# Bill as Introduced

#### HB 269-LOCAL - AS INTRODUCED

#### 2013 SESSION

13-0216 04/10

HOUSE BILL 269-LOCAL

AN ACT authorizing a city or town to conduct a special meeting necessitated by changes in

adequate education funding.

SPONSORS: Rep. Boehm, Hills 20; Rep. L. Ober, Hills 37

COMMITTEE: Education

#### **ANALYSIS**

This bill authorizes a city or town to conduct a special meeting necessitated by changes in adequate education funding.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT

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authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding.

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

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

197:2 Special *Meeting*. A special meeting of a school district shall be held whenever, in the opinion of the school board *after consultation with the budget committee*, *if any*, there is occasion therefor, or whenever 50 or more voters, or 1/4 of the voters of the district, whichever is less, shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired. No special school district meeting shall be held in conjunction with the biennial election, except when a special school district meeting has been approved by the court and a school district has adopted the official ballot referendum form of meeting pursuant to RSA 40:14.

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

XVIII. 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 a school district which uses the official ballot for voting may, after consultation with the budget committee, call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. A special meeting under this paragraph shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant. 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. 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. The meeting shall be conducted in accordance with the provisions of this chapter. The most recently updated checklist shall be used. The legislative body, after consultation with the budget committee, 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.

## HB 269-LOCAL - AS INTRODUCED - Page 2 -

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. The 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 paragraph: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

3 New Section; Cities and Wards; Special Meeting. Amend RSA 44 by inserting after section 10-a the following new section:

44:10-b Special Meeting. 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 a city may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions. The governing body shall provide notice and hold a public hearing on the proposed reductions, rescissions, or increase in accordance with local practices and procedures for notice of public hearings.

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

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#### HB 269-LOCAL – AS AMENDED BY THE HOUSE

6Mar2013... 0359h

#### 2013 SESSION

13-0216 04/10

HOUSE BILL

269-LOCAL

AN ACT

authorizing a city or town to conduct a special meeting necessitated by changes in

adequate education funding.

SPONSORS:

Rep. Boehm, Hills 20; Rep. L. Ober, Hills 37

COMMITTEE:

Education

#### AMENDED ANALYSIS

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6Mar2013... 0359h

13-0216 04/10

#### STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT

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

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

197:2 Special *Meeting*. A special meeting of a school district shall be held whenever, in the opinion of the school board *after consultation with the budget committee*, *if any*, there is occasion therefor, or whenever 50 or more voters, or 1/4 of the voters of the district, whichever is less, shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired. No special school district meeting shall be held in conjunction with the biennial election, except when a special school district meeting has been approved by the court and a school district has adopted the official ballot referendum form of meeting pursuant to RSA 40:14.

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

XVIII. 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 which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a school district which uses the official ballot for voting may, after consultation with the budget committee, call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. A special meeting under this paragraph shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant. 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. 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. The meeting shall be conducted in accordance with the provisions of this chapter. The most recently updated checklist shall be used. The legislative body, after consultation with the budget committee, may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may

### HB 269-LOCAL - AS AMENDED BY THE HOUSE - Page 2 -

1 approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or 2 rescind an appropriation not specified in the warrant, or act on any other business at the meeting. 3 The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at 4 least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be 5 posted in at least 2 public places within the political subdivision, one of which shall be on the 6 political subdivision's website, if such exists, at least 7 days prior to the hearing. The provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a 7 8 school district shall not be required for special meetings held pursuant to this paragraph: RSA 32. RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671. 9

3 New Section; Cities and Wards; Special Meeting. Amend RSA 44 by inserting after section 10a the following new section:

44:10-b Special Meeting. 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 which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a city may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions. The governing body shall provide notice and hold a public hearing on the proposed reductions, rescissions, or increase in accordance with local practices and procedures for notice of public hearings.

