

Bill as Introduced

HB 115 - AS INTRODUCED

2013 SESSION

13-0068
04/03

HOUSE BILL

115

AN ACT relative to the procedure for filling a vacancy on a cooperative school district budget committee.

SPONSORS: Rep. J. Belanger, Hills 27; Rep. Flanagan, Hills 26; Rep. Gargas, Hills 27; Sen. Bragdon, Dist 11; Sen. Gilmour, Dist 12

COMMITTEE: Municipal and County Government

ANALYSIS

This bill modifies the procedure for filling a vacancy on a cooperative school district budget committee.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the procedure for filling a vacancy on a cooperative school district budget committee.

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

1 School District Elections; Vacancies. Amend RSA 671:33, IV to read as follows:

2 IV. ~~Vacancies occurring on the budget committee of a cooperative school district shall be~~
3 ~~filled by appointment made within 5 days by the budget committee, or by the chairperson of the~~
4 ~~cooperative school board if the vacancy is that of a member appointed from the school board] *In a*~~
5 *cooperative school district, the remaining budget committee members representing the*
6 *same town or towns as the departed member shall fill a vacancy on the budget committee,*
7 *provided that there are at least 2 such members. If there are less than 2 remaining*
8 *members on the budget committee representing the same town or towns as the departed*
9 *member, or if the remaining members are unable, by majority vote, to agree upon an*
10 *appointment, the selectmen of the town or towns involved shall fill the vacancy by majority*
11 *vote in convention. If the selectmen are unable to fill the vacancy then the cooperative*
12 *school district moderator shall make the appointment. A member appointed to fill a*
13 *vacancy under this subparagraph shall serve until the next district election when the*
14 *voters of the district shall elect a replacement for the unexpired term.*

15 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB115

BILL TITLE: relative to the procedure for filling a vacancy on a cooperative school district budget committee.

DATE: January 16, 2013

LOB ROOM: 301 **Time Public Hearing Called to Order:** 11:00 am

Time Adjourned: 11:30 am

(please circle if present)

Committee Members: Reps. Porter, Tatro, Hooper, Roberts, Malloy, Carson, Lavender, Enman, S. White, Verschueren, Vail, Stroud, Shackett, Danielson, Coffey, J. Belanger, Lockwood, Bickford, Copeland and Bishop.

Bill Sponsors: Rep. J. Belanger, Hills 27; Rep. Fanagan, Hills 26; Rep. Gargas, Hills 27; Sen. Bragdon, Dist 11; Sen. Gilmour, Dist 12

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Jim Belanger-** Sponsor – This bill corrects an oversight. The problem with present law is the “five day” time. Also order of appointment is troublesome. School board, board of selectmen, moderator is order of appointment. This order doesn’t jive with other committee regulations. This bill would have different committees done the same way. This bill duplicates the wording for the school board members.

Sen. Peggy Gilmour – Maybe a concern with removing the 5 day time limit.

Rep. Jack Flanagan- Budget committee controls the budget. Right now the school board has too much power over the budget committee. The time issue needs to be considered. Otherwise this bill is a good solution.

Belanger – The time was eliminated because no one could figure out when you started counting the 5 days. The bill doesn’t give other bodies any time limit. School board shouldn’t be part of the replacement because they already have a person from the board on the budget committee.

Flanagan – There could be a time when you don’t want to fill the position. For instance, if the vacancy occurs shortly before the school meeting.

Respectfully submitted


Rep. Priscilla Lockwood, Acting Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB115

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DATE: 1/16/13

LOB ROOM: 301

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Time Adjourned: 11:30 am

(please circle if present)

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Bill Sponsors: Rep. J. Belanger, Hills 27; Rep. Fanagan, Hills 26; Rep. Gargas, Hills 27; Sen. Bragdon, Dist 11; Sen. Gilmour, Dist 12

TESTIMONY

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Rep. Belanger -
This bill corrects an oversight. The problem
current present law is the "five day" time. Also
order of app. r. is troublesome. Sch. Bd, Bd of
Education, moderator is order of app. r. This order
doesn't jibe with other ~~app~~ committee regulation.
This bill would have different committees
done the same way. This bill duplicates
the wording for the school board members.

Rep. Sen. Gilmour -
Maybe a concern with removing the
5 day time limit.

Rep. Fanagan -

Budget committee controls the budget.
Right now the school board has too much
power over the budget committee. The time issue
- over

needs to be considered. Otherwise this bill is a good solution.

Rep Belanger -

The time was eliminated because no one could figure out when you started counting the 5 days. The bill doesn't give other bodies any time limit. School board shouldn't be part of the replacement because they already have a person from the board on the budget committee.

Rep Flanagan

There could be a time when you don't want to fill the position. For instance, if the vacancy occurs shortly before the school meeting.

Testimony

TITLE LXIII ELECTIONS

CHAPTER 671 SCHOOL DISTRICT ELECTIONS

Post-Election Procedure

Section 671:33

671:33 Vacancies. –

I. Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term.

