

Bill as Introduced

SB 465-FN-LOCAL - AS INTRODUCED

2010 SESSION

10-2809

04/09

SENATE BILL **465-FN-LOCAL**

AN ACT relative to the transition period for implementing the adequacy aid formula.

SPONSORS: Sen. Kelly, Dist 10; Sen. DeVries, Dist 18; Sen. Hassan, Dist 23; Sen. Fuller Clark,
Dist 24

COMMITTEE: Finance

ANALYSIS

This bill extends the provisions for calculating the distribution of education grants through the 2013 fiscal year and extends the prospective repeal for the calculation of education grants to July 1, 2013.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the transition period for implementing the adequacy aid formula.

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

1 1 School Money; Determination of Grants. Amend RSA 198:41, III to read as follows:

2 III. For the fiscal years beginning July 1, 2009 [~~and~~], **July 1, 2010, July 1, 2011, and July**
3 **1, [2010] 2012**, the department of education shall not:

4 (a) Distribute a total education grant on behalf of all pupils who reside in a municipality
5 that exceeds that municipality's total education grant for the 2009 fiscal year by more than 15
6 percent; or

7 (b) Reduce the total state aid for an adequate education provided on behalf of all pupils
8 who reside in a municipality to an amount less than that municipality's total state aid for an
9 adequate education received in the 2009 fiscal year.

10 2 Excess Education Tax Payment. Amend RSA 198:46, I to read as follows:

11 I. A municipality in which education property tax revenue collected exceeds the amount
12 necessary to fund the cost of an adequate education in a fiscal year, as determined in RSA 198:40-a,
13 shall collect and remit such excess to the department of revenue administration on or before March
14 15 of the tax year in which the excess occurs. For fiscal years 2010 [~~and 2011~~] **through 2013**, the
15 version of RSA 198:41, II effective for the fiscal year ending June 30, 2009 shall be used to determine
16 excess.

17 3 Effective Date of Prospective Repeal. Amend 2008, 173:18 to read as follows:

18 173:18 Effective Date.

19 I. Paragraphs I and II of section 17 of this act shall take effect June 30, 2009.

20 II. Section 8 [~~and paragraph III of section 17~~] of this act shall take effect July 1, 2011.

21 III. **Paragraph III of section 17 of this act shall take effect July 1, 2013.**

22 IV. The remainder of this act shall take effect July 1, 2009.

23 4 Effective Date. This act shall take effect July 1, 2010.

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SB 465-FN-LOCAL - FISCAL NOTE

AN ACT relative to the transition period for implementing the adequacy aid formula.

FISCAL IMPACT:

The Department of Education states this bill will decrease state education trust fund expenditures and local revenue by \$69,242,978 in FY 2012 and FY 2013. There will be no fiscal impact on county and local expenditures or state and county revenue.

METHODOLOGY:

The Department of Education made the following assumptions when calculating the FY 2012 / FY 2013 cost of an opportunity for an adequate education (RSA 198:40-a), fiscal capacity disparity aid (RSA 198:40-c), and municipal grants and excess statewide education property taxes (RSA 198:41 and RSA 198:46):

- Average daily membership (ADM) is calculated based on 2008-2009 school year (FY 2009) end-of-year data provided by each school district. Data are preliminary but provide the best estimate of anticipated finalized data for FY 2009.
- Special education (SPED) status is determined based upon FY 2009 end-of-year and special education submissions to the Initiative for School Empowerment and Excellence (i4see) data system.
- English language learner (ELL) status is determined based upon the fall 2008 data collection. All students receiving services are included.
- Free or reduced-price meal (F&R) eligibility status is determined based upon the fall 2008 data collection. All students receiving free milk, reduced meals, or free meals and in a school on October 1 are included.
- ADM for SPED, ELL, and F&R include all ADM for students identified in any of these categories as students move from school to school.
- FY 2009 school F&R concentrations are based upon student ADM for F&R students, excluding kindergarten students.
- To calculate fiscal capacity disparity aid, the Department utilized 4/1/2008 equalized valuation including utilities as provided by the NH Department of Revenue Administration.