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

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#### CHAPTER 197 HB 269-LOCAL – FINAL VERSION

6Mar2013... 0359h 05/23/13 1619s

#### 2013 SESSION

13-0216 04/10

HOUSE BILL

269-LOCAL

AN ACT

authorizing a school district to conduct a special meeting necessitated by changes

in adequate education funding.

SPONSORS:

Rep. Boehm, Hills 20; Rep. L. Ober, Hills 37

COMMITTEE:

Education

#### AMENDED ANALYSIS

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#### CHAPTER 197 HB 269-LOCAL – FINAL VERSION

6Mar2013... 0359h 05/23/13 1619s

> 13-0216 04/10

#### STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT

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authorizing a school district to conduct a special meeting necessitated by changes in adequate education funding.

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

- 1 197:1 New Section; Special School District Meetings; Education Funding. Amend RSA 197 by 2 inserting after section 3 the following new section:
  - 197:3-a Special Meeting for Change in Education Funding. 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 which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a school district may, after consultation with the budget committee, 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 a school district that has adopted the official ballot referendum form of meeting under RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section in a single session for deliberating and voting, and without regard to the provisions of RSA 40:13.
  - II. A special meeting under this section shall not be petitioned under RSA 197:2, and no petitioned warrant articles shall be inserted in the warrant.
  - III. 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.
  - IV. 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 school district, one of which shall be on the school district's website, if such exists, at least 7 days prior to the hearing.
  - V. 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 school district, one of which shall be on the school district'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 school district, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days

# CHAPTER 197 HB 269-LOCAL – FINAL VERSION - Page 2 -

before the date of the meeting, public notice shall be posted in at least one additional place within 1 2 the school district. 3 VI. The meeting shall be conducted in accordance with the provisions of this section. The 4 most recently updated checklist shall be used. VII. The legislative body may approve or disapprove any proposed reduction, rescission, or 5 increase of appropriations, or may approve lesser reductions. The legislative body shall not approve 6 greater reductions than what is in the warrant, or reduce or rescind an appropriation not specified in 7 the warrant, or act on any other business at the meeting. 8 9 VIII. Except as provided in this section, the provisions of the following chapters, as they 10 apply to special meetings of the legislative body of a school district, shall not be required for special meetings held pursuant to this paragraph: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, 11 12 RSA 670, and RSA 671. 197:2 Effective Date. This act shall take effect 60 days after its passage. 13 14 15 Approved: July 9, 2013 Effective Date: September 7, 2013

# Amendments

Rep. Boehm, Hills. 20 May 1, 2013 2013-1487h 04/01

#### Amendment to HB 269-LOCAL

Amend the bill by replacing section 2 with the following:

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

XVIII. 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 which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a school district which uses the official ballot for voting may, after consultation with the budget committee, call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. A special meeting under this paragraph shall not be petitioned under RSA 197:2 and no petitioned warrant articles shall be inserted in the warrant. 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. 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. The meeting shall be conducted in accordance with the provisions of this chapter. The most recently updated checklist shall be used. The legislative body, after consultation with the budget committee, 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. 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. The 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 paragraph:

# Amendment to HB 269-LOCAL - Page 2 -

RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

Rep. Boehm, Hills. 20 May 6, 2013 2013-1547h 04/10

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#### Amendment to HB 269-LOCAL

