Bill as Introduced

HB 1242 - AS INTRODUCED

2001 SESSION

01-2215
08/10

HOUSE BILL ***1242***

AN ACT relative to the required vote for approving school district bond articles.

SPONSORS: Rep. Micklon, Rock 26; Rep. Holland, Rock 26

COMMITTEE: Municipal and County Government

ANALYSIS

This bill increases the necessary vote for school district bond articles from 2/3 to 3/4.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1242 - AS INTRODUCED

01-2215
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to the required vote for approving school district bond articles.

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

1 Required Vote. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote by ballot of 2/3 ***for a municipality and by a vote of ¾ for school districts***, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5 ***for a municipality and by a vote of ¾ for school districts***. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

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

Amendments

Rep. Micklon, Rock. 26
Rep. Holland, Rock. 26
December 13, 2001
2001-2063h
08/09

Amendment to HB 1242

Not Used

Amend the bill by replacing section 1 with the following:

1 Required Vote. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote by ballot of 2/3 ***for a municipality and by a vote of 3/4 for school districts***, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5 ***for a municipality and by a vote of 2/3 for school districts***. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

2001-2063h

AMENDED ANALYSIS

This bill lowers the required vote for school district bond articles in school districts which have adopted official ballot procedures from 3/4 to 2/3.

Rep. Packard, Rock. 29
Rep. McKinney, Rock. 29
January 10, 2002
2002-2138h
08/09

Not Used

Amendment to HB 1242

Amend the title of the bill by replacing it with the following:

AN ACT relative to the required vote for approving school district band articles and relative to procedures for authorizing municipal bonds or notes with a budgetary town meeting.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 6:

2 Town or District Bonds or Notes. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, ***with or*** without a budgetary town meeting***, and which has adopted the provisions of RSA 33:8-d or RSA 33:8-f,*** and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 ***or referendum procedures pursuant to RSA 33:8-d and RSA 33:8-f*** shall be authorized by a vote of 3/5. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes,

the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

3 New Section; Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B With a Budgetary Town Meeting. Amend RSA 33 by inserting after section 8-e the following new section:

33:8-f Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B, With a Budgetary Town Meeting. In any town which has adopted a charter pursuant to RSA 49-B and which provides for a town council and budgetary town meeting, the charter may be amended to provide for the following procedures for authorