

Bill as  
Introduced

HB 71 - AS AMENDED BY THE HOUSE

8Apr2021... 0498h

2021 SESSION

21-0042  
06/08

HOUSE BILL **71**

AN ACT relative to school district emergency special meetings.

SPONSORS: Rep. Boehm, Hills. 20; Rep. T. Lekas, Hills. 37; Rep. McLean, Hills. 44

COMMITTEE: Education

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AMENDED ANALYSIS

This bill prohibits the superior court from allowing special school meetings for a collective bargaining agreement that was voted down at the regular meeting.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to school district emergency special meetings.

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

1           1 New Subparagraph; School Meetings; Raising Money at Special Meeting. Amend RSA 197:3, I  
2 by inserting after subparagraph (c) the following new subparagraph:

3                   (d) The court shall not allow a special meeting if the emergency involves a collective  
4 bargaining agreement that was voted down at the regular meeting, including a collective bargaining  
5 agreement modified after the regular meeting.

6           2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 77  
HB 71 - FINAL VERSION

8Apr2021... 0498h

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4 bargaining agreement that was voted down at the regular meeting, including a collective bargaining  
5 agreement modified after the regular meeting.

77:2 Effective Date: This act shall take effect 60 days after its passage.

Approved: June 18, 2021

Effective Date: August 17, 2021

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Education**

Sen Ruth Ward, Chair  
Sen Erin Hennessey, Vice Chair  
Sen Denise Ricciardi, Member  
Sen Jay Kahn, Member  
Sen Suzanne Prentiss, Member

Date: April 14, 2021

**HEARINGS**

Tuesday	04/20/2021	
(Day)	(Date)	
Education	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>HB 69</b>	relative to the display of the national motto in schools.
9:15 a.m.	<b>HB 71</b>	relative to school district emergency special meetings.
9:30 a.m.	<b>HB 140</b>	relative to private rights of action regarding pupil safety.
9:45 a.m.	<b>HB 182</b>	relative to approval of coursework completed at other approved schools
10:00 a.m.	<b>HB 278</b>	relative to the use of unused district facilities by chartered public schools.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93782614838>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: +13126266799,,93782614838# or +19292056099,,93782614838#
4. Webinar ID: 937 8261 4838
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603) 271-6931.

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**HB 69**

Rep. True  
Rep. Torosian

Rep. Abramson  
Rep. Hobson

Rep. Greene  
Rep. Folsom

Rep. Piemonte

**HB 71**

Rep. Boehm

Rep. T. Lekas

Rep. McLean

**HB 140**

Rep. Cordelli  
Rep. Shaw  
Sen. Ward

Rep. Ladd  
Rep. A. Lekas

Rep. Boehm  
Rep. Osborne

Rep. Verville  
Rep. Layon

**HB 182**

Rep. Ladd  
Rep. Boehm

Rep. A. Lekas  
Rep. Moffett

Rep. Allard

Rep. Cordelli

**HB 278**

Rep. Hill  
Rep. Rice

Rep. Ladd  
Rep. Rouillard

Rep. Turcotte  
Rep. Weyler

Rep. Silber

Ava Hawkes 271-4151

Ruth Ward  
Chairman



# Senate Education Committee

*Ava Hawkes 271-4151*

**HB 71**, relative to school district emergency special meetings.

**Hearing Date:** April 20, 2021

**Time Opened:** 9:16 a.m.

**Time Closed:** 9:29 a.m.

**Members of the Committee Present:** Senators Ricciardi, Hennessey, Ward and Prentiss

**Members of the Committee Absent :** Senator Kahn

**Bill Analysis:** This bill prohibits the superior court from allowing special school meetings for a collective bargaining agreement that was voted down at the regular meeting.

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**Sponsors:**

Rep. Boehm

Rep. T. Lekas

Rep. McLean

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**Who supports the bill:** Representative Ralph Boehm, Representative Erica Layon, Representative Tony Lekas, Ann Marie Banfield, Eric Pauer, Alvin See, Karen Dewey

**Who opposes the bill:** 46 people signed up in opposition to this bill. Full sign-in sheet available upon request.

**Who is neutral on the bill:** None.

**Summary of testimony presented:**

**Representative Ralph Boehm – Hillsborough, District 20**

- Representative Boehm introduced HB 71.
- Current law is useless due to the authority given to judges in simply considering an emergency meeting.
- In the last six years, judges have granted two special meetings for failed collective bargaining agreements.
- This bill says no means no.
- In his town a few years ago, the judge ruled for a special meeting, it was conducted even though the people said no. The special meeting was done in October, which made the tax bill late. Although it passed, folks did not get their tax bill until right before Christmas.
- Special meetings still happen, even though law was changed in 1998.

- He does not see what could be unforeseeable.
- There should be no special meetings for collective bargaining agreements.

**Brian Hawkins – Director of Government Relations, NEA-NH**

- Opposed to this bill.
- The frequency of when the court can allow such an emergency special meeting is not a common event.
- NEA-NH has over 235 collective bargaining agreements in our state and, historically, they've only been involved in two of these over the last six years.
- The frequency of how often special meetings are used might have been overstated.
- This bill was put in place, back in the day, to reduce frequency.
- This statute also gave guidance on what the court needs to consider when granting a special meeting, i.e. severity of harm to be avoided, urgency of need, whether the claimed emergency was foreseeable or avoidable, whether the appropriation could've been made at the annual meeting, or alternative remedies would not require an appropriation.
- In the case previously mentioned, the court did consider these factors and thus granted the meeting.
- To ban this option by the court is too much.
- The previous iteration of this bill prohibited other expenditures by school districts, but were later stricken as it would've tied the hands of school district during emergencies.
- If the legislature feels that greater guidance needs to be given to the court, that's one thing.
- Outright ban is extreme.

**Jerry Frew – Associate Executive Director, NH School Administrators Association**

- Opposed to this bill.
- This bill is unnecessary and will have unintended consequences.
- RSA 197 lists specific reasons as to why school districts can request such a special meeting.
- This bill eliminates the role of locally elected representatives to find best course of action during an emergency after district meetings take place.
- There is already a high threshold for the granting of special meetings; many requests are denied as they don't rise to the level needed for a meeting.

# Speakers

# Senate Remote Testify

## Education Committee Testify List for Bill HB71 on 2021-04-20

Support: 7 Oppose: 46 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>?</u>
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Support	No	✓
McNamee, Brigid	brigidmcnamee@yahoo.com	603.223.0139	A Member of the Public	Myself	Oppose	No	✓
Feole, Danielle	feole.danielle@gmail.com	978.778.6269	A Member of the Public	Myself	Oppose	No	✓
Hackmann, Kent	hackmann@uidaho.edu	16039343225	A Member of the Public	Myself	Oppose	No	✓
Larson, Ruth	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Baird, Cathryn	freewillfarm@comcast.net	603-863-5089	A Member of the Public	Myself	Oppose	No	✓
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Support	No	✓
Perencevich, Ruth	rperence@comcast.net	603 225-7641	A Member of the Public	Myself	Oppose	No	✓
Jachim, Nancy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Spielman, Kathy	jspielman@comcast.net	603.397.7879	A Member of the Public	Myself	Oppose	No	✓
Petrucelli, Maxine	maxinepet@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Petrucelli, Charles	chasmaxpet@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Torpey, Jeanne	jtorp51@comcast.net	Concord	A Member of the Public	Myself	Oppose	No	✓
Reed, Barbara D.	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Liberman, Sheryl	saml54@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	✓
Zimmer, Julie	Not Given	319-560-9964	A Member of the Public	Myself	Oppose	No	✓
Wild, Gail	gailwild@gmail.com	603.863.3121	A Member of the Public	Myself	Oppose	No	✓
Wiggins, Frank	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Hinebauch, Mel	melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Oppose	No	✓
Jones, Andrew	arj11718@yahoo.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Devore, Gary	torin_asheron@yahoo.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Straiton, Marie	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Ladd, Carl	carl@nh saa.org	603.225.3230	A Lobbyist	New Hampshire School Administrators Association	Oppose	No	✓
Rettew, Annie	abrettw@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Falk, Cheri	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Clark, Denise	denise.m.clark03055@gmail.com	603.213.1692	A Member of the Public	Myself	Oppose	No	✓
Koch, Helmut	helmut.koch.2001@gmail.com	603.491.3306	A Member of the Public	Myself	Oppose	No	✓
Vincent, Laura	lvlauravincen5@gmail.com	603.783.4849	An Elected Official	Myself	Oppose	No	✓
Gordon, Laurie	Lmgord23@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Koch, Laurie	kochlj@aol.com	603.491.2000	A Member of the Public	Myself	Oppose	No	✓
Crook, Mary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Laker-Phelps, Gail	lpsari@tds.net	603.798.5394	A Member of the Public	Myself	Oppose	No	✓
Wilke, Mary	wilke.mary@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Rayton, Linden	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Defuria, Claudia	gregs999@aol.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Gordon, Margaret	Megordon98@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	✓
Schapiro, Carol	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
st.martin, tom (from NH )	Not Given	Not Given	A Member of the Public	Myself (from NH)	Oppose	No	✓
Damon, Claudia	cordsdamon@gmail.com	603.226.4561	A Member of the Public	Myself	Oppose	No	✓
See, Alvin	absec@4Liberty.net	Not Given	A Member of the Public	Myself	Support	No	✓
Lekas, Tony	Rep.Tony.Lekas@gmail.com	603.305.5726	An Elected Official	Hillsborough 37	Support	No	✓
King, Walter	genedocwk@comcast.net	603.978.9775	A Member of the Public	Myself	Oppose	No	✓
Billingham, Carla	billingham2@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	✓
Sinclair-Pappas, Barbara	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	207.432.7701	A Member of the Public	Myself	Oppose	No	✓