1	Amend the title of the bill by replacing it with the following:
2	
3	AN ACT authorizing a school district to conduct a special meeting necessitated by changes
4 5	in adequate education funding.
6	Amend the bill by replacing all after the enacting clause with the following:
7	riment the bill by replacing an after the enacting clause with the following.
8	1 New Section; Special School District Meetings; Education Funding. Amend RSA 197 by
9	inserting after section 3 the following new section:
10	197:3-a Special Meeting for Change in Education Funding. In response to statutory changes
11	resulting in reductions or increases in distribution of state revenues for education pursuant to
12	RSA 198:41 to school districts which would take effect after the adoption of a new school district
13	budget and would apply in the fiscal year covered by the new budget, the governing body of a school
14	district may, after consultation with the budget committee, call a special meeting of the legislative
15	body to consider a reduction, rescission, or increase of appropriations made at an annual meeting,
16	subject to the following:
17	I. The governing body of a school district that has adopted the official ballot referendum
18	form of meeting under RSA 40:13 may elect to hold and conduct the meeting in accordance with the
19	provisions of this section in a single session for deliberating and voting, and without regard to the
20	provisions of RSA 40:13.
21	II. A special meeting under this section shall not be petitioned under RSA 197:2, and no
22	petitioned warrant articles shall be inserted in the warrant.
23	III. The governing body's warrant shall specify, in one or more articles, the amounts of
24	appropriations proposed for reduction, rescission, or increase from the operating budget or separate
25	warrant articles, or both, adopted at the annual meeting.
26	IV. The governing body shall hold a public hearing on the proposed reductions, rescissions,
27	or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such
28	hearing shall be posted in at least 2 public places within the school district, one of which shall be on
29	the school district's website, if such exists, at least 7 days prior to the hearing.

V. 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 school district, one of which shall be on the

school district's website, if such exists, at least 7 days prior to the meeting. Additional notice shall

## Amendment to HB 269-LOCAL - Page 2 -

- be published in a newspaper of local or regional circulation in the school district, 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 school district.
- VI. The meeting shall be conducted in accordance with the provisions of this section. The most recently updated checklist shall be used.
- VII. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions. The legislative body shall not approve greater reductions than what is in the warrant, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.
- VIII. Except as provided in this section, the provisions of the following chapters, 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 paragraph: 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 60 days after its passage.

## Amendment to HB 269-LOCAL - Page 3 -

2013-1547h

#### AMENDED ANALYSIS

This bill authorizes a school district to conduct a special meeting necessitated by changes in adequate education funding.

Public and Municipal Affairs May 8, 2013 2013-1619s 04/10

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#### Amendment to HB 269-LOCAL

	$\cdot$
1	Amend the title of the bill by replacing it with the following:
2	
3 4 5	AN ACT authorizing a school district to conduct a special meeting necessitated by changes in adequate education funding.
6	Amend the bill by replacing all after the enacting clause with the following:
7	
8	1 New Section; Special School District Meetings; Education Funding. Amend RSA 197 by
9	inserting after section 3 the following new section:
10	197:3-a Special Meeting for Change in Education Funding. In response to statutory changes
11	resulting in reductions or increases in distribution of state revenues for education pursuant to
12	RSA 198:41 to school districts which would take effect after the adoption of a new school district
13	budget and would apply in the fiscal year covered by the new budget, the governing body of a school
14	district may, after consultation with the budget committee, call a special meeting of the legislative
15	body to consider a reduction, rescission, or increase of appropriations made at an annual meeting,
16	subject to the following:
17	I. The governing body of a school district that has adopted the official ballot referendum
18	form of meeting under RSA 40:13 may elect to hold and conduct the meeting in accordance with the
19	provisions of this section in a single session for deliberating and voting, and without regard to the
20	provisions of RSA 40:13.
21	II. A special meeting under this section shall not be petitioned under RSA 197:2, and no
22	petitioned warrant articles shall be inserted in the warrant.
23	III. The governing body's warrant shall specify, in one or more articles, the amounts of
24	appropriations proposed for reduction, rescission, or increase from the operating budget or separate
25	warrant articles, or both, adopted at the annual meeting.
26	IV. The governing body shall hold a public hearing on the proposed reductions, rescissions
27	or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such
28	hearing shall be posted in at least 2 public places within the school district, one of which shall be or
29	the school district's website, if such exists, at least 7 days prior to the hearing.