II. (a) The school board shall fill vacancies occurring on the school board, except as provided in subparagraph (b), and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire membership of the school board, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention.

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

III. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator.

IV. Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the budget committee, or by the chairperson of the cooperative school board if the vacancy is that of a member appointed from the school board.

Source. 1979, 321:1. 1997, 176:9. 2005, 49:1, eff. July 22, 2005. 2012, 239:1, eff. Aug. 17, 2012.

Vacancy

Why five days and what constitutes "notice".

661:2 Determination of Vacancy. – The officer having the authority to make an appointment or arrange for an election to fill a vacancy in a public office shall determine whether a vacancy exists in that office; provided that the secretary of state shall determine whether a vacancy exists under the election laws among officers-elect.

652:18 Days Included and Excluded. –

I. Except where specifically stated to the contrary, when a period or limit of time is to be reckoned from a day or date, that day or date shall be excluded from and the day on which an act should occur shall be included in the computation of the period or limit of time.

II. Whenever the election laws refer to a period or limit of time, Saturdays, Sundays, and holidays shall be included, except as provided in paragraph I. However, when the last day for performing any act under the election laws is a Saturday, Sunday or official state holiday, the act required shall be deemed to be duly performed if it is performed on the following business day.

669:71 Municipal Budget Committee. – Vacancies on the municipal budget committee shall be filled in accordance with RSA 32:15, VII.

671:33 Vacancies. – Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term. The school board shall fill vacancies occurring on the school board and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire membership of the school board, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator. Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the budget committee, or by the chairperson of the cooperative school board if the vacancy is that of a member appointed from the school board.

32:15 Budget Committee Membership. –

I. The budget committee shall consist of:

(a) Three to 12 members-at-large, who may be either elected or appointed by the moderator, as the town or district adopting the provisions of this subdivision shall by vote determine, who shall serve staggered terms of 3 years; and

(b) One member of the governing body of the municipality and, if the municipality is a town, one member of the school board of each school district wholly within the town and one member of each village district wholly within the town, all of whom shall be appointed by their respective boards to serve for a term of one year and until their successors are qualified. Each such member may be represented by an alternate member designated by the respective board, who shall, when sitting, have the same authority as the regular member.

II. If the meeting decides that members-at-large are to be appointed, the staggering of terms shall begin that same year, with 1/3 of such members chosen to hold office for one year, 1/3 for 2 years, and 1/3 for 3 years, and each year thereafter 1/3 shall be chosen for terms of 3 years and until their successors are appointed and qualified. If the number of members-at-large is not divisible by 3, the division shall be as even as possible over the 3 years. All such appointments shall be made within 30 days after the annual meeting.

III. If the meeting decides members-at-large are to be elected, the meeting shall either elect the initial members for one-year terms by means other than by official ballot, or shall authorize the moderator to appoint members to serve until the next annual meeting, as provided in RSA 669:17. Elections for staggered terms, as described in paragraph II, shall not begin until that next annual meeting, and shall be by official ballot if the municipality has adopted the official ballot system, as set forth in RSA 669.

IV. A town or district which has adopted this subdivision may vote at any subsequent annual meeting to change the number or manner of selection of its members-at-large. No such change shall take effect until the annual meeting following the meeting at which the change was adopted.

V. No selectman, town manager, member of the school board, village district commissioner, full-time employee, or part-time department head of the town, school district or village district or other associated agency shall serve as a member-at-large. Every member-at-large shall be domiciled in the town or district adopting this subdivision and shall cease to hold office immediately upon ceasing to be so domiciled.

VI. One of the members-at-large shall be elected by the budget committee as chair. The committee may elect other officers as it sees fit. A member-at-large shall cease to hold office immediately upon missing 4 consecutive scheduled or announced meetings of which that member received reasonable notice, without being excused by the chair.

VII. In municipalities where members-at-large are appointed, the chair shall notify the moderator immediately upon the occurrence of any vacancy in the membership-at-large, and the vacancy shall be filled by appointment by

the moderator within 5 days of such notification, otherwise by the budget committee. In municipalities where members-at-large are elected, vacancies shall be filled by appointment by the budget committee. Persons appointed to fill vacancies shall serve until the next annual meeting at which time a successor shall be elected or appointed to either fill the unexpired term or start a new term, as the case may be.
Source. 1993, 332:1, eff. Aug. 28, 1993. 1998, 141:1, 2, eff. Aug. 7, 1998.

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB115

BILL TITLE: relative to the procedure for filling a vacancy on a cooperative school district budget committee.

DATE: January 22, 2013

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Lavender

Seconded by Rep. Lockwood

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes No (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James Belanger, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB115

BILL TITLE: relative to the procedure for filling a vacancy on a cooperative school district budget committee.

DATE:

LOB ROOM: 301

Amendments:

Sponsor: Rep. ~~LAVENDER~~ OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. LAVENDER

Seconded by Rep. LOCKWOOD

Vote: (Please attach record of roll call vote.)