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- To calculate fiscal capacity disparity aid, the Department assumed the 1999 median family income data published by the US Census Bureau will still be the most current town-level data as of November 2010, when the FY 2012 / FY 2013 calculation must be published, although the data may be updated by then.
- To calculate municipal grants and excess statewide education property taxes, the Department assumed the statewide education property tax warrant in FY 2012 and FY 2013 will be identical to the FY 2011 warrant. The 4/1/09 equalized valuation not including utilities, which will be used to calculate the FY 2012 warrant, and the 4/1/10 equalized valuation not including utilities, which will be used to calculate the FY 2013 warrant, are not available at this time. The 4/1/08 equalized valuation not including utilities is the most currently available at this time, and is therefore used to estimate the FY 2012 and FY 2013 warrant. The statewide education property tax is estimated to raise a total of \$363,594,112 in FY 2012 and FY 2013.
- The consumer price index (CPI) adjustment required by RSA 198:40-d will be 2.7% for the FY 2012 / FY 2013 biennium. The adjustment is a three-year average (2007-2009) of the annual change in the Northeast Urban Services Less Medical Care Services CPI. Annual changes were 2.9% for 2007, 3.3% for 2008, and is estimated to be 2.0% for 2009, resulting in an average of 2.7%.

The Department calculated the following changes to the per pupil amounts contained in RSA 198:40-a based on the assumed 2.7% adjustment pursuant to RSA 198:40-d:

	<u>FY 2010/FY2011</u>	<u>FY 2012/FY2013</u>
per pupil cost of providing the opportunity for an adequate education	\$3,450	\$3,543
 per eligible pupil, school concentration < 12%	 \$431	 \$443

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per pupil, school concentration >= 12%, < 24%	\$863	\$886
per pupil, school concentration >= 24%, < 36%	\$1,725	\$1,772
per pupil, school concentration >= 36%, < 48%	\$2,588	\$2,658
per pupil, school concentration >= 48%	\$3,450	\$3,543
per pupil, ELL	\$675	\$693
per pupil, SPED	\$1,856	\$1,906

The Department estimates the cost of an opportunity for an adequate education will be \$942,111,427 for the FY 2012 / FY 2013 biennium, and further estimates fiscal capacity disparity aid will be \$68,397,385 for the FY 2012 / FY 2013 biennium, for total education aid of \$1,010,508,812 in both FY 2012 and FY 2013 under current law. This bill provides that for FY 2012 and FY 2013, no municipality shall receive a total education grant that exceeds the FY 2009 education grant by 15%, and no municipality shall receive less total state aid than it received in FY 2009. This bill also provides that municipalities may retain all statewide education property taxes under certain circumstances in FY 2012 and FY 2013, and the Department assumes all municipalities will retain all statewide education property taxes under this bill. The Department calculated state education grants and retained statewide education property taxes under both current law and this bill to determine the change in state expenditures and local revenue that would occur under this bill in both FY 2012 and FY 2013:

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Estimated State Expenditures / Local Revenue - Current Law

State Property Tax

Retained by Town \$347,863,092

Education Grant \$662,645,720

Total \$1,010,508,812

Estimated State Expenditures / Local Revenue - This Bill

State Property Tax

Retained by Town \$363,594,112

Education Grant \$577,671,722

Total \$941,265,834

Change (\$69,242,978)

Amendments

Finance

Sen. D'Allesandro, Dist. 20
March 17, 2010
2010-1080s
04/10

Amendment to SB 465-FN-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 School Money; Determination of Grants. Amend RSA 198:41, III to read as follows:

4 III. For the fiscal years beginning July 1, 2009 [~~and~~], *July 1, 2010, and July 1, 2011* [~~July~~
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23 III. *Paragraph III of section 17 of this act shall take effect July 1, 2012.*

24 IV. The remainder of this act shall take effect July 1, 2009.

25 4 Committee Established. There is established a committee to study the sustainability of the
26 existing state programs for funding K-12 education, including adequate education grants, fiscal
27 capacity disparity aid, and catastrophic aid.

28 5 Membership and Compensation.

29 I. The members of the committee shall be as follows:

30 (a) Three members of the senate, at least one of whom shall be a member of the
31 education committee, and at least one of whom shall be a member of the finance committee,
32 appointed by the president of the senate.