V. 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 school district, one of which shall be on the

school district's website, if such exists, at least 7 days prior to the meeting. Additional notice shall

## Amendment to HB 269-LOCAL - Page 2 -

- be published in a newspaper of local or regional circulation in the school district, 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 school district.
- VI. The meeting shall be conducted in accordance with the provisions of this section. The most recently updated checklist shall be used.
- VII. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions. The legislative body shall not approve greater reductions than what is in the warrant, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.
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## Amendment to HB 269-LOCAL - Page 3 -

2013-1619s

#### AMENDED ANALYSIS

This bill authorizes a school district to conduct a special meeting necessitated by changes in adequate education funding.

# Committee Minutes

Printed: 04/24/2013 at 10:22 pm

#### SENATE CALENDAR NOTICE PUBLIC AND MUNICIPAL AFFAIRS

TENTRACE epator David Boutin Chairman Sepator Jeanie Forrester V Chairman Senator Bette Lasky Senator David Pierce Senator Nancy Stiles

Sen. Sharon Carson

Debra Martone 271-3092

START: 9:15 STOP: 9:28

For Use by Senate Clerk's Office ONLY
Bill Status
Docket
Calendar
Proof: Calendar Bill Status

Date: April 24, 2013

#### **HEARINGS**

	wednesday	5/1/2013		
PUBLIC AND MUNICIP	AL AFFAIRS	LOB 102	9:15 AM	
(Name of Committee)		(Place)	(Time)	
,	EXECUTIVE SESS	ION MAY FOLLOW	•	
previousl	Hearing on proposed, non-germ y heard on April 10, 2013.	nane amendment #2013-1352		
9:15 AM HB269-L	education funding.	Conduct a special meeting nece	saluated by changes in adequate	
9:30 AM HB278 relative to voluntary installation of fire suppression sprinklers.				
9:45 AM HB352	relative to sending checklist	s to the state archives.		
10:00 AM HB518		ndividual's status as a veteran a rposes of the veterans' tax credit		
Sponsors:				
HB269-L	D. Januar Ohan			
Rep. Ralph Boehm	Rep. Lynne Ober			
HB278 Rep. John Hunt				
HB352				
Rep. Kathleen Hoelzel	Sen. Russell Prescott	Sen. David Pierce	Sen. John Reagan	
Rep. James Belanger	Rep. Lorrie Carey	Rep. Debra DeSimone	Rep. Beverly Ferrante	
HB518				
Rep. Alfred Baldasaro	Rep. Daniel Tamburello	Rep. John Graham	Rep. Stephen Shurtleff	
Ren. Kenneth Weyler	Rep. Mary Griffin	Rep. Russell Ober	Rep. William O'Brien	

# SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE Hearing Report

Deb Martone, Legislative Aide

HB 269-LOCAL -- An Act authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding.

Hearing Date: May 1, 2013

Time Opened: 9:15 am Time Closed: 9:28 am

Members of the Committee Present: Senators Boutin, Forrester, Stiles,

Lasky and Pierce.

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Bill Analysis: Authorizes a city or town to conduct a special meeting necessitated by changes in adequate education funding.

Sponsors: Representatives Boehm and L. Ober.

Who supports the bill: Representative Boehm; Dean Michener, NH School Boards Association (supports with corrections).

#### Summary of testimony presented in support:

#### Representative Boehm:

- Representative Boehm offered Amendment #2013-1487h, as an error was detected in the bill as amended by the House. An incorrect statutory reference was given in Section 2 of the bill. Rather than RSA 39:3, the correct cite should be RSA 197:2.
- Over the past years we have had changes to the education funding formula, and the changes usually occur after school districts have had their votes on the next year's budget.
- We need to insert in statute the ability for towns to hold a special meeting to either increase or decrease their spending because of the change.
- HB 269-LOCAL allows for a budget committee, if one exists, to have a
  say in the budget changes. The bill makes it clear this special meeting
  can only be held if the adequacy formula changes are made in law after
  the school district meeting, and only if the changes are for that year's
  budget.
- Senator Stiles remarked that currently the way the adequacy formula is structured communities should be able to predict what they are going to get, thus providing some stability.

#### Dean Michener, NH School Boards Association:

• This bill has generally been contained in HB 2, whenever there were changes to the adequacy formula.

