Bill as Introduced

HB 67-LOCAL - AS AMENDED BY THE HOUSE

9Apr2021... 0553h

2021 SESSION

21-0007_. 11/10

HOUSE BILL

67-LOCAL

AN ACT

relative to warrant articles in official ballot town, school district, or village district

meetings.

SPONSORS:

Rep. Marsh, Carr. 8; Rep. Edwards, Rock. 4; Rep. J. MacDonald, Carr. 6; Rep. M.

Pearson, Rock. 34; Rep. Lang, Belk. 4; Rep. Yokela, Rock. 33

COMMITTEE:

Municipal and County Government

AMENDED ANALYSIS

This bill prohibits the amendment of a petitioned warrant article when such amendment would change the specific intent of a petitioned warrant article.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 67-LOCAL - AS AMENDED BY THE HOUSE

9Apr2021... 0553h

21-0007 11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT

relative to warrant articles in official ballot town, school district, or village district meetings.

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

- 1 New Subparagraph; Government of Town Meeting; Official Ballot Referenda; Warrant 2 Articles. Amend RSA 40:13, IV by inserting after subparagraph (c) the following new subparagraph:
- 3 (d) No petitioned warrant article shall be amended to change its specific intent.
- 2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE Election Law and Municipal Affairs

Sen James Gray, Chair Sen Regina Birdsell, Vice Chair Sen Ruth Ward, Member Sen Donna Soucy, Member Sen Rebecca Perkins Kwoka, Member

Date: April 21, 2021

HEARINGS

Monday Election Law and Municipal Affairs			04/26/2021	
		Affairs	REMOTE	9:00 a.m.
9:00 a.m.	HB 67-LOCAL	relative to war village district	rant articles in official ballot meetings.	town, school district, or
9:15 a.m.	HB 332	relative to dead impact by plan	llines for consideration of dev ning boards.	velopments of regional
9:30 a.m.	HB 374	relative to the	official ballot referendum for	m of town meetings.
9:45 a.m.	HB 545		use of certain out-of-state ba and county treasurers or tru	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

- 1. Link to Zoom Webinar: https://www.zoom.us/j/97201477663
- 2. To listen via telephone: Dial(for higher quality, dial a number based on your current location):
- 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
- 3. Or iPhone one-tap: US: 16465588656, 97201477663# or 13017158592, 97201477663#
- 4. Webinar ID: 972 0147 7663
- 5. To view/listen to this hearing on YouTube, use this link:

https://www.youtube.com/channel/UCiBZdtrjRnQdmg-2MPMiWrA

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: http://gencourt.state.nh.us/remotecommittee/senate.aspx

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 67-LOCAL

Rep. Marsh

Rep. Edwards

Rep. Yokela

Rep. M. Pearson

Rep. Lang
HB 332

Rep. Seaworth

Sen. Birdsell

HB 374

Rep. McGuire

Rep. Yokela

Rep. J. MacDonald

Rep. Lewicke

Rep. Pauer Rep. Warden HB 545

Rep. Laflamme

Rep. Merner

Tricia Melillo 271-3077

James P. Gray Chairman

AMENDED SENATE CALENDAR NOTICE Election Law and Municipal Affairs

Sen James Gray, Chair Sen Regina Birdsell, Vice Chair Sen Ruth Ward, Member Sen Donna Soucy, Member Sen Rebecca Perkins Kwoka, Member

Monday

Date: April 21, 2021

04/26/2021

HEARINGS

Election L	aw and Municipal A	Affairs	REMOTE	9:00 a.m.
9:00 a.m.	HB 476	relative to election of	ficers at additional pollin	ng places.
9:10 a.m.		officers at additional and confirming all ac	ctions, votes, and proceed of Middleton, to HB 476 ,	e to legalizing, ratifying, lings of the annual
9:30 a.m.	HB 374	relative to the officia	l ballot referendum form	of town meetings.
9:45 a.m.	HB 545		certain out-of-state banl ounty treasurers or trust	-
10:00 a.m.	HB 67-LOCAL	relative to warrant a village district meeti	articles in official ballot to ngs.	own, school district, or
10:15 a.m.	HB 332	relative to deadlines impact by planning l	for consideration of deve ooards.	elopments of regional

Committee members will receive secure Zoom invitations via email.

