

CHAPTER 190
SB 236 – FINAL VERSION

01/30/14 0201s
23Apr2014... 1409h
05/15/14 1874EBA

2014 SESSION

14-2655
08/04

SENATE BILL **236**

AN ACT relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body and ratifying the approval of a bond by the town of Windham, requiring separate warrant articles for contingency funds, relative to the amendment of the operating budget warrant article in an official ballot referendum jurisdiction, and relative to the deadline for certain citizen petitions proposing bonds.

SPONSORS: Sen. Reagan, Dist 17; Rep. C. McGuire, Merr 29; Rep. D. McGuire, Merr 21; Rep. Duarte, Rock 2; Rep. Tasker, Rock 2

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill:

I. Allows municipalities with a municipal budget committee to deliver final budget and recommendations the Thursday before the last Monday in January, February, or March depending on when the municipality holds its annual meeting.

II. Ratifies the approval of a bond by the town of Windham at its annual town meeting held on March 11, 2014.

III. Requires that the establishment of a town contingency fund be in a separate warrant article.

IV. Requires the recommendation of the governing body and budget committee regarding the operating budget warrant article to appear on the ballot if the operating budget warrant article is amended at the first session of the meeting in an official ballot referendum jurisdiction.

V. Sets earlier deadlines in official ballot towns for citizen petitions proposing bonds in excess of \$100,000.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body and ratifying the approval of a bond by the town of Windham, requiring separate warrant articles for contingency funds, relative to the amendment of the operating budget warrant article in an official ballot referendum jurisdiction, and relative to the deadline for certain citizen petitions proposing bonds.

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

1 190:1 Use of Official Ballot. Amend RSA 40:13, II-a(c) to read as follows:

2 (c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a
3 shall be held on or before the third Tuesday in January. One or more supplemental budget hearings
4 may be held at any time before the first session of the annual meeting, subject to the 7-day notice
5 requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date
6 or time, additional notice shall not be required for a supplemental session if the date, time, and place
7 of the supplemental session are made known at the original hearing. ***In a political subdivision***
8 ***that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the***
9 ***budget committee to deliver copies of the final budget and recommendations to the***
10 ***governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in***
11 ***January.***

12 190:2 Use of Official Ballot. Amend RSA 40:13, II-b (c) to read as follows:

13 (c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a
14 shall be held on or before the third Tuesday in February. One or more supplemental budget
15 hearings may be held at any time before the first session of the annual meeting, subject to the 7-day
16 notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a
17 later date or time, additional notice shall not be required for a supplemental session if the date, time,
18 and place of the supplemental session are made known at the original hearing. ***In a political***
19 ***subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the***
20 ***last day for the budget committee to deliver copies of the final budget and***
21 ***recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday***
22 ***before the last Monday in February.***

23 190:3 Use of Official Ballot. Amend RSA 40:13, II-c (c) to read as follows:

24 (c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a

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1 shall be held on or before the third Tuesday in March. One or more supplemental budget hearings
2 may be held at any time before the first session of the annual meeting, subject to the 7-day notice
3 requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date
4 or time, additional notice shall not be required for a supplemental session if the date, time, and place
5 of the supplemental session are made known at the original hearing. ***In a political subdivision***
6 ***that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the***
7 ***budget committee to deliver copies of the final budget and recommendations to the***
8 ***governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in***
9 ***March.***

10 190:4 Ratification of Approval of Bond at Windham Town Meeting. Notwithstanding RSA 40:13,
11 II-a(c), the public hearing held on January 23, 2014, with notice as required in RSA 33:8-a, I, shall be
12 considered as lawful to support the issuance of not more than \$700,000 of bonds or notes in
13 accordance with the provisions of the Municipal Finance Act, RSA 33, as approved by the town of
14 Windham at its annual town meeting held on March 11, 2014.

15 190:5 Contingency Fund; Separate Warrant Article. Amend RSA 31:98-a to read as follows:

16 31:98-a Contingency Fund. Every town annually by an article ***separate from the budget and***
17 ***all other articles*** in the warrant may establish a contingency fund to meet the cost of
18 unanticipated expenses that may arise during the year. Such fund shall not exceed one per cent of
19 the amount appropriated by the town for town purposes during the preceding year excluding capital
20 expenditures and the amortization of debt. A detailed report of all expenditures from the
21 contingency fund shall be made annually by the selectmen and published with their report.

22 190:6 Contingency Fund; Separate Warrant Article. Amend RSA 198:4-b, I to read as follows:

23 I. A school district annually by an article ***separate from the budget and all other***
24 ***articles*** in the warrant, or the governing body of a city upon recommendation of the school board,
25 when the operation of the schools is by a department of the city, may establish a contingency fund to
26 meet the cost of unanticipated expenses that may arise during the year. A detailed report of all
27 expenditures from the contingency fund shall be made annually by the school board and published
28 with their report.

29 190:7 New Subparagraph; Amendment of Operating Budget Warrant Article. Amend RSA 32:5,
30 VII by inserting after subparagraph (b) the following new subparagraph:

31 (c) If the operating budget warrant article is amended at the first session of the meeting
32 in an official ballot referendum jurisdiction operating under RSA 40:13, the governing body and the
33 budget committee, if one exists, may each vote on whether to recommend the amended article, and
34 the recommendation or recommendations shall appear on the ballot for the second session of the
35 meeting.

36 190:8 Deadline for Citizen Petitions Proposing Bonds. Amend RSA 40:13, II-a(b) to read as

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1 follows:

2 (b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for
3 submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in
4 January, ***provided however, that if a petitioned article proposes a bond governed by***
5 ***RSA 33:8-a, the deadline shall be the preceding Friday.***

6 190:9 Deadline for Citizen Petitions Proposing Bonds. Amend RSA 40:13, II-b(b) to read as
7 follows:

8 (b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for
9 submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in
10 February, ***provided however, that if a petitioned article proposes a bond governed by***
11 ***RSA 33:8-a, the deadline shall be the preceding Friday.***

12 190:10 Deadline for Citizen Petitions Proposing Bonds. Amend RSA 40:13, II-c(b) to read as
13 follows:

14 (b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for
15 submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in
16 March, ***provided however, that if a petitioned article proposes a bond governed by RSA 33:8-***
17 ***a, the deadline shall be the preceding Friday.***

18 190:11 Effective Date.

19 I. Section 4 of this act shall take effect upon its passage.

20 II. The remainder of this act shall take effect 60 days after its passage.

21

22 Approved: July 11, 2014

23 Effective Date: I. Section 4 shall take effect July 11, 2014

24 II. Remainder shall take effect September 9, 2014