- Mr. Michener supports the bill but has additional technical changes he'd like to offer, as long as the committee is contemplating Representative Boehm's amendment.
- School districts are the recipients of the distributions of state aid. The title of the bill should be amended to read, "Authorizing a school district to conduct a special meeting..." It is not the city or town calling the meeting.
- The bill seeks to give authority for calling the special meeting, and it does that for official ballot communities, but it doesn't really do it for traditional meeting communities.
- Throughout Section 2 of the bill reference is made to the "political subdivision". It would be much clearer if "school district" replaced "political subdivision".
- The legislative body does not consult with the budget committee. The governing body consults with the budget committee; then it goes for a vote by the legislative body.
- A portion of Section 3 states, "...the governing body of a city may call a special meeting..." Governing bodies of cities, generally, are the city council or board of aldermen. They can take action on their budget. The school board or school committee would be the governing body for the school district, but they seek their budget approval from the city council, except for the cities under SB2. Therefore, Section 3 of the bill may or may not be necessary.
- Senator Boutin addressed the question of keeping Section 3 in the bill to Atty. Cordell Johnston, NH Municipal Association. Atty. Johnston indicated the situation is different in different cities. In some cities the school district is a department of the city; in others it is not.
- Per Mr. Michener, where the school district is a department, the school board has control of its budget, but it seeks budget approval from the city council.
- Senator Boutin suggested Representative Boehm consult with Atty. Johnston regarding Section 3. Based on that discussion, Representative Boehm can then have a new amendment drafted, which would incorporate Mr. Michener's proposed changes as well.

Future Action: Pending

dam

Date hearing report completed: May 2, 2013

# Speakers

#### Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: 05/01/13

Time: 9:15 am Public Hearing on HB 269-L

HB 269-L

authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding.

#### PLEASE PRINT

Name	Representing			Ple	ease C	heck
RALPH BORLIN	SPONSOR	Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
Dean Michener	NH School Bds Assn	Support	~ 4 🗂	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
	·	Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No □
	·	Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
·		Support	Oppose	Speaking?	Yes	No

# Testimony

HB 269 - As Amended by the House

Title: Authorizing a city or town school district to conduct a special meeting necessitated by changes in adequate education funding.

#### Section 2

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

XVIII. 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 which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a school district which uses the official ballot for voting that has adopted the official ballot referendum form of meeting in RSA 40:12 -: 16 may, after consultation with the budget committee, call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. A special meeting under this paragraph shall not be petitioned under RSA 39:3 197:2 and no petitioned warrant articles shall be inserted in the warrant. 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. 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 school district, one of which shall be on the political subdivision school district'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 school district, 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 school district. The meeting shall be conducted in accordance with the provisions of this chapter. The most recently updated checklist shall be used. The

HB 260 Suggested Amendment Offered by Dean Michener, NHSBA Senate Public & Municipal Affairs May 1, 2013

legislative body, after consultation with the budget committee, 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. 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 school district, one of which shall be on the political subdivision school district's website, if such exists, at least 7 days prior to the hearing. The 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 paragraph: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

# Committee Report

#### STATE OF NEW HAMPSHIRE

#### SENATE

#### REPORT OF THE COMMITTEE

#### FOR THE CONSENT CALENDAR

Date: May 9, 2013

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 269-LOCAL

AN ACT

authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding.

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

#### OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1619s

CONSENT CALENDAR VOTE: 5-0

Senator Bette Lasky for the Committee

The bill as amended by the House seeks to allow a city or town to conduct a special meeting as may become necessary by changes in the state education adequacy formula. This bill makes it clear that this special meeting can only be held if the adequacy formula changes are made in law after the school district meeting, and only if the changes are for that year's budget. The amendment replaces the city or town authorization with school district authorization, after consultation with the budget committee.

Debra Martone 271-3092

#### New Hampshire General Court - Bill Status System

#### **Docket of HB269**

**Docket Abbreviations** 

**Bill Title:** (New Title) authorizing a school district to conduct a special meeting necessitated by changes in adequate education funding.