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- 4. Webinar ID: 972 0147 7663

Spongore

5. To view/listen to this hearing on YouTube, use this link:

https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA

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http://gencourt.state.nh.us/remotecommittee/senate.aspx

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Rep. McGuire	Rep. Yokela	Rep. Lewicke
•		
Rep. Merner		
•		
Rep. McBride	Rep. Janigian	Rep. Wolf
Rep. W. MacDonald	Rep. Elliott	Rep. Sytek
Rep. Hayward	Sen. Morse	
Rep. McBride	Rep. Janigian	Rep. Wolf
Rep. W. MacDonald	Rep. Elliott	Rep. Sytek
Rep. Hayward	Sen. Morse	
•		
Rep. Edwards	Rep. J. MacDonald	Rep. M. Pearson
Rep. Yokela		
-		
Sen. Birdsell		
	Rep. Merner Rep. McBride Rep. W. MacDonald Rep. Hayward Rep. McBride Rep. W. MacDonald Rep. Hayward Rep. Edwards Rep. Yokela	Rep. Merner Rep. McBride Rep. Janigian Rep. W. MacDonald Rep. Elliott Rep. Hayward Sen. Morse Rep. McBride Rep. Janigian Rep. W. MacDonald Rep. Elliott Rep. Hayward Sen. Morse Rep. Edwards Rep. J. MacDonald Rep. Yokela

Tricia Melillo 271-3077

James P. Gray Chairman

Senate Election Law and Municipal Affairs Committee Tricia Melillo 271-3077

HB 67-LOCAL, relative to warrant articles in official ballot town, school district, or village district meetings.

Hearing Date:

April 26, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent: None

Bill Analysis: This bill prohibits the amendment of a petitioned warrant article when such amendment would change the specific intent of a petitioned warrant article.

Sponsors:

Rep. Marsh

Rep. Edwards

Rep. J. MacDonald

Rep. M. Pearson Re

Rep. Lang

Rep. Yokela

Who supports the bill: Rep. William Marsh, Dan McGuire, Alvin See, Darryl Perry, Eric Pauer

Who opposes the bill: Rep. Marjorie Porter, Rep. Paul Dargie, Rep. Heidi Hamer, Rep. Cindy Kudlik, Rep. John Cloutier, Rep. Chuck Grassie, Rep. Patricia Cornell, Rep. Julie Gilman, Rep. Deb Stevens, Rep. Roger Dontonville, Rep. Megan Murray, Rep. Efstathia Booras, Rep. Mary Heath, Rep. Christy Bartlett, Rep. Peter Bixby, Rep. Wendy Chase, Rep. Rod Piementel, Rep. Joe Schapiro, Rep. Donna Ellis, Rep. Rebecca McBeath, Rep. Joan Hamblet, Caroline Storrs, Andrew Hadik, James Loano, Anne Dontonville, Kathy Tucker, Donna Mombourquette, Naomi Bolton, David Swenson, Cordell Johnston

Summary of testimony presented in support:

Representative William Marsh

- Four of the seven towns he represents are in the Governor Wentworth Regional School District: Brookfield, Ossipee, Effingham, and Tuftonboro.
- Two years ago, my constituent, Dianne Smith, filed a petition warrant article to put a 2.5% annual cap on tax rate increases for the school district.
- Very briefly, her petition warrant article was rendered moot by an amendment at a
 poorly attended deliberative session, held in Wolfeboro, an hour's drive away for some of
 his constituents.
- They moved the decimal point, and a 25% annual cap on tax rate increases clearly removed the intent of her petition.
- His constituents feel the process is broken and has become quite contentious.
- HB67 would restore his constituents' right of redress by bringing petition warrant articles before the voters.

- In bodies operating under traditional rules, per RSA 39:3, petition warrant articles must appear on the warrant without any change in the intended effect of the petitioned article.
- In bodies operating under SB2, citizens do not have this right of redress.
- Petition warrant articles have been rendered moot by amendments at poorly attended deliberative sessions, which may be scheduled at a time and place inconvenient for certain citizens.
- This is exactly what happened in the Governor Wentworth Regional School District.
- This bill as amended by the House, simply adds the phrase "No petitioned warrant article shall be amended to change its specific intent."
- This means petitioners could appeal to the voters and the right of redress for citizens in SB2 districts would be restored.

