

SB 261 – AS AMENDED BY THE SENATE

03/07/12 0813s

2012 SESSION

12-2970
06/09

SENATE BILL **261**

AN ACT relative to requirements for warrant articles.

SPONSORS: Sen. Stiles, Dist 24; Sen. Barnes, Jr., Dist 17; Sen. Lambert, Dist 13; Rep. Hoelzel, Rock 2; Rep. F. Rice, Rock 15; Rep. Waddell, Rock 15; Rep. Nevins, Rock 15; Rep. Renzullo, Hills 27

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill changes certain requirements for presenting and amending warrant articles.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to requirements for warrant articles.

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

1 1 Municipal Budget Law; Budget Preparation. Amend RSA 32:5, V(a) and (b) to read as follows:

2 (a) The article shall contain a notation of whether or not that appropriation is
3 recommended by the governing body, and, if there is a budget committee, a notation of whether or
4 not it is recommended by the budget committee; **and may include a projection by the governing**
5 **body of the effect of such appropriation on the tax rate;**

6 (b) If the article is amended at the first session of the meeting in an official ballot
7 referendum municipality, the governing body and the budget committee, if one exists, may revise its
8 recommendation on the amended version of the special warrant article **and include a projection**
9 **by the governing body of the effect of such revised appropriation on the tax rate**, and the
10 revised recommendation shall appear on the ballot for the second session of the meeting provided,
11 however, that the 10 percent limitation on expenditures provided for in RSA 32:18 shall be
12 calculated based upon the initial recommendations of the budget committee;

13 2 Warrant. Amend RSA 39:3 to read as follows:

14 39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the
15 registered voters in town, whichever is less, although in no event shall fewer than 10 registered
16 voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before
17 the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such
18 meeting the petitioned article with only such minor textual changes as may be required. **When an**
19 **article in the warrant calls for the appropriation of a specific sum of money, the warrant**
20 **may include a projection by the governing body of the effect of such appropriation on the**
21 **tax rate.** For the purposes of this section, the number of registered voters in a town shall be the
22 number of voters registered prior to the last state general election. The right to have an article
23 inserted in the warrant conferred by this section shall not be invalidated by the provisions of
24 RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more
25 voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants
26 upon the written application of 5 percent of the registered voters in the town, so presented not less
27 than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon
28 any question specified in such application. The checklist for an annual or special town meeting shall
29 be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons
30 qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting.

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1 The same checklist used at a recessed town meeting shall be used at any reconvened session of the
2 same town meeting. In no event shall a special town meeting be held on the biennial election day.

3 3 Official Ballot Referenda; Use of Official Ballot. Amend RSA 40:13, II to read as follows:

4 II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2
5 separate sessions of the meeting, and notice shall be given as otherwise provided in this section.
6 Final budgets and ballot questions shall be printed in the annual report made available to the
7 legislative body at least one week before the date of the second session of the annual meeting. ***Final***
8 ***appropriation may include a projection by the governing body of the effect of such articles***
9 ***on the tax rate of the proposed appropriation.***

10 4 Use of Official Ballot. Amend the introductory paragraph of RSA 40:13, IV to read as follows:

11 IV. ***Except as provided in paragraph IV-a***, the first session of the meeting, governed by
12 the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation,
13 discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to
14 prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall
15 not apply. Warrant articles may be amended at the first session, subject to the following limitations:

16 5 New Subparagraphs; Use of Official Ballot; Warrant Article Amendments. Amend RSA 40:13,
17 IV by inserting after subparagraph (c) the following new subparagraphs:

18 (d) No petitioned warrant article shall be amended in such a manner as to reverse the
19 intent of the article warned.

20 (e) Warrant articles may be amended to change the implementation date only by a
21 variable of 90 days.

22 6 New Paragraph; Town Ordinance Articles. Amend RSA 40:13 by inserting after paragraph IV
23 the following new paragraph:

24 IV-a.(a) No town ordinance shall be established or amended at a meeting by a warrant
25 article either proposed by the governing body under RSA 39:2 or by a petitioned warrant article
26 under RSA 39:3 until after the governing body holds at least one public hearing on the proposed
27 ordinance in the same fashion as would be required for bond articles in excess of the \$100,000 under
28 RSA 33:8-a and RSA 40:13, V-a, unless another statute pertaining specifically to the subject matter
29 of the ordinance provides for a hearing by the governing body in a different manner.

30 (b) The issue as to the adoption of the proposed ordinance shall be presented to the
31 voters of the town by having the town clerk prepare an official ballot separate from the official ballot
32 used to elect town officers which shall include the following question, or by including the following
33 question on the official ballot as prepared by the town clerk:

34 “Are you in favor of the adoption of the town ordinance as proposed by the governing body or by
35 petition?” In the event that there shall be more than a single proposed amendment to be submitted
36 to the voters at any given meeting, the issue as to the several amendments shall be put in the
37 following manner: “Are you in favor of the adoption of Amendment No. ___ as proposed by the

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1 governing body or by petition for the town ordinance as follows: (Here insert topical description of
2 substance of the ordinance)?” An official copy of the proposal shall be on display for the voters at the
3 meeting place on the date of the meeting. If such action is to be taken at a meeting other than the
4 one at which officers are to be elected, the clerk shall prepare a special ballot containing the question
5 or questions above stated, and the meeting shall open not later than 11 a.m. and shall remain open
6 at least 8 hours. When submitting any question to the voters under this section, there shall be 2
7 squares printed after the question, one with the word “yes” beside it and another with the word “no”
8 beside it.

9 7 Effective Date. This act shall take effect 60 days after its passage.