

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 115 – AS AMENDED BY THE SENATE

03/28/13 1075s

2013 SESSION

13-0068

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

CHAPTER 114
HB 115 - FINAL VERSION

03/28/13 1075s

2013 SESSION

13-0068
04/03

HOUSE BILL **115**

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HB 115 – FINAL VERSION

03/28/13 1075s

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16 *voters of the district shall elect a replacement for the unexpired term.*

17 114:2 Effective Date. This act shall take effect 60 days after its passage.

18

19 Approved: June 25, 2013

20 Effective Date: August 24, 2013

Amendments

Amendment to HB 115

1 Amend the bill by replacing section 1 with the following:

2

3 1 School District Elections; Vacancies. Amend RSA 671:33, IV to read as follows:

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Committee Minutes

SENATE CALENDAR NOTICE PUBLIC AND MUNICIPAL AFFAIRS

ATTENDANCE

- Senator David Boutin Chairman
- Senator Jeanie Forrester V Chairman
- Senator Bette Lasky
- Senator David Pierce
- Senator Nancy Stiles

28

START: 9:05 Am
STOP: 9:33 Am

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: March 12, 2013

HEARINGS

Wednesday

3/20/2013

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM HB115 relative to the procedure for filling a vacancy on a cooperative school district budget committee.
- 9:15 AM HB126-L relative to use of revolving funds by towns for maintaining recycling programs.
- 9:30 AM HB138 (New Title) permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.
- 10:00 AM HB198 relative to town boundary perambulation.
- 10:20 AM HB134 relative to contingency funds in towns.

Sponsors:

HB115

Rep. James Belanger
Sen. Peggy Gilmour

Sen. Peter Bragdon

Rep. Jack Flanagan

Rep. Carolyn Gargas

HB126-L

Rep. Gary Daniels

HB138

Rep. Robert Cushing
Rep. J. Tracy Emerick

Rep. Chris Muns
Sen. Nancy Stiles

Rep. E. Elaine Andrews-Ahearn

Rep. Frederick Rice

HB198

Rep. Kenneth Weyler

Rep. Karen Umberger

Sen. Sam Cataldo

Sen. John Reagan

HB134

Rep. James Belanger

Rep. Carolyn Gargas

Debra Martone 271-3092

Sen. David Boutin

Chairman

PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

Hearing Report

Deb Martone, Legislative Aide

HB 115 -- *An Act relative to the procedure for filling a vacancy on a cooperative school district budget committee.*

Hearing Date: March 20, 2013

Time Opened: 9:05 am

Time Closed: 9:33 am

Members of the Committee Present: Senators Boutin, Forrester, Stiles, Lasky and Pierce.

Bill Analysis: Modifies the procedure for filling a vacancy on a cooperative school district budget committee.

Sponsors: Representatives Belanger, Flanagan and Gargas; Senators Bragdon and Gilmour.

Who supports the bill: Senators Bragdon and Gilmour.

Who opposes the bill: Dean Michener, NH School Boards Association.

Summary of testimony presented in support:

Representative Belanger:

- HB 115 is similar to SB 328, which was entertained during the 2012 legislative session. It dealt with an issue surrounding the replacement of a school board member on a cooperative school board and the timeframe in which to fill a vacancy. The exact same issue exists with filling a vacancy on the cooperative school district budget committee.
- This bill mirrors the language enacted last year in RSA 671:33 to rectify the problem.
- Representative Belanger presented Amendment #2013-1046h, which addresses concerns brought up by the NH School Boards Association during the House hearing on this bill.

Summary of testimony presented in opposition:

Dean Michener, NH School Boards Association:

- RSA 195:12-a dictates that the cooperative school board name its representative to the budget committee. RSA 671:33 II, amended last year for SB 328, specifically addresses school board vacancies. HB 115 uses the model for the cooperative school boards that was created last year, and it addresses all the member town representatives on the budget committee. But it is silent if the vacancy is that for the school board member who sits as the representative on the budget committee.
- The association's issue is simply making it clear that in filling the vacancy the school board retains that authority. Amended language

should state if the vacancy is that of a member appointed from the school board, such vacancy shall be filled by the cooperative school board.

- Mr. Michener remarked he thought the committee would continue to see this issue as several school districts have experienced problems filling their school board vacancies. Discussions are ongoing to introduce further legislation next session.
- These bills have somewhat fostered preserving the issue of the town identity rather than keeping a cooperative school district identity. It's at the town level where we tax; that's our taxing authority. This all boils down to budgetary issues, i.e., passing a budget and what your tax rate is. In cooperative districts we have towns with different tax rates supporting the same product—the education of children.

Action: The committee voted unanimously to pass HB 115 with Representative Belanger's amendment.

dam

Date hearing report completed: March 21, 2013

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: March 21, 2013

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 115

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

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1075s

CONSENT CALENDAR VOTE: 5-0

Senator Nancy Stiles for the Committee

This bill modifies the procedure for filling a vacancy on a cooperative school district budget committee and clarifies who has appointing authority. HB 115 mirrors other statutes for filling vacancies in municipal subdivisions. It provides the cooperative school district with the flexibility necessary in filling the vacancy in a timely manner.

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB115

Docket Abbreviations

Bill Title: relative to the procedure for filling a vacancy on a cooperative school district budget committee.*Official Docket of HB115:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Municipal and County Government; HJ 12 , PG.183
1/9/2013	H	Public Hearing: 1/16/2013 11:00 AM LOB 301
1/16/2013	H	Executive Session: 1/22/2013 1:00 PM LOB 301
1/23/2013	H	Committee Report: Ought to Pass for Jan 30 (Vote 16-0; CC); HC 10 , PG.129
1/30/2013	H	Ought to Pass: MA VV; HJ 14 , PG.239
2/14/2013	S	Introduced and Referred to Public & Municipal Affairs
3/13/2013	S	Hearing: 3/20/13, Room 102, LOB, 9:00 a.m.; SC12
3/21/2013	S	Committee Report: Ought to Pass with Amendment #2013-1075s , 3/28/13; Vote 5-0; CC; SC13
3/28/2013	S	Committee Amendment 1075s, AA, VV;
3/28/2013	S	Ought to Pass with Amendment 1075s, MA, VV;
5/22/2013	H	House Concurs with Senate AM #1075s (Rep Porter): MA VV; HJ43 , PG.1464
5/30/2013	S	Enrolled
5/30/2013	H	Enrolled, Recess of 5/29/13; HJ45 , PG.1527
6/27/2013	H	Signed By Governor 06/25/2013; Effective 08/24/2013; Chapter 0114

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 115 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
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1046h - AMENDMENT # 10755
 - AMENDMENT # _____ - 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): _____

DATE DELIVERED TO SENATE CLERK

07/25/13

Debra A. Mantone
BY COMMITTEE AIDE