16-0

BLURB
BELANGER

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes No (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James Belanger, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/7/2013 3:58:12 PM
Roll Call Committee Registers
Report

2013 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 115 Title: RELATIVE TO THE PROCEDURE FOR FILLING A VACANCY ON A COOPERATIVE SCHOOL DISTRICT BUDGET COMMITTEE
PH Date: 16 JAN 2013 Exec Session Date: 22 JAN 2013
Motion: OTP Amendment #: _____

| MEMBER | YEAS | NAYS |
|------------------------------|------|------|
| Porter, Marjorie A, Chairman | ✓ | |
| Tatro, Bruce L, V Chairman | ✓ | |
| Roberts, Kris E | | |
| Hooper, Dorothea D | ✓ | |
| Carson, Clyde J | ✓ | |
| Enman, Larry S | | |
| Lavender, Tom | ✓ | |
| Malloy, Dennis J | ✓ | |
| Vail, Suzanne M | ✓ | |
| Verschueren, James | | |
| White, Syndi G | ✓ | |
| Stroud, Kathleen M | ✓ | |
| Lockwood, Priscilla P | ✓ | |
| Belanger, James P, Clerk | ✓ | |
| Coffey, James E | ✓ | |
| Copeland, Timothy D | ✓ | |
| Shackett, Jeffrey S | ✓ | |
| Bishop, Franklin C | | |
| Bickford, David A | ✓ | |
| Danielson, David J | ✓ | |
| TOTAL VOTE: | | |

16 0

Committee Report

CONSENT CALENDAR

January 23, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on MUNICIPAL AND COUNTY
GOVERNMENT to which was referred HB115,**

**AN ACT relative to the procedure for filling a vacancy
on a cooperative school district budget committee.**

**Having considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. James P Belanger

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | MUNICIPAL AND COUNTY GOVERNMENT |
| Bill Number: | HB115 |
| Title: | relative to the procedure for filling a vacancy on a cooperative school district budget committee. |
| Date: | January 23, 2013 |
| Consent Calendar: | YES |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

This bill makes changes to the statute concerning the filling of a vacancy on a cooperative school district budget committee, and brings it into alignment with changes made last term to other sections of the statute concerning vacancies on cooperative school boards. Current statute requires a vacancy to be filled within five days, but does not say when the five day count should begin, this bill addresses that issue. It also makes clear which town officials are responsible for making the appointment to fill the vacancy.

Vote 16-0.

Rep. James P Belanger
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB115, relative to the procedure for filling a vacancy on a cooperative school district budget committee. **OUGHT TO PASS.**

Rep. James P Belanger for MUNICIPAL AND COUNTY GOVERNMENT. This bill makes changes to the statute concerning the filling of a vacancy on a cooperative school district budget committee, and brings it into alignment with changes made last term to other sections of the statute concerning vacancies on cooperative school boards. Current statute requires a vacancy to be filled within five days, but does not say when the five day count should begin, this bill addresses that issue. It also makes clear which town officials are responsible for making the appointment to fill the vacancy.

Vote 16-0.

COMMITTEE REPORT

COMMITTEE: M & CG

BILL NUMBER: HB 115

TITLE: RELATIVE ^{TO} ~~FOR~~ THE PROCEDURE FOR FILLING A
VACANCY ON A COOPERATIVE SCHOOL DISTRICT
BUDGET COMMITTEE

DATE: 22 JAN 2013 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

THE CURRENT STATUTE SPEAKS OF 5 DAYS FOR A TIME FRAME
WITH NO EXPLANATION OF WHEN TO START COUNTING. ^{LAST} ~~AND~~ YEAR
WE CLARIFIED WORDING TO DESCRIBE FILLING A VACANCY ON A
COOPERATIVE SCHOOL DISTRICT SCHOOL BOARD MEMBER WHICH
MIRRORED THE CURRENT LANGUAGE FOR BUDGET COMMITTEE
MEMBER AND SHOULD HAVE ALSO CHANGED THE NEXT PARAGRAPH
DEALING WITH A BUDGET COMMITTEE MEMBER WHICH THIS BILL
CORRECTS, ^{FILLING} ~~REPLACING~~ A VACANCY OF A MEMBER OF THE
BUDGET COMMITTEE FROM THE SCHOOL BOARD REMAINS UNDER
THE AUTHORITY OF THE SCHOOL BOARD CHAIR UNDER AN
EXISTING RSA.

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Jim Belanger
For the Committee

HB 115

This bill makes changes to the statute concerning the filling of a vacancy on a cooperative school district budget committee, and brings it into alignment with changes made last term to other sections of the statute concerning vacancies on cooperative school boards. Current statute requires a vacancy to be filled within five days, but does not say when the five day count should begin, this bill addresses that issue. It also makes clear which town officials are responsible for making the appointment to fill the vacancy.