

Committee Report

REGULAR CALENDAR

February 28, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Municipal and County Government to which was referred HB 469,

AN ACT relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Timothy Josephson

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Municipal and County Government
Bill Number:	HB 469
Title:	relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.
Date:	February 28, 2019
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill attempts to protect the "intent" or "effect" of a petitioned warrant article by limiting its amendment during a deliberative session in an SB 2 town. When citizens sign on to a petitioned warrant article, they are releasing it to consideration of the legislative body, which is the first session of the warranted town meeting, the deliberative session. There, the legislative body can amend as they see fit. The legislative body has the power to debate and amend these petitioned warrant articles at the deliberative session just as the state legislature is the legislative body of the state. For these reasons, the committee finds this bill Inexpedient to Legislate.

Vote 17-2.

Rep. Timothy Josephson
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 469, relative to limiting amendments to warrant articles in towns that have adopted official ballot voting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Timothy Josephson for the Majority of Municipal and County Government. This bill attempts to protect the "intent" or "effect" of a petitioned warrant article by limiting its amendment during a deliberative session in an SB 2 town. When citizens sign on to a petitioned warrant article, they are releasing it to consideration of the legislative body, which is the first session of the warranted town meeting, the deliberative session. There, the legislative body can amend as they see fit. The legislative body has the power to debate and amend these petitioned warrant articles at the deliberative session just as the state legislature is the legislative body of the state. For these reasons, the committee finds this bill Inexpedient to Legislate. **Vote 17-2.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Muni + County Govt.

BILL NUMBER: HB 469

TITLE: relative to limiting amendments to warrant articles in towns that have adopted official ballot

DATE: 2/26/19 CONSENT CALENDAR: YES NO *voting*

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

Amendment No. _____

STATEMENT OF INTENT:

include the
 This bill attempts to ~~define~~ "intent" or "effect" of a petitioned warrant article by limiting its amendment during a deliberative session in an SB2 town. When citizens sign on to a petitioned warrant article, they are releasing it to consideration of the legislative body - that is, the first session of the warranted town meeting - the deliberative session. There, the legislative body can amend as they see fit. The legislative body has the power to debate and amend these petitioned warrant

COMMITTEE VOTE: 17-2

RESPECTFULLY SUBMITTED,

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

Rep. *[Signature]*
 For the Committee

articles at the deliberative session as just
as the State Legislature is the legislative
body of the State. The State Legislature
~~and the State Legislature~~ for these reasons, The
committee finds this bill Inexpedient to
Legislate.

REGULAR CALENDAR

February 28, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Municipal and County Government to which was referred HB 469,

AN ACT relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.

Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Max Abramson

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Municipal and County Government
Bill Number:	HB 469
Title:	relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.
Date:	February 28, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority agreed with this bill's sponsor that petitioned warrant articles have the right to be considered by all of the voters in the March election. All too often, as few as one voter at deliberative session--the business meeting--have been able to modify, nullify, or zero out petitioned articles, depriving dozens of petition signers and thousands of voters from being able to decide issues affecting them. The minority also rejects the idea that any number of voters must show up to deliberative session to protect their right to vote on the same article in March. The current state of RSA 40:13 for "SB 2 towns" clearly violates the state Constitution and the fundamental principle that governments "derive... their just powers from the consent of the governed." No voter should ever be disenfranchised by premeditated parliamentary sophistry - let alone the entire town.

Rep. Max Abramson
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 469, relative to limiting amendments to warrant articles in towns that have adopted official ballot voting. **OUGHT TO PASS.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. The minority agreed with this bill's sponsor that petitioned warrant articles have the right to be considered by all of the voters in the March election. All too often, as few as one voter at deliberative session--the business meeting--have been able to modify, nullify, or zero out petitioned articles, depriving dozens of petition signers and thousands of voters from being able to decide issues affecting them. The minority also rejects the idea that any number of voters must show up to deliberative session to protect their right to vote on the same article in March. The current state of RSA 40:13 for "SB 2 towns" clearly violates the state Constitution and the fundamental principle that governments "derive... their just powers from the consent of the governed." No voter should ever be disenfranchised by premeditated parliamentary sophistry - let alone the entire town.

Original: House Clerk

Cc: Committee Bill File

soil. We were told that municipalities would eventually start adding some of these exceptions, anyway, but the minority saw the need to avoid such hassle and aggravation across 200 municipalities throughout the state and simply correct the statute once. The minority also considered better, simpler alternatives like allowing municipalities to raise water rates to discourage excessive water use and encourage gray water systems, conservation, and water recycling.