Amendment to SB 465-FN-LOCAL

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1 (b) Four members of the house of representatives, at least one of whom shall be a
2 member of the education committee, and at least one of whom shall be a member of the education
3 committee, appointed by the speaker of the house of representatives.

4 II. Members of the committee shall receive mileage at the legislative rate when attending to
5 the duties of the committee.

6 6 Duties. The committee shall study the sustainability of the existing state programs for
7 funding K-12 education, including adequate education grants, fiscal capacity disparity aid, and
8 catastrophic aid.

9 7 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
10 among the members. The first meeting of the committee shall be called by the first-named senate
11 member. The first meeting of the committee shall be held within 45 days of the effective date of this
12 section. Four members of the committee shall constitute a quorum.

13 8 Report. The committee shall report its findings and any recommendations for proposed
14 legislation to the president of the senate, the speaker of the house of representatives, the senate
15 clerk, the house clerk, the governor, and the state library on or before December 1, 2010.

16 9 Effective Date.

17 I. Sections 1-3 of this act shall take effect July 1, 2010.

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



2010-1080s

AMENDED ANALYSIS

This bill extends the provisions for calculating the distribution of education grants through the 2012 fiscal year and extends the prospective repeal for the calculation of education grants to July 1, 2012. The bill also establishes a committee to study the sustainability of the existing state programs for funding K-12 education, including adequate education grants, fiscal capacity disparity aid, and catastrophic aid.

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32 appointed by the president of the senate.



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2 member of the education committee, and at least one of whom shall be a member of the education
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2010-1131s

AMENDED ANALYSIS

This bill extends the provisions for calculating the distribution of education grants through the 2012 fiscal year and extends the prospective repeal for the calculation of education grants to July 1, 2012. The bill also establishes a committee to study the sustainability of the existing state programs for funding K-12 education, including adequate education grants, fiscal capacity disparity aid, and catastrophic aid.

Committee Minutes

Finance Committee

Hearing Report

To: Members of the Senate

From: Sonja Caldwell
Legislative Aide

Re: SB465-FN-L – *relative to the transition period for implementing the adequacy aid formula.*

Hearing date: February 4, 2010

Members present: Sen. D'Allesandro, Sen. Janeway, Sen. Hassan, Sen. Sgambati,
Sen. Odell Sen. Gallus

Members absent: Sen. Larsen

Sponsor(s): Sen. Kelly, Dist 10; Sen. DeVries, Dist 18; Sen. Hassan, Dist 23; Sen. Fuller Clark, Dist 24

What the bill does: This bill extends the provisions for calculating the distribution of education grants through the 2013 fiscal year and extends the prospective repeal for the calculation of education grants to July 1, 2013.

Who supports the bill: Sen. Kelly, Pat Remick*, Peter Joseph*, Sen. Bradley*, Sen. DeVries, Lawrence Ballin

Who opposes the bill: Rep. Ken Hawkins

Taking no position: Jeff Meyers* (Governor's Office)

*testimony was given during hearing on SB462

Summary of testimony received:

Senator Kelly

This bill extends provisions of 198:41 for calculating distribution of education grants and extends the prospective repeal to 2013. The difference between this bill and SB462 is we're talking about only a 2 year extension. It's an important difference. Because of the efforts of the House and Senate we passed a constitutional education funding formula and she thinks we need to honor it. We need to address our state's finances and be fiscally responsible. The fiscal note, if we do not extend the period for implementing the formula, is almost \$70 million for 2012 and 2013. Extending the provisions for 2 years

is the responsible and prudent action. By doing it for only 2 years and no longer we address these difficult financial times and honor the formula. Data used to calculate formula continually changes so amounts wont be guaranteed to be the same each year. The data moves and changes and so aid will change from biennium to biennium because things are recalculated.

Senator Odell asked if she is comfortable with the formula or if she sees a reason to open up the formula.

Senator Kelly said we're trying to balance those two things. Whether towns aid went up or down, previous amounts were based on a formula that was unconstitutional.

Senator Odell said this formula hasn't been challenged so it hasn't been found constitutional. He asked if we will be here in two years.

