

Bill as Introduced

HB 650-FN-LOCAL - AS INTRODUCED

2011 SESSION

11-1074

04/09

HOUSE BILL

650-FN-LOCAL

AN ACT

authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

SPONSORS:

Rep. L. Ober, Hills 27; Rep. R. Ober, Hills 27; Rep. C. McGuire, Merr 8

COMMITTEE:

Special Committee on Education Funding Reform

ANALYSIS

This bill authorizes a school district to call a special meeting to address changes in the amount of education funding to be received from the state.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

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

1 1 School Meetings. Amend RSA 197:2 to read as follows:

2 197:2 Special. A special meeting of a school district shall be held whenever, in the opinion of the
3 school board[,] there is occasion therefor, ***or for the purpose of addressing changes in the***
4 ***amount of education funding to be received from the state***, or whenever 50 or more voters, or
5 1/4 of the voters of the district, whichever is less, shall have made written application to the school
6 board therefor, setting forth the subject matter upon which action is desired. No special school
7 district meeting shall be held in conjunction with the biennial election, except when a special school
8 district meeting has been approved by the court and a school district has adopted the official ballot
9 referendum form of meeting pursuant to RSA 40:14.

10 2 New Paragraph; Use of Official Ballot; Special Meetings. Amend RSA 40:13 by inserting after
11 paragraph XVII the following new paragraph:

12 XVIII. A school district may call a special meeting to address changes in the amount of
13 education funding to be received from the state. The meeting shall comply with the provisions of
14 paragraph XVI, except that the meeting shall consist of only one session, which shall be for voting by
15 official ballot on the proposed changes in education funding to be received from the state.

16 3 Effective Date. This act shall take effect 60 days after its passage.

HB 650-FN-LOCAL - AS INTRODUCED
- Page 2 -

LBAO
11-1074
03/01/11

HB 650-FN-LOCAL - FISCAL NOTE

AN ACT authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

LBAO
11-1074
03/01/11

HB 650-FN-LOCAL - FISCAL NOTE

AN ACT authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 650-FN-LOCAL - FINAL VERSION

06/01/11 2227s

2011 SESSION

11-1074

04/09

HOUSE BILL

650-FN-LOCAL

AN ACT

authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

SPONSORS:

Rep. L. Ober, Hills 27; Rep. R. Ober, Hills 27; Rep. C. McGuire, Merr 8

COMMITTEE:

Special Committee on Education Funding Reform

AMENDED ANALYSIS

This bill authorizes a school district to call a special meeting to address changes in the amount of education funding to be received from the state. This authorization is repealed effective July 1, 2012.

.....

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 Eleven

AN ACT authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

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

1 1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education
2 Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in
3 reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to
4 school districts, the governing body of any school district including those that have adopted
5 RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or
6 increase of appropriations made at an annual meeting, subject to the following:

7 I. The governing body of any school district that has adopted the provisions of RSA 40:13
8 may elect to hold and conduct the meeting in accordance with the provisions of this section in a
9 single session for deliberating and voting, and without regard to the provisions of RSA 40:13. A
10 special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant
11 articles shall be inserted in the warrant.

12 II. The governing body's warrant shall specify, in one or more articles, the amounts of
13 appropriations proposed for reduction, rescission, or increase from the operating budget or separate
14 warrant articles, or both, adopted at the annual meeting.

15 III. The governing body shall hold a public hearing on the proposed reductions, rescissions,
16 or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such
17 hearing shall be posted in at least 2 public places within the political subdivision, one of which shall
18 be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

19 IV. The governing body of such school district shall post a notice of the meeting, which shall
20 include the warrant, in at least 2 public places within the political subdivision, one of which shall be
21 on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional
22 notice shall be published in a newspaper of local or regional circulation in the political subdivision,
23 provided that if there is no newspaper of local or regional circulation in which notice can be
24 published at least 7 days before the date of the meeting, public notice shall be posted in at least one
25 additional place within the political subdivision.

