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CHAPTER 8

HB 1129 - FINAL VERSION

11Mar2020... 0696h

06/16/2020 1480s

06/16/2020 1524s

2020 SESSION

20-2107

11/06

HOUSE BILL *1129*

AN ACT relative to notice requirements for certain municipal public hearings, providing for optional town meeting procedures during the state of emergency declared in response to the novel coronavirus disease (Covid-19), and relative to online reporting of CARES Act disbursements.

SPONSORS: Rep. Coursin, Rock. 1; Rep. Barnes, Rock. 8; Rep. Ladd, Graf. 4; Rep. Gilman, Rock. 18; Rep. Dutzy, Hills. 30

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill changes the notice requirements for certain municipal public hearings by allowing notice of the hearing to be posted on the municipal website. The bill also temporarily permits legislative bodies with a fiscal year ending in June to make certain expenditures prior to the adoption of an official budget, temporarily provides for a virtual annual meeting procedure, and requires online reporting of CARES Act disbursements.

11Mar2020... 0696h

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11/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to notice requirements for certain municipal public hearings, providing for optional town meeting procedures during the state of emergency declared in response to the novel coronavirus disease (Covid-19), and relative to online reporting of CARES Act disbursements.

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

8:1 Planning and Zoning; Notice Requirements for Public Hearing. Amend RSA 675:7, I to read as follows:

I. (a) Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. Any person owning property in the municipality may request notice of all public hearings on proposed amendments to the zoning ordinance, and the municipality shall provide notice, at no cost to the person, electronically or by first class mail.

(b) In lieu of publication in a paper of general circulation pursuant to subparagraph (a), notice may be posted on the municipality's Internet website, if such exists. If notice is posted on the municipality's website in lieu of publication in a paper of general circulation, the notice shall:

(1) Appear prominently on the website's home page, or a link directly to the notice shall appear prominently on the home page;

(2) Be posted at the time stated in subparagraph (a) and shall remain on the website until the conclusion of the hearing; and

(3) Be posted in 2 other public places.

8:2 Temporary Municipal Spending Authority; State of Emergency. Due to the state of emergency declared as a result of the novel coronavirus disease (Covid-19), the provisions of RSA 32:13, II shall also apply to towns and districts, as defined in RSA 32:3, with a July to June fiscal year, so that such towns or districts may make expenditures between July 1 and the date a budget is adopted which are reasonable in light of prior year's appropriations and expenditures during the same time period.

8:3 Temporary Optional Town Meeting Procedures; State of Emergency. Towns, village districts, and school districts that are unable to hold in-person annual meetings in 2020 or 2021 due to novel coronavirus disease (Covid-19) may conduct virtual meetings in accordance with this section. At the option of the governing body, the town or school district meeting may be convened and proceed to approve the posted 2020 or 2021 warrant in the following fashion:

I. The governing body shall host a live virtual meeting and information session, during which the proposed optional town or school district meeting procedures shall be outlined and warrant articles discussed. At least 7 days prior to this informational session, notice shall be mailed to all registered voters describing the procedures to be followed for conducting an annual meeting pursuant to this section. After the live, virtual meeting is adjourned, questions and comments from the public shall be solicited and received via electronic mail, voice mail, text message, or by other electronic means.

II. Within 7 days of the information session, the governing body shall hold another live virtual meeting to consider and address comments received from the public. The governing body shall then discuss, debate, and be permitted to amend the posted warrant. The final warrant, as amended, shall then be made available electronically for printing by voters to be brought to the voting session, which shall be scheduled for a date and time to be determined by the governing body.

III. Voting on final warrant articles shall be by secret ballot cast by voters through drive-up procedures to ensure appropriate social distancing. In a town or district that uses the official ballot for the election of officers and has not yet held its town or district election, an official ballot will be printed for the election of officers and other items that are required to be placed on the official ballot. All other warrant articles will be printed on a separate ballot ("the alternative ballot").

IV. The first article on the alternative ballot shall ask whether voters approve these optional meeting procedures. If the optional procedures are not approved by a simple majority, all other warrant articles shall be deemed disapproved. However, the election of officers and action on other items on the initial ballot will be effective. If the optional voting procedures are approved, then all other votes on warrant articles shall be deemed the final action of the meeting, provided that if the operating budget warrant article is not approved, the governing body may vote to:

(a) Convene a meeting before September 1 to adopt an operating budget; or

(b) Elect to deem that the meeting has adopted the previous year's operating budget article, not including separate warrant articles.

V. In a town or district using the official ballot referendum (SB 2) form of annual meeting that has held its deliberative session but has not yet held its official ballot voting sessions, the governing body may choose to use the drive up procedures in paragraph III for the official ballot voting session, and paragraphs I and II shall not apply.

8:4 Online Access to Budget Information and Reports; CARES Act Funding. Beginning July 1, 2020, the commissioner of the department of administrative services, or the governor’s office for economic relief and recovery, shall separately report on the state website the disbursement of all CARES Act funds, in a check register format, including the amount of the payment, the date of the payment, the person or entity to whom the payment was made, the title and number of the accounting unit and class code, the title and number of the expense account, and a brief description of said disbursement.

8:5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

Approved: July 10, 2020

Effective Date:

I. Section 1 shall take effect September 8, 2020.

II. Remainder shall take effect July 10, 2020

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