#### Official Docket of HB269:

Date	Body	Description
1/3/2013	Н	Introduced 1/3/2013 and Referred to Education; HJ 12, PG.189
1/23/2013	Н	Public Hearing: 1/29/2013 10:00 AM LOB 207
1/31/2013	Н	Executive Session: 2/5/2013 2:00 PM LOB 207
2/5/2013	Н	Committee Report: Ought to Pass for Feb 13 (Vote 18-0; CC); <b>HC 13</b> , PG.209
2/13/2013	Н	Removed from Consent Calendar (Rep Kurk); HJ 17, PG.329
2/13/2013	Н	Recommit (Rep Gile): MA VV; HJ 17, PG.347
2/13/2013	Н	Executive Session: 2/19/2013 1:45 PM LOB 207
2/19/2013	Н	Committee Report: Ought to Pass with Amendment #0359h for Mar 6 (Vote 17-0; CC); <b>HC 20</b> , PG.407
2/19/2013	Н	Proposed Committee Amendment #2013-0359h; HC 20, PG.446-447
3/6/2013	Н	Amendment #0359h: AA VV; <b>HJ 24</b> , PG.651-652
3/6/2013	Н	Ought to Pass with Amendment #0359h: MA VV; HJ 24, PG.651-652
3/6/2013	Н	Referred to Finance; HJ 24, PG.651-652
3/8/2013	Н	Division II Work Session: 3/14/2013 10:00 AM LOB 209
3/20/2013	Н	Executive Session: 3/19/2013 10:00 AM LOB 210-211
3/20/2013	Н	Committee Report: Ought to Pass for Mar 27 (Vote 22-0; CC); <b>HC 25</b> , PG.705
3/27/2013	Н	Ought to Pass: MA VV; HJ31, PG.1024
3/28/2013	S	Introduced and Referred to Public & Municipal Affairs
4/25/2013	S	Hearing: 5/1/13, Room 102, LOB, 9:15 a.m.; SC18
5/10/2013	S	Committee Report: Ought to Pass with Amendment <b>#2013-1619s</b> , NT, 5/23/13; Vote 5-0; CC; <b>SC21</b>
5/23/2013	S	Committee Amendment 1619s, NT, AA, VV;
5/23/2013	S	Ought to Pass with Amendment 1619s, NT, MA, VV; OT3rdg;
6/5/2013	Н	House Concurs with Senate AM #1619s(NT) (Rep Gile): MA DIV 200-124; HJ49, PG.1562
6/12/2013	S	Enrolled
6/14/2013	Н	Enrolled, Recess of 6/5/13; <b>HJ49</b> , PG.1654
7/11/2013	Η.	Signed By Governor 07/09/2013; Effective 9/7/2013; Chapter 0197

<del></del>	
NH House	NH Senate

# Other Referrals

## COMMITTEE REPORT FILE INVENTORY

HB 269-L ORIGINAL REFERRAL \_\_\_\_ RE-REFERRAL

<ol> <li>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.</li> <li>PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.</li> <li>THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.</li> <li>THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.</li> </ol>
∠ DOCKET (Submit only the latest docket found in Bill Status)
X COMMITTEE REPORT
∠ CALENDAR NOTICE
X HEARING REPORT
HANDOUTS FROM THE PUBLIC HEARING
X PREPARED TESTIMONY AND OTHER SUBMISSIONS
X_ SIGN-UP SHEET(S)
ALL AMENDMENTS (passed or not) CONSIDERED BY  COMMITTEE:  X - AMENDMENT # 1487 \ X - AMENDMENT # 1547 \  X - AMENDMENT # 16195 - AMENDMENT #
ALL AVAILABLE VERSIONS OF THE BILL:  X AS INTRODUCED X AS AMENDED BY THE HOUSE X 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 07/29/3 Debre a. Martone By Committee Aide