Representative Betty Gay

- As a petitioner she has had the experience of a Select Board presenting their own amendment which gutted the original petition.
- · Residents should have the right to petition and have the public vote on it.
- It is not fair to destroy a petitioners request so it cannot be heard before the entire voting body.
- A small group of people should not be allowed to block access to the voters.
- The bill does give the opportunity for amendments as long as they do not change the intent.

Summary of testimony presented in opposition:

Representative Marjorie Porter

- This bill is creating two classes of legislative bodies in the state.
- Under the current law, towns that have traditional town meeting, discuss, amend and vote on petitioned warrant articles at the town meeting.
- HB 67 prevents voting members in an SB 2 town from amending a warrant article before they vote on it.
- It changes the process but only for SB 2 towns which creates two classes.
- Another concern she has is that it may be difficult to understand what the intent of the warrant article might be.
- It is unfortunate that someone's warrant article may be amended but that is the function of the legislative body.

Cordell Johnston - NH Municipal Association

- Their opposition to this bill is that it does not make sense.
- An article submitted to a town meeting is just like a bill filed in the state legislature.
- Once it is filed it is subject to amendment by the legislative body.
- The idea of SB 2, in theory, is that it is supposed to operate just like traditional town meeting in that you have articles that are submitted and are subject to amendment by the legislative body.
- To say that any article cannot be amended is at odds with the idea of a legislative body.
- He could give many examples of times when it would make perfect sense to amend an article at the meeting but this bill would prevent that.

- Senator Soucy asked what would happen in the instance if one town that was part of a regional district had an amendment and another town had one that contradicted the other.
 - o Mr. Johnston replied that the deliberative session for the district includes people from all of the towns in the district.
- Senator Soucy clarified that you could have two towns proposing contrary amendments.
 - o Mr. Johnston replied that as with any legislative body the majority rules.

Naomi Bolton - Town Administrator, Ware

- The current laws and rules for amending articles have been working fine for the town of
- If this bill is passed it may create confusion as it relates to petition articles.
- The language of the bill regarding petition articles is not specific enough as to which articles.

David Swenson - Select Board Member, New Durham

- He has presided over both SB 2 deliberative sessions and traditional town meeting deliberative sessions.
- HB 67 would give control over petitioned warrant articles to only a few voters rather than allowing a larger voting population to amend the article for the needs of many.
- It will be onerous to all SB 2 municipalities as it decreases, for those attending the deliberative session, the opportunity to actively participate in shaping all warrant articles.
- The passage of this bill will restrict municipal government processes in a way that the state legislature is not.
- Even though the deliberative session may not be well attended, there are still more people than on the warrant article.
- There are many times when the petitioner themselves wants to amend an article between the time it was developed and at the deliberative session.
- This proposed legislation will severely limit voter participation in what goes on the official ballots.

Chris Hawkins - Town and School District Moderator, New Market

- New Market is an SB 2 town.
- In his experience, a low turnout at the deliberative session does not indicate a defect in the system.
- Turnout at deliberative session is driven by issues and not legislation or how the process works.
- If the voters are unhappy they turn out in large numbers.
- Everyone has a right to petition their government but that does not mean their views will prevail.
- It is incumbent upon people to explain why the petitioned article is a good idea.
- While the process is not perfect he does not believe it is broken.

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Date Hearing Report completed: April 29, 2021

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB67 on 2021-Support: 4 Oppose: 18 Neutral: 0 Total to Testify: 5