26 V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The
27 most recently updated checklist shall be used.

28 VI. The legislative body may approve or disapprove any proposed reduction, rescission, or
29 increase of appropriations, or may approve lesser reductions, but the legislative body shall not

HB 650-FN-LOCAL - FINAL VERSION

- Page 2 -

1 approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act
2 on any other business at the meeting.

3 VII. Except as provided in this section, provisions of the following chapters of the RSAs, as
4 they apply to special meetings of the legislative body of a school district shall not be required for
5 special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654,
6 RSA 669, RSA 670, and RSA 671.

7 2 Repeal. Section 1 of this act, relative to special meetings for school districts, is repealed.

8 3 Effective Date.

9 I. Section 2 of this act shall take effect July 1, 2012.

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

Amendments

Rep. L. Ober, Hills. 27
Rep. R. Ober, Hills. 27
Rep. C. McGuire, Merr. 8
Rep. Foose, Merr. 1
April 11, 2011
2011-1381h
04/10

Amendment to HB 650-FN-LOCAL

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

2

3 1 New Chapter; Reduction, Rescission, or Increase in Appropriations for State Education
4 Funding. Amend RSA by inserting after chapter 197 the following new chapter:

5

CHAPTER 197-A

6

SPECIAL MEETINGS

7

REGARDING APPROPRIATIONS FOR STATE EDUCATION FUNDING

8 197-A:1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State
9 Education Funding. Notwithstanding any other provision of law, in response to statutory changes
10 resulting in reductions or increases in distribution of state revenues for education pursuant to RSA
11 198:41 to school districts, the governing body of any school district including those that have adopted
12 RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or
13 increase of appropriations made at an annual meeting, subject to the following:

14 I. The governing body of any school district that has adopted the provisions of RSA 40:13
15 may elect to hold and conduct the meeting in accordance with the provisions of this section and
16 without regard to the provisions of RSA 40:13. A special meeting under this section shall not be
17 petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

18 II. The governing body's warrant shall specify, in one or more articles, the amounts of
19 appropriations proposed for reduction, rescission, or increase from the operating budget or separate
20 warrant articles, or both, adopted at the annual meeting.

21 III. The governing body shall hold a public hearing on the proposed reductions, rescissions,
22 or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such
23 hearing shall be posted in at least 2 public places within the political subdivision, one of which shall
24 be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

25 IV. The governing body of such school district shall post a notice of the meeting, which shall
26 include the warrant, in at least 2 public places within the political subdivision, one of which shall be
27 on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional
28 notice shall be published in a newspaper of local or regional circulation in the political subdivision,
29 provided that if there is no newspaper of local or regional circulation in which notice can be
30 published at least 7 days before the date of the meeting, public notice shall be posted in at least one

Amendment to HB 650-FN-LOCAL

- Page 2 -



1 additional place within the political subdivision.

2 V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The
3 most recently updated checklist shall be used.

4 VI. The legislative body may approve or disapprove any proposed reduction, rescission, or
5 increase of appropriations, or may approve lesser reductions, but the legislative body shall not
6 approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act
7 on any other business at the meeting.

8 VII. Except as provided in this section, provisions of the following chapters of the RSAs, as
9 they apply to special meetings of the legislative body of a school district shall not be required for
10 special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654,
11 RSA 669, RSA 670, and RSA 671.

12 2 Effective Date. This act shall take effect July 1, 2011.