HB469, relative to limiting amendments to warrant articles in towns that have adopted SB2

OT ?

The minority agreed with this bill's sponsor that petitioned warrant articles have the right to be considered by all of the voters in the March election. All too often, as few as one voter at deliberative session--the business meeting--have been able to modify, nullify, or zero out petitioned articles, depriving dozens of petition signers and thousands of voters from being able to decide issues affecting them. The minority also rejects the idea that any number of voters must show up to deliberative session to protect their right to vote on the same article in March. The current state of RSA 40:13 for "SB2 towns" clearly violates the state Constitution and the fundamental principle that governments "derive... their just powers from the consent of the governed." No voter should ever be disenfranchised by premeditated parliamentary sophistry--let alone the entire town.

Rep. Max Abramson

Municipal & County Government Committee

Free Chad Evans, wrongly convicted in 2001

"The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling." --Thomas Sowell

"It is better to take refuge in the Lord than to trust in man." --Psalms 118:8

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 469

BILL TITLE: relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.

DATE: February 26, 2019

LOB ROOM: 301

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Josephson

Seconded by Rep. Porter

Vote: 17-2

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Timothy Josephson, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 469

BILL TITLE: relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.

DATE: February 26, 2019

LOB ROOM: 301

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Josephson Secoded by Rep. Porter Vote: 17-2

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO X

Minority Report? X Yes No If yes, author, Rep: Abramson Motion OTP

Respectfully submitted: [Signature] Rep Timothy Josephson, Clerk



2019 SESSION

Municipal and County Government

Bill #: 469 Motion: ITL AM #: _____ Exec Session Date: 2/20/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	17		
Tatro, Bruce L. Vice Chairman	1		
Porter, Marjorie A.	2		
Treleaven, Susan GS	3		
Gilman, Julie D.	4		
Josephson, Timothy Clerk	5		
Meador, David R.	6		
Dargie, Paul P.	7		
Maggiore, Jim V.	8		
Mombourquette, Donna M.	9		
Stavis, Laurel	10		
Belanger, James P.	11		
Migliore, Vincent Paul	12		
Abramson, Max		1	
Dolan, Tom	13		
Kittredge, Derek MacMillen	14		
MacDonald, John T.	15		
Perreault, Mona <i>not present</i>			X
Piemonte, Tony	16		
Pratt, Kevin M.	0	2	
TOTAL VOTE: <i>17-2</i>			

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 469

BILL TITLE: relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.

DATE: January 30, 2019

LOB ROOM: 301 **Time Public Hearing Called to Order:** 2:10 p.m.

Time Adjourned: 2:45 p.m.

Committee Members: Reps. Carson, Tatro, Josephson, Porter, Gilman, Meader, Dargie, Maggiore, Mombourquette, Belanger, Migliore, Dolan, Abramson, Kittredge, MacDonald, Perreault, Piemonte and Pratt

Bill Sponsors:
Rep. Spillane

TESTIMONY

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

1. **Rep. Jim Belanger** --Hills 27 -- substituting for the Prime Sponsor
 - a. This limits editing amendments to petitioned warrant articles
 - b. There is existing RSA how towns can amend petitioned warrant articles, limiting it to minor textual changes.
 - c. I suggested him to adopt the same language as an amendment
 - d. Q: Porter: Isn't the duty of the deliberative session to amend the warrant articles? (I don't believe that the legislature intended for petitioned warrant articles to be amended aside from dollar amounts)
 - e. Q: Abramson: isn't there already a provision on citizen's petition where you can't change the topic of the warrant article? (Current wording has to do with subject matter, leaves the body of the warrant article open to discussion. This bill seeks to clarify.) So the intent -- isn't this a little bit different for a citizen's warrant article to buy ten dashcams for police -- you couldn't change it at deliberative session to change from 10 to 5 or 1? (I think you could change it to buy fire extinguishers)
 - f. Q: Pratt: At our meetings people were changing warrant articles "to see" thus creating a study instead of effect-- would this fix it? (that has already been fixed)