Frew, Jerry	Jerry@nhsaa.org	Not Given	A Lobbyist	NHSAA	Oppose	No	✓
Ellermann, Maureen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	✓
Covert, Susan	scovert@comcast.net	603.746.4486	A Member of the Public	Myself	Oppose	No	✓
Istel, Claudia	claudia@sover.net	Not Given	A Member of the Public	Myself	Oppose	No	✓
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	✓
Banfield, Ann Marie	banfieldannmarie@gmail.com	603-714-5814	A Member of the Public	Myself	Support	No	✓
Boehm, Ralph	rgboehm@comcast.net	603.860.6309	An Elected Official	Sponsor	Support	Yes	✓
Hawkins, Brian	bhawkins@nhnea.org	603.545.7305	A Lobbyist	NEA-NH	Oppose	Yes	✓

# Testimony

Ralph Boehm

Hillsborough District 20. Town of Litchfield

HB71, Special election

The current law states that the court **shall consider** a number of factors. This makes the law meaningless. This law was supposedly fixed in 1998, when special elections were being held for multiple reasons. But SHALL CONSIDER? Why even have it? This bill makes it clear, no means no. Also, current law says the following: *Whether the claimed emergency was foreseeable or avoidable.* *and: Whether the appropriation could have been made at the annual meeting.* Both of these should have made it clear that a special meeting should not be granted. A couple of years ago, we had a teachers' contract on the warrant. It was vehemently protested at deliberative session as to the medical insurance. I and others spoke against it, I firmly believe that public employees should not have better benefits than those paying the taxes. It failed at the election. But a judge granted a special meeting anyway. Over the many decades that I have lived in NH, and lived through many failed teacher contracts, we did not need a special election. And also as a former school board member, I was on a number of negotiation teams for teacher contracts. And those all passed. In this case most people did not even know there was a special election. And due to the special election vote being in October, the tax bill did not come out until right before Christmas.

So, please pass this bill.

Thank you.

# Voting Sheets



**Senate Education Committee**  
**EXECUTIVE SESSION RECORD**  
*2020-2021 Session*

Bill # **HB 71**

Hearing date: **4/20/21**

Executive Session date: **5/4/21**

Motion of: **ITL** Vote: **2-3**

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: **OTP** Vote: **3-2**

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: **Sen. Hennessey**

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Tuesday, May 4, 2021

THE COMMITTEE ON Education

to which was referred **HB 71**

AN ACT                      relative to school district emergency special  
meetings.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF:    3-2

Senator Erin Hennessey  
For the Committee

Ava Hawkes 271-4151

**EDUCATION**

**HB 71**, relative to school district emergency special meetings.

Ought to Pass, Vote 3-2.

Senator Erin Hennessey for the committee.

# Docket of HB71

**Bill Title:** relative to school district emergency special meetings.

*Official Docket of HB71.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/4/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Education <b>HJ 2 P. 34</b>
2/23/2021	H	Public Hearing: 02/23/2021 02:15 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/94382337363">https://www.zoom.us/j/94382337363</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/24/2021	H	Majority Committee Report: Ought to Pass with Amendment <b>#2021-0498h</b> (Vote 11-9; RC) <b>HC 18 P. 38</b>
3/24/2021	H	Minority Committee Report: Inexpedient to Legislate
4/8/2021	H	Amendment <b>#2021-0498h</b> : AA VV 04/08/2021 <b>HJ 6 P. 12</b>
4/8/2021	H	<b>Ought to Pass with Amendment</b> 2021-0498h: MA <b>RC 193-181</b> 04/08/2021 <b>HJ 6 P. 12</b>
4/13/2021	S	Introduced 04/08/2021 and Referred to Education; <b>SJ 12</b>
4/14/2021	S	Remote <b>Hearing</b> : 04/20/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 20</b>
5/4/2021	S	Committee Report: Ought to Pass, 05/13/2021; <b>SC 23</b>
5/13/2021	S	<b>Ought to Pass</b> : <b>RC 14Y-10N</b> , MA; OT3rdg; 05/13/2021; <b>SJ 15</b>
6/11/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); <b>SJ 19</b>
6/11/2021	H	Enrolled (in recess of) 06/10/2021
6/21/2021	H	Signed by Governor Sununu 06/18/2021; Chapter 77; Eff: 08/17/2021

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NH House

NH Senate

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# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 71

Senate Committee: Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_
- \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_
- \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- \_\_\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_\_\_ Enrolled Bill Amendment(s)
- \_\_\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

- \_\_\_\_\_ as amended by the senate      \_\_\_\_\_ as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office AK