Senate Education
April 27, 2011
2011-1607s
04/10

Amendment to HB 650-FN-LOCAL

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

1 New Chapter; Reduction, Rescission, or Increase in Appropriations for State Education Funding.
Amend RSA by inserting after chapter 197 the following new chapter:

CHAPTER 197-A
SPECIAL MEETINGS

REGARDING APPROPRIATIONS FOR STATE EDUCATION FUNDING

197-A:1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts, the governing body of any school district including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of any school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

2 Effective Date. This act shall take effect July 1, 2011.

Committee Minutes

**SENATE CALENDAR NOTICE
EDUCATION**

Senator Nancy Stiles Chairman
 Senator James Forsythe V Chairman
 Senator Sharon Carson
 Senator Molly Kelly
 Senator Russell Prescott

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 6, 2011

HEARINGS

Tuesday

4/12/2011

EDUCATION

LOB 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	HB650-FN-L	authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.
1:20 PM	HB290	relative to staffing exceptions for small schools.
1:35 PM	HB386	adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.
1:50 PM	HB528-FN-L	requiring school districts to develop a facility maintenance and capital improvement program.

Sponsors:

HB650-FN-L
Rep. Lynne Ober

Rep. Russell Ober

Rep. Carol McGuire

HB290
Rep. Rick Ladd

Rep. Ralph Boehm

Rep. Lucy Weber

Rep. Joseph Fleck

HB386
Rep. Jeffrey St. Cyr
Sen. Bob Odell
Rep. Laurie Pettengill

Rep. Karen Umberger
Sen. Sylvia Larsen

Rep. Gene Chandler
Sen. Nancy Stiles

Sen. Lou D'Allesandro
Rep. Yvonne Thomas

HB528-FN-L
Rep. Rick Ladd
Rep. Joseph Fleck

Rep. Ralph Boehm

Sen. Lou D'Allesandro

Rep. Shawn Jasper

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Tom Prasol, Legislative Aide

RE: Hearing report on HB 650-FN-L – **authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.**

HEARING DATE: 4/12/2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Forsythe
Senator Kelly
Senator Prescott

MEMBERS OF THE COMMITTEE ABSENT: Senator Stiles
Senator Carson

Sponsor(s): Rep. L. Ober, Hills 27; Rep. R. Ober, Hills 27; Rep. C. McGuire, Merr 8

What the bill does: This bill authorizes a school district to call a special meeting to address changes in the amount of education funding to be received from the state.

Who supports the bill: Representative Lynne Ober, Hills. 27
Dean Michener, NHSBA (supports with amendment)

Who opposes the bill: no one

Summary of testimony received:

Senator Forsythe opened the hearing at 1:01pm and recognized Representative Ober as the prime sponsor.

Representative Ober

Rep. Ober introduced the legislation and also proposed an amendment. She stated that this legislation was a last minute submission in the house. She was able to meet with Senators Stiles and Rausch while they were working on the Education Funding legislation. Rep. Ober then pointed to the house

version, HB337, and stated the Governor is planning on keeping the collar on Ed. Funding.

Rep. Ober directed the committee to lines 9-11 of the amendment which allows a school district receiving more or less money from the state to follow the process by which they may call a special meeting of the legislative body to consider a "reduction, rescission, or increase of appropriations made at an annual meeting." She also noted that if a school district wants a special session the must prove that they have an emergency, and receiving less money is not considered an emergency.

She then stated that the town of Litchfield will receive \$2.114 million if any proposal before the legislature passes. This is a significant amount of money and they have been forced to ask taxpayers to spend more. HB650-FN-L will provide them with the ability to spend revenue if they end up receiving more money. Rep. Ober then pointed to line 16 which states that this money deals with adequate education funding only.

HB2 does much of what HB650-FN-L does, only more broadly. It states that if a school district "thinks" they will receive less money they can hold a special session, rather than "statutory". She also stated that the amendment was brought forward because the original bill did not contain language in regards to warrant articles.

Senator Kelly noted that the amendment looks much different from the original bill. Rep. Ober stated that this is because there was a crunch to get this legislation out of OLS and they knew it would need an amendment but wanted the House to be on record with their opinion. It essentially states that if adequate funding changes, a town may take action.

Senator Forsythe asked if the senate should pass this to stake a position or amend HB2. Rep. Ober proclaimed that if this legislation passes, the language in HB2 can be stricken.