Senator Kelly - said data will change -- she doesn't know how it will effect Derry 4 years from now. Outcomes are going to change up and down. We cant go back and erase and correct everything to make something equitable. We have a fair and equitable formula but because of the extreme financial situation we're in we need to leave the same formula in place 2 more years.

Senator Janeway asked at what point does transition become delay or stalling.

Senator Kelly said that is what were trying to balance. That's why her bill, which is only 2 years, addresses that. She said we're putting a limit on this. There is a will to honor the formula.

Senator Janeway said so its transition to the basic plan, not a transition time to be used to come up with something else.

Senator Kelly said that's correct.

Senator Sgambati said she's concerned that if we're going to stand behind this formula and move it forward that people aren't going to respond until they have to, so Derry might be no more prepared a year from now to cover that loss. She asked Senator Kelly if she has considered making steps in that formula to help people prepare but also send notice to the world that we have a formula in place that we will honor and move toward full implementation.

Senator Kelly said we can have those discussions but her point is data changes. Open to looking at some steps for transition. If we leave the door open then we will be challenged.

Senator Sgambati said she's not talking about changing the formula. Would the numbers swing that widely in a year that the whole set of winners and losers would change.

Senator Kelly said she didn't think so. She said Derry seems to be the most extreme and she doubts that will be cleared up in two years.

Senator Janeway asked if its possible and likely that the towns that are close now could flip from one side of the divide to the other.

Senator Kelly said the other option is to start over and that's not the option.

Senator Odell said the question he is concerned about is the timing - but the governor is saying the formula is unsustainable and that bothers him.

Senator Kelly said that could be true but she's looking at today and the next 2 years.

Senator Odell said but the governor is saying its unsustainable. We need to address it this spring.

Senator Kelly asked why is it unsustainable - because of the formula or the revenue source.

Senator Odell said the formula

Senator Sgambati said she wasn't talking about changing the formula but rather a different way to implement it.

Senator Kelly said extending that transition over a long period of time is her concern.

Lawrence Ballin

New London - Board of Selectmen

Written testimony

Urge you to extend collar.

Ann Edwards - Associate Attorney General

We don't testify on constitutionality of bills

We do have concerns about taking the collar out of the package and considering it on its own.

Senator D'Allesandro asked her thoughts on one bill being for 2 years and one being for 4 years.

Ms. Edwards said she's not sure the time difference makes a difference. There has been no constitutional challenge so we don't know whether the supreme court will find this constitutional. A challenge would come from a community, if one disagrees enough with the extension of the collar and the hold harmless. If they did it would be brought to superior court first.

Senator Gallus asked if a challenge would take 2 years.

Ms. Edwards said it depends but other recent ones did not take 2 years.

Senator Odell said both of these bills would be taking the collar and the hold harmless out separately, so if you were adverse to having a legal challenge you'd want to look at the overall formula.

Ms. Edwards said cost is only one part of an adequate education. Fiscal disparity aid is not part of the cost of an adequate education, its something separate that the legislature added on.

Senator Sgambati asked if a challenge would be to the base formula or disparity.

Ms. Edwards said she would assume both and would argue the base cost is not enough money and so the fiscal disparity is necessary. Challenge would be combining both. The AG's office would have to defend the base cost.

Ms. Edwards added they would argue you have to have trial with factual findings to determine whether base cost is enough to fund adequate education and that would take much longer than 2 years.

Please also see report on SB462 for additional testimony that was given during that hearing and pertains to this bill as well.

Speakers

SENATE FINANCE COMMITTEE

Date 2/4/10

Time 11:00 a.m.

Public Hearing on

SB465-FN-L

(relative to the transition period for implementing the adequacy aid formula.)

Please check box(es) that apply.

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

Ken Hawkins

Bill 18. Pub For

Sen. Betsy Dewies

District 18

Testimony



TOWN OF
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

February 4, 2010

Hon. Lou D'Allesandro, Chair
 Senate Finance Committee
 107 North Main Street, Room 302
 Concord, NH 03301

Re: SB465 relative to the transition period for implementing the adequacy aid formula

Dear Chair D'Allesandro and Honorable Members of the Committee:

Please allow this letter to accompany my testimony in support of SB465 to extend the "collar."

