION AND REPORTS

Section 9-F:1

[RSA 9-F:1 effective as provided by 2010, 65:3; see contingency note below.]

9-F:1 Online Access to Budget Information and Reports. –

I. The commissioner of administrative services shall make available on the state website the information and reports required to be made available to the public and to the general court under paragraphs II-III of this section. All of this required information shall be accessible on a single state transparency website to be created by the department of information technology.

II. The state transparency website shall include the following:

(a) All expenditures by state agencies shall be published monthly, no later than the 15th day of the following month. These expenditures shall be reported:

(1) In a total fund format, showing budgeted/revised budgeted amounts spent for the month, for the year, and for the year to date. Expenditure reports generated by the financial reporting system of the state for agency use shall be used to satisfy this requirement.

(2) In a check register format, including:

- (A) The amount of the payment.
- (B) The date of payment.
- (C) The person or entity to whom the payment was made.
- (D) The title and number of the accounting unit and class code.
- (E) The title and number of the expense account.

(b) Annual salaries of all full-time state employees, listed by pay type category and in a searchable format that includes the state agency, accounting unit, job title, position number, and whether the position is vacant or filled.

(c) Links to information posted to the websites of various state agencies/entities for the following:

- (1) Audit reports from the office of the legislative budget assistant.
- (2) Annual reports for individual agencies.
- (3) Agency budgets submitted in accordance with RSA 9:4.
- (4) The governor's budget in accordance with RSA 9:2.

(d) State contracts entered into as a result of requests for proposals.

(e) Any other information as determined by the department of information technology and the department of administrative services, in consultation with the legislative oversight committee established in RSA 9-F:2.

III. Annually on or before October 31, a report from each agency shall be made available which shows the total amount expended during the prior fiscal year for each program providing aid or assistance to individuals. This annual report shall also document any changes in eligibility criteria or payment amount or formulas. Each agency shall prepare its annual report by analyzing and summarizing the content of its statement of appropriation. Each agency shall submit its annual report to the commissioner of administrative services on or before September 1. For the fiscal year ending June 30, 2011, each agency shall submit existing reports to fulfill the requirements of this paragraph. Beginning in the fiscal year ending June 30, 2012 and in each year thereafter, each agency's report shall be in a format developed by the commissioner of administrative services in consultation with the legislative oversight committee established by RSA 9-F:2.

IV. (a) Nothing in this chapter shall be construed to require the public posting or dissemination of information exempt from public disclosure under RSA 91-A or other law.

(b) In submitting information to the state's financial system, each agency shall be responsible for identifying information that is confidential or otherwise exempt from public disclosure under RSA 91-A. The department of administrative services shall, in consultation with state agencies, establish the method by which an agency shall identify information in the state's financial system that the agency has determined is confidential or otherwise exempt from disclosure. The department of administrative services shall not post such information on the transparency website.

Source. 2010, 65:2, eff. as provided in 2010, 65:3. 2011, 75:1, 2, eff. Sept. 13, 2011. 2012, 146:1, eff. July 1, 2012; 266:1, eff. Aug. 17, 2012.

TITLE I THE STATE AND ITS GOVERNMENT

CHAPTER 9-F ONLINE ACCESS TO BUDGET INFORMATION AND REPORTS

Section 9-F:2

[RSA 9-F:2 effective as provided by 2010, 65:3; see contingency note below.]

9-F:2 Legislative Oversight Committee Established. –

I. There is established a legislative oversight committee to monitor compliance with the requirements for online access to budget information and reports under RSA 9-F:1. The committee shall be known as the state transparency website oversight committee.

II. (a) The members of the committee shall be as follows:

- (1) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall monitor compliance with the requirements for online access to budget information and reports under RSA 9-F:1. The committee shall work with the department of administrative services and the department of information technology to explore what components reasonably can be added to the state website to provide increased transparency and to establish reasonable timelines for implementation based on staffing, funding, hardware, and software capacity. Among those components to be discussed:

- (a) Expenditure information similar to that in RSA 9-F:1, II, only on a general fund basis.
- (b) State grant information.
- (c) State contract information.
- (d) An online version of the state's checkbook.
- (e) A statewide searchable budget database.
- (f) Any other components which the committee determines will increase transparency.

IV. The members of the legislative oversight committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The legislative oversight committee shall submit an annual report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate finance and executive departments and administration committees, the house clerk, the senate clerk, the governor, and the state library on or before November 1.

Source. 2010, 65:2, eff. upon certification that technology protects privacy rights involving online access to budget information. 2012, 10:1, 2, eff. June 22, 2012.

HB 239 - relative to online availability of certain county information and reports

	(a) contact info -- elected & appointed	(b) mtg notice, agenda, minutes	(c) proposed & approved budgets, rev, expend.	(d) financial, audit reports	(e) annual reports	(f) grant applications
Belknap	yes	yes	yes	yes	yes	yes
Carroll	yes	yes, agendas?	yes	no	yes (2011?)	
Cheshire	yes	yes	yes	yes		yes
Coos	yes	yes, agendas?	yes - current			
Grafton	yes	yes	yes	yes	yes	
Hillsborough	yes	yes	yes	yes		
Merrimack	yes	yes	yes			
Rockingham	yes	yes	yes	yes		
Strafford	yes	yes	yes			
Sullivan	yes	yes	yes	yes	yes	yes

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB239

BILL TITLE: relative to online availability of certain county budget information and reports.