<u>Name</u>	Email Address	Phone	<u>Title</u>	Representing	Position	Testifing	5
Porter, Marjorie	maporter995@gmail.com	603.464.0225	An Elected Official	Hillsborough District 1	Oppose	Yes	4
Johnston, Cordell	Not Given	Not Given	A Lobbyist	NH Municipal Association	Oppose	Yes	4
Marsh, William	wmarshmd@gmail.com	603.569.6382	An Elected Official	Carroll 8	Support	Yes	4
Swenson, David	swens72@gmail.com	(937) 974-84	An Elected Official	Myself	Oppose	Yes	4
Bolton, Naomi	Not Given	Not Given	A Member of the Public	Myself	Oppose	Yes	4
Dargie, Paul	pauldargie@gmail.com	603.233.5888	An Elected Official .	Myself	Oppose	No	4
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4
Kudlik, Cindy	cindykudlik@protonmail.com	Not Given	An Elected Official	Myself	Oppose	No	4
McGuire, Dan	dannicguire@gmail.com	603-782-4918	A Member of the Public	Myself	Support	No	⊿
See, Alvin	absee@4Liberty.net	Not Given	A Member of the Public	Myself	Support	No	4
Cloutier, John	jocloutier@comcast.net	16034773690	An Elected Official	Myself	Oppose	No	4
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Oppose	No	4
Mombourquette, Donna	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4
Perry, Darryl	darrylwperry@gmail.com	205.863.0110	A Member of the Public	Myself	Support	No	⊿
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Oppose	No	2
Gilman, Representative Julie	julie.gilman@leg.state.nh.us	Not Given	An Elected Official	Exeter	Oppose	No	4
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Oppose	No	4
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Oppose	No	4
Murray, Megan	megan.murray@leg.state.nh.us	Not Given	An Elected Official	Hillsborough District 22	Oppose	No	4
Tucker, Kathy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4
Ballentine, John M	mikeb@btine.com	Not Given	A Member of the Public	Myself	Oppose	No	2
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Oppose	No	4

Testimony

Good Morning! For the record I am Rep William Marsh, representing 7 towns in southern Carroll County. Relevant to this bill, I have been the Moderator of the Town of Brookfield since 2010.

I am pleased today to offer for your consideration HB67, relative to warrant articles in official ballot town, school district, or village district meetings.

Four of the seven towns I represent are in the Governor Wentworth Regional School District: Brookfield, Ossipee, Effingham, and Tuftonboro. Despite my mailing address, I do not represent the town of Wolfeboro, in which the deliberative sessions of the Governor Wentworth Regional School District are held. The school district is a bit bipolar – towns like Wolfeboro and Tuftonboro have waterfront and a very low tax rate. In contrast, the tax rate in my town, Brookfield, as well as Ossipee and Effingham is extremely high.

Two years ago, my constituent, Dianne Smith, filed a petition warrant article to put a 2.5% annual cap on tax rate increases for the school district. But very briefly, her petition warrant article was rendered moot by amendment at a poorly attended deliberative session, held in Wolfeboro, an hours drive away for some of my constituents. They moved the decimal point, and a 25% annual cap on tax rate increases clearly removed the intent of her petition.

As a consequence, my constituents feel the process is broken. And this has become quite contentious — for instance, the Town of Ossipee challenged the school district payment plan in court, saying they cannot afford it. HB67 would restore my constituents' right of redress by bringing petition warrant articles before the voters.

In bodies operating under traditional rules, per RSA 39:3, petition warrant articles must appear on the warrant without any change in the intended effect of the petitioned article.

In bodies operating under SB2, citizens do not have this right of redress. A petition warrant article may be rendered moot by amendment at a poorly attended deliberative session, which may be scheduled at a time and place inconvenient for certain citizens. This is exactly what happened in the Governor Wentworth Regional School District.

This bill as amended by the House, simply adds the phrase "No petitioned warrant article shall be amended to change its specific intent." This means petitioners could appeal to the voters and the right of redress for citizens in SB2 districts would be restored.

My constituents ought to be able to bring their concerns before the voters. I urge you to restore my constituents right to do so by recommending this bill OTP. Thank you, and I will take questions.