New London's Budget Committee over the last two years has made every effort to keep property taxes low for all of our residents. Last year, we reduced the property tax rate by 5% by deferring most of our long-term capital projects. This year, despite the reduction in revenues from the State and increased retirement payments and other unavoidable benefit increases, New London's local property tax bill will increase only 2%, again by deferring most of our capital needs. We are doing what we can to hold off on expenses until the economy improves, which should be over the next two years. We beg of you to do the same for our taxpayers. Please support this bill to give us time to find a better solution that is truly equitable to all New Hampshire towns.

Many people think of the Town of New London as a rich town because 50% of our property value comes from waterfront property. But don't be fooled - not everyone in New London is rich just because there are high property values. We have numerous elderly people living in senior housing developments who struggle to pay their property tax bill and their sewer and water bills. We have many elderly people who struggle to stay in their homes. High property values are a double-edged sword. To be sure, they allow New London's property tax rate to be low, but high property values also increase New London's share of the county budget, the regional school budget, and the statewide education property tax. In the end our property owners pay just as much, if not more, in their annual tax bill.

For instance, the median property value of improved properties in New London is \$328,000; in 2009 the median property tax bill was just under \$5,000. This means that 50% of our property taxpayers have a bill of at least \$5,000 per year. The median property value in Springfield is about \$190,000 and the median tax bill is \$3400, which means that the property taxpayer in New London in paying 1.5 times the property taxes of their neighbor.

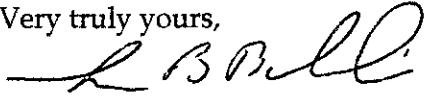
The median property taxpayer in New London is currently paying \$2,700 per year in property tax for state and local education. For Springfield, the median property owner is paying \$2,200 for the same exact education that the New London resident receives. If the collar is not extended,

Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

the tax bill in New London would increase by over \$200, yet the Springfield tax bill would pay only \$8 more. In other words, our median taxpayer would feel the increase *25 times* over that of our neighbor. If the goal is tax bill equity, then clearly we are heading away from that goal.

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "L B Ballin".

Lawrence B. Ballin, Chair
Board of Selectmen

Voting Sheets

Senate Finance Committee EXECUTIVE SESSION

Bill # SB 465

Hearing date: 2-10-04
 Executive session date: _____
 Motion of: DIR/A

Room: State House - Room 100 6-0
 VOTE: Y/N

<u>Made by</u>	D'Allesandro	<input type="checkbox"/>	<u>Seconded</u>	D'Allesandro	<input type="checkbox"/>
<u>Senator:</u>	Janeway	<input type="checkbox"/>	<u>by Senator:</u>	Janeway	<input type="checkbox"/>
	Larsen	<input checked="" type="checkbox"/>		Larsen	<input type="checkbox"/>
	Hassan	<input type="checkbox"/>		Hassan	<input checked="" type="checkbox"/>
	Sgambati	<input type="checkbox"/>		Sgambati	<input type="checkbox"/>
	Odell	<input type="checkbox"/>		Odell	<input type="checkbox"/>
	Gallus	<input type="checkbox"/>		Gallus	<input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>exec</u>	<u>YES</u>	<u>NO</u>	<u>Reported out by</u>
Senator D'Allesandro	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Janeway	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Larsen	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Hassan	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hassan
Senator Sgambati	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Senator Odell	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Senator Gallus	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

*Amendments: 1080 Lars Jan 5-7 - Gallus NO

NOTES:

↓ maintains collar for 1 more year ^{trny} FY11

Establishes study

holds harmless those who would lose

Gives notice

→ Flat fund adequacy

70 million in 2nd year of Next biennium

80 mil ARRA each year

currently spending 940 million yr in current bien

ing ease 140 m over biennium

supplantation w/ Fed ARRA 160M

This bill reduces the 70M increase in first year down to zero.

Flat in F12

up 70 in F13 - which is the 2nd yr of next bienn

the collar? the ball?

allows districts to see intent of this legis
to hold steady

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 18, 2010

THE COMMITTEE ON Finance

to which was referred Senate Bill 465-FN-L

AN ACT relative to the transition period for implementing the
adequacy aid formula.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 6-0

AMENDMENT # 1131s

Senator Margaret Wood Hassan
For the Committee

Sonja Caldwell 271-2117