2. * **Hon. Tom St. Martin** -- Candia -- opposes bill
 - a. Was on Municipal and County Government when SB2 was drafted
 - b. *** see written testimony ***
 - c. The legislative body has the power to clarify selectboard's warrants and amend them -- same should be for citizens
 - d. This bill doesn't say who decides what the "intent" is -- assumed to be the moderator but putting it on the moderator would be enormous
 - e. You cannot kill the intent of a bill but you can amend numbers
 - f. There are many complicating factors of what intent is
 - g. Q: Belanger: in the current RSA with towns RSA 39:3, "in any way change the intended effect of the article" -- your analogy about painting fire trucks red is moot (yes, but was the intent to get red trucks?)
 - h. Q: Dolan: We have received legal advice that you can amend articles to \$1 which effectively kills the article. Do you ever see that happening in your experience? (typically

no)

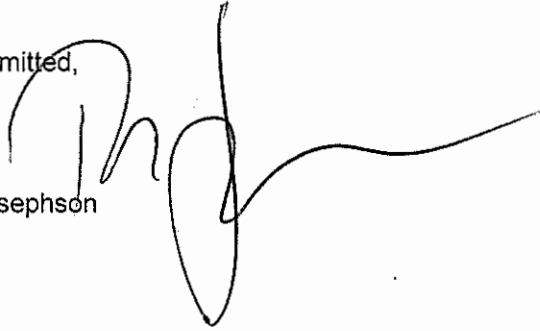
- i. Q: Josephson: Do petitioned warrant articles have to be cleared legally before going on the warrant? (no) So isn't it a good idea to keep the ability for the legislative body to amend it to avoid legal ramifications? (yes, crucial for legislative body to have that power)
 - j. Q: Abramson: Should ten people at the deliberative session be able to override the 200+ people who signed onto a citizen's petition? (yes, but the point of the citizens' warrant petition is to get it to the deliberative session for a public debate. Is it always fair? Not always, but nothing is perfect. Also, of those 200 people who signed on, you can't tell what those people's intents are -- only saying this question should come up) Would you object to an amendment to this to have deliberative session with a third option -- a yes, no, and a deliberative option? (I get it, but the system we have now works. That sounds complicated. This puts an extra burden on the person writing the warrant article. The average citizen does not know legal language)
 - k. Q: Migliore: I'm struggling with the fact that "petitioned warrant articles shall not have their intended effect changed as presented in the original petition." I'm wondering...how do you really know what intentions are? (I don't know, and that's my point) The example I continue to have concerns with are one-time expenditures. This is too vague for me, I wonder if you think that it could be interpreted in many different ways, that's the problem? (yes, exactly, it leaves it open)
3. **Hon. Harriet Cady** -- Deerfield -- supports the bill
- a. SB506 last year went to a committee of conference for a slight wording change
 - b. The only reason that deliberative session is not in the law now, is because when Senator Gray introduced a change in the committee of conference to fix grammar, they couldn't agree. You can change it in regular town meeting, school districts, etc, but not SB2 towns.
 - c. SB2 towns were added to bring them in line with the other forms of town/school government
 - d. If a petitioned warrant article is illegal, they still have to put it on the ballot
 - e. This is simply to bring the law that's presently there to make it the same as other towns
4. **Cordell Johnston** -- NHMA -- opposes the bill
- a. There are efforts every year to limit the ability to amend petitioned warrant articles in SB2 towns
 - b. They are always killed because the legislature recognizes that it would be more confusing
 - c. This deals with *legislative bodies* -- in the House, once a bill is heard and assigned to the committee, it is the committee's bill. Same for petitioned warrant articles -- the legislative body owns it and can amend as such
 - d. Similar here with not changing bills with non-germane amendments. You can't change the subject matter
 - e. Last year's bill dealt with Selectboards required to put petitioned warrant articles on the warrant as presented with minor grammatical changes. Last year added "intent" for Selectboards, but this is with deliberative session
 - f. Trying to figure out "intent" is near impossible to clarify
 - g. For example, an article to close a portion of the road -- from River Rd to Main St -- but maybe from River Rd to Pine St is better for now. You could not amend that warrant article in this bill
 - h. Q: Belanger: the wording in the proposed bill, it changes what the legislative body can do with the petitioned article (yes) if the wording in the current bill was changed to the same as RSA 39:3 in regards to Selectmen, would you support it? (not necessary, as 39:3 applies in SB2 towns) Not sure, sponsor of the bill didn't think that 39:3 applied to SB2 towns in RSA 40 (no, it does, I assure you. If you think 39:3 needs to be clarified, then maybe that would be OK) If we can be assured that 39:3 covers 40:13, this bill is

unnecessary, but I don't know if the sponsor will believe it (I can write a memo)

- i. Q: Abramson: reading last year's bill SB506, yes I see it there. (that didn't pass. That language would have done what this bill does, which is amend from the floor at deliberative) If I want to put the question in front of the voters in an SB2 town and I get hostility at deliberative, how do I get it to the voters? (get more people who feel the way you do to show up to deliberative session. Democracy at work)
- j. Q: Porter: when I listen to all of these discussions, especially about attendance at deliberative or town meeting, nothing is prohibiting people from going. It's a matter of numbers, that's the way it works, is that not how we function? (yes, that's how it works in the legislature -- if 30 people are absent and it fails by 2 votes, those people could have shown up)

Respectfully submitted,

Rep. Timothy Josephson
Clerk

A handwritten signature in black ink, appearing to be 'Timothy Josephson', written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

HB469 -- relative to limiting amendments to warrant articles in towns that have adopted official ballot voting

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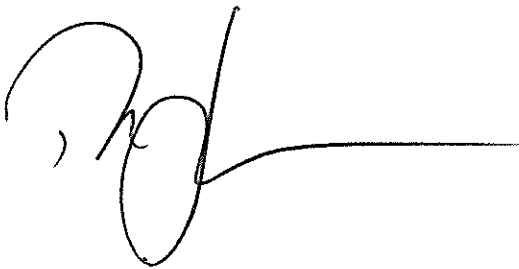
deliberative session with a third option -- a yes, no, and a deliberative option? (I get it, but the system we have now works. That sounds complicated. This puts an extra burden on the person writing the warrant article. The average citizen does not know legal language)

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Adjourned 2:45pm

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by a horizontal line extending to the right.

Testimony

Municipal & County Government Committee
1/30/19

HB 469

Honorable Members and Chair,

As a member of the Municipal & County Government Committee and legislature which heard and eventually passed the 'official ballot' legislation (commonly referred to as "SB2" , for its bill number at the time), I have particular interest in bills relating to it, and a perhaps unusual perspective.

There is some question as to what this bill would accomplish.

"intended effect" is too vague to be of value.

If a petitioned article is to "provide \$1000 for the expenses of an agricultural commission", for example, will this mean that article cannot be amended to a more amenable amount?

If an article is presented to "appropriate \$1000 to paint the town fire truck red", What is the intent? Is it to appropriate \$1000? Or to paint the truck red? What if red paint is known to be unavailable? Under this bill, could the article be amended to "yellow"?

Rather than force petitioners to create scholarly treatises in their articles laying their intent out in eloquent detail, why not allow articles to be simple and let the petitioners plead their case before the deliberative session?

There are at least two unintended consequences - first, it will make the writing of petitioned articles more demanding; second it will place an added burden on moderators who will find themselves in the position of having to rule on "intent" of a written document - many of whose signatories are likely not present, and perhaps some of whom disagree on the intent.

I say "moderators" with some uncertainty; the bill does not specify whose job it will be to divine intent.

Town meetings are already complex, and the job of moderator is already not a simple one; should legislation make that job harder?

There is not, nor was there ever, a guarantee under the official ballot that an article would be presented unchanged to the ballot. In fact, just the opposite - the point of deliberative session is to discuss, debate, vet and refine articles.

Please vote this bill ITL.

Thank you for your consideration.

Tom St.Martin
464 Currier Rd
Candia NH 03034

Bill as Introduced

HB 469 - AS INTRODUCED

2019 SESSION

19-0739
06/01

HOUSE BILL

469

AN ACT

relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.

SPONSORS:

Rep. Spillane, Rock. 2

COMMITTEE:

Municipal and County Government

ANALYSIS

This bill provides that amendments to petitioned warrant articles in towns that have adopted official ballot voting shall not change the intent of the original warrant.

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 Nineteen

AN ACT relative to limiting amendments to warrant articles in towns that have adopted
official ballot voting.

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

- 1 1 New Subparagraph; Official Ballot Voting; Petitioned Warrant Articles; Amendment. Amend
2 RSA 40:13, IV by inserting after subparagraph (c) the following new subparagraph:
3 (d) Amendments to petitioned warrant articles shall not change the intended effect of
4 the article as presented in the original petition.
5 2 Effective Date. This act shall take effect 60 days after its passage.