Rep. Boehm

Rep. Boehm stated that this legislation resulted partly because Litchfield would lose \$2 million and were forced to cut positions. However, if this legislation passes they can hold a special session and reinsert those positions if they receive more money.

Senator Forsythe asked if they change the statute for the following years, this would affect the change in formula. Rep. Boehm responded affirmatively.

Dean Michener, NHSBA

Mr. Michener stated his support for this legislation with the amendment. When HB650-FN-L was introduced it did not meet the needs they felt were trying to be accomplished. He sees the amendment as meeting the intended purpose of the legislation.

Senator Forsythe asked if he has seen the language in HB2. Mr. Michener stated that he has and is supporting it. While HB refers to anticipated changes, this legislation refers to statutory changes.

Senator Forsythe closed the hearing at 1:16pm.

Funding: See fiscal note.

TRP

{file: HB650-FN-L report}

Date: 4/13/2011

Speakers

Senate Education Committee: Sign-In Sheet

Date: 4/12/2011

Time: 1:00pm

Public Hearing on HB650-FN-L

HB650-FN-L

authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

Name	Representing	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Dean Michener	NH School/Bds Assn	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 26, 2011

THE COMMITTEE ON Education

to which was referred House Bill 650-FN-L

AN ACT authorizing a school district to call a special meeting in
the event of changes in the amount of state education
funding.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1607s

Senator Molly Kelly
For the Committee

Tom Prasol 271-3093

New Hampshire General Court - Bill Status System

Docket of HB650

Docket Abbreviations

Bill Title: authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

Official Docket of HB650:

Date	Body	Description
2/23/2011	H	Late Drafting and Introduction Approved by House Feb 15, 2011: MA VV; HJ 21 , PG.520
2/23/2011	H	Introduced and Referred to Special Committee on Education Funding Reform; HJ 21 , PG.520
3/2/2011	H	Public Hearing: 3/4/2011 9:15 AM LOB 207
3/2/2011	H	==CANCELLED== Executive Session: 3/4/2011 10:00 AM LOB 207
3/4/2011	H	Continued Public Hearing: 3/9/2011 10:00 AM LOB 203 ==Executive session to follow==
3/9/2011	H	Committee Report: Ought to Pass for Mar 15 (Vote 14-0; CC); HC 22 , PG.541
3/15/2011	H	Ought to Pass: MA VV; HJ 26 , PG.739
3/23/2011	S	Introduced and Referred to Education; SJ 11 , Pg.194
4/6/2011	S	Hearing: 4/12/11, Room 103, LOB, 1:00 p.m.; SC19
4/28/2011	S	Committee Report: Ought to Pass with Amendment #2011-1607s, 5/4/11; SC22
5/4/2011	S	Committee Amendment 1607s, Not Voted On; SJ 15
5/4/2011	S	Sen. Kelly Moved Laid on Table, MA, VV; SJ 15 , Pg.300
6/1/2011	S	Sen. Stiles Moved Remove From Table, MA, VV; SJ 19
6/1/2011	S	Committee Amendment 1607s, AF, VV; SJ 19
6/1/2011	S	Sen. Stiles Floor Amendment #2011-2227s, AA, VV; SJ 19
6/1/2011	S	Ought to Pass with Amendment 2227s, MA, VV; OT3rdg; SJ 19
6/1/2011	S	Passed by Third Reading Resolution; SJ 19
6/8/2011	H	House Concurs with Senate AM 2227s (Rep L.Ober): MA VV

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB650-PH-X

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- (2) SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1381h _____ - AMENDMENT # _____
 - AMENDMENT # 1607s _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

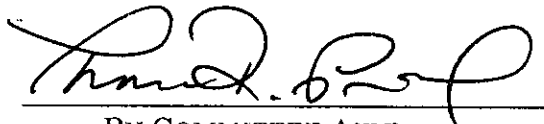
AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/22/2011



BY COMMITTEE AIDE