Voting Sheets

Senate Election Law & Municipal Affairs Committee

$\overline{\mathtt{EXECUTIVE}}\ \underline{\mathtt{SESSION}}\ \underline{\mathtt{RECORD}}$

2021 Session

			Bill HB 67	
Hearing date:4-26-2021			-	
Executive Session date:	f i	0		
Motion of:	ITL		Vote	:_5-0
and the state of t	Present	<u>Made by</u>	Second	Yes No
Sen. Gray, Chair	X			
Sen. Birdsell, Vice Chair		<u>U</u>		
Sen. Ward	X	مستندية الماسيدية	<u>\</u>	
Sen. Soucy	X			_\
Sen. Perkins-Kwoka	X		~	
Motion of:	sent		Vote	: 5-0
Committee Member	Present	Made by	Second	Yes No
Sen. Gray, Chair	X			
Sen. Birdsell, Vice Chair	X		<u> </u>	
Sen. Ward	X	·		
Sen. Soucy	X	<u> </u>		
Sen. Perkins-Kwoka	<u>X</u>			
Motion of:			Vote	:
Committee Member	Present	Made by	Second	Yes No
Sen. Gray, Chair	X			
Sen. Birdsell, Vice Chair	X			
Sen. Ward	X			_
Sen. Soucy	<u> </u>			
Sen. Perkins-Kwoka	X			
Reported out by:	n. Wa	ncl		

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE FOR THE CONSENT CALENDAR

Monday, April 26, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred HB 67-LOCAL

AN ACT

relative to warrant articles in official ballot town, school district, or village district meetings.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Ruth Ward For the Committee

This bill would have prohibited the amendment of a petitioned warrant article when such amendment would change the specific intent of the petitioner. While the intent of a warrant should be protected, testimony revealed the unintended consequences of not allowing the voters to amend a warrant. Additionally, the definition of "specific intent" is unclear and would cause confusion for the municipalities.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB67

Docket Abbreviations

Bill Title: relative to warrant articles in official ballot town, school district, or village district meetings.

Official Docket of **HB67.**:

Date	Body	Description
1/4/2021	Н	Introduced (in recess of) 01/06/2021 and referred to Municipal and County Government HJ 2 P. 34
2/2/2021	н	Public Hearing: 02/09/2021 10:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93215390740 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/18/2021	н	Executive Session: 02/18/2021 01:30 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94522837794
3/9/2021	Н	Majority Committee Report: Ought to Pass with Amendment #2021- 0553h (Vote 10-7; RC) HC 18 P. 55
3/9/2021	Н	Minority Committee Report: Inexpedient to Legislate
4/9/2021	Н	Amendment #2021-0553h: AA VV 04/09/2021 HJ 7 P. 23
4/9/2021	Н	Ought to Pass with Amendment : MA DV 193-181 04/09/2021 HJ 7 P. 23
4/13/2021	S	Introduced 04/08/2021 and Referred to Election Law and Municipal Affairs; SJ 12
4/21/2021	S	Remote Hearing: 04/26/2021, 10:00 am; Links to join the hearing can be found in the Senate Calendar; SC 21
4/27/2021	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 0'5/06/2021; SC 22
5/6/2021	S	Inexpedient to Legislate, RC 23Y-0N, MA === BILL KILLED ===; 05/06/2021; SJ 14

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HS 6 Sen	ate Committee:
Please include all documents in the order listed below and included with an "X" beside	indicate the documents which have been
Final docket found on Bill Status	
Bill Hearing Documents: {Legislative Aides}	
Bill version as it came to the committee	
All Calendar Notices	
Hearing Sign-up sheet(s)	
Prepared testimony, presentations, & other submis	sions handed in at the public hearing
Hearing Report	
Revised/Amended Fiscal Notes provided by the Ser	ate Clerk's Office
Committee Action Documents: {Legislative Aides}	
All amendments considered in committee (including those	not adopted):
amendment # amendmen	nt#
- amendment # amendment	nt#
Executive Session Sheet	
Committee Report	
Floor Action Documents: {Clerk's Office}	
All floor amendments considered by the body during session	n (only if they are offered to the senate):
amendment # amendmen	nt#
amendment # amendmen	ut#
Post Floor Action: (if applicable) {Clerk's Office}	
Committee of Conference Report (if signed off by al by the committee of conference):	l members. Include any new language proposed
Enrolled Bill Amendment(s)	
Governor's Veto Message	
All available versions of the bill: {Clerk's Office}	
as amended by the senate	as amended by the house
final version	-
Completed Committee Report File Delivered to the S	Senate Clerk's Office By:
Committee Aide	Date
Senate Clerk's Office N	