DATE: January 31, 2013

LOB ROOM: 301

Amendments:

Sponsor: Rep. Cordelli/Coffey OLS Document #: 2013 0082h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Bickford

Seconded by Rep. Hooper

Vote: 10-6 (Please attach record of roll call vote.)

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

Moved by Rep. Hooper

Seconded by Rep. Stroud

Vote: 14-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO (Circle One Please)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James P. Belanger, Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB239

BILL TITLE: relative to online availability of certain county budget information and reports.

DATE: 31 Jan 2013

LOB ROOM: 301

Amendments:

#1 Sponsor: Rep. CORDELLI/COFFEY OLS Document #: 2013-0082h
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

#2 Motions: OTP OTP/A ITL Retained (Please circle one.)
Moved by Rep. ~~HOOPER~~ BICKFORD
Seconded by Rep. ~~LAVENDER~~ HOOPER
Vote: 10-6 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)
Moved by Rep. HOOPER
Seconded by Rep. STROUD
Vote: 14-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO (Circle One Please)
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. James P. Belanger, Clerk,



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/7/2013 3:58:12 PM
Roll Call Committee Registers
Report

2013 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 239 Title: ONLINE AVAILABILITY of COUNTY Budgets

PH Date: 23 / Jan / 2013

Exec Session Date: 31 / Jan / 2013

Motion: ~~THE~~ OTR

Amendment #: 2013 - 0082h

MEMBER	YEAS	NAYS
Porter, Marjorie A, Chairman	✓	
Tatro, Bruce L, V Chairman		✓
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Carson, Clyde J	✓	
Enman, Larry S		
Lavender, Tom	✓	
Malloy, Dennis J		✓
Vail, Suzanne M		
Verschueren, James		✓
White, Syndi G		
Stroud, Kathleen M		✓
Lockwood, Priscilla P	✓	
Belanger, James P, Clerk	✓	
Coffey, James E	✓	
Copeland, Timothy D		✓
Shackett, Jeffrey S		✓
Bishop, Franklin C		
Bickford, David A	✓	
Danielson, David J	✓	
TOTAL VOTE:		

10 6



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/7/2013 3:58:12 PM
Roll Call Committee Registers
Report

2013 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 239 Title: ONLINE AVAILABILITY OF COUNTY BUDGETS

PH Date: 23 Jan 2013

Exec Session Date: 31 Jan 2013

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Porter, Marjorie A, Chairman	✓	
Tatro, Bruce L, V Chairman	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Carson, Clyde J	✓	
Enman, Larry S		
Lavender, Tom	✓	
Malloy, Dennis J	✓	
Vail, Suzanne M		
Verschueren, James	✓	
White, Syndi G		
Stroud, Kathleen M	✓	
Lockwood, Priscilla P	✓	
Belanger, James P, Clerk	✓	
Coffey, James E		✓
Copeland, Timothy D	✓	
Shackett, Jeffrey S	✓	
Bishop, Franklin C		
Bickford, David A		✓
Danielson, David J	✓	
TOTAL VOTE:		

14

2

Committee Report

CONSENT CALENDAR

January 31, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY
GOVERNMENT to which was referred HB239,

AN ACT relative to online availability of certain county
budget information and reports. Having considered the
same, report the same with the following Resolution:

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Dorothea D Hooper

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB239
Title:	relative to online availability of certain county budget information and reports.
Date:	January 31, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill requires county commissioners to make available on the county website certain county reports and information on the county's budget. While many counties already do this, this bill was considered an unfunded mandate. The committee felt the information is already available just not on line. This could also present an additional expense for counties.

Vote 14-2.

Rep. Dorothea D Hooper
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB239, relative to online availability of certain county budget information and reports.

INEXPEDIENT TO LEGISLATE.

Rep. Dorothea D Hooper for MUNICIPAL AND COUNTY GOVERNMENT. This bill requires county commissioners to make available on the county website certain county reports and information on the county's budget. While many counties already do this, this bill was considered an unfunded mandate. The committee felt the information is already available just not on line. This could also present an additional expense for counties. **Vote 14-2.**

COMMITTEE REPORT

COMMITTEE: M & CG

BILL NUMBER: HB 239

TITLE: ONLINE AVAILABILITY OF CERTAIN COUNTY BUDGET INFORMATION

DATE: 31 Jan 2013 CONSENT CALENDAR: YES NO

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

Amendment No.

STATEMENT OF INTENT:

This bill requires county commissioners to make available on the county website certain county reports and information on the county's budget. While many counties already do this ~~is~~ this bill was considered an unfunded mandate. The committee felt the information is already available just not on line. This could also present an additional expense for counties.

COMMITTEE VOTE: ~~10-6~~ 14-2 ITC

RESPECTFULLY SUBMITTED,

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

Rep. Dorinda D. Hooper
For the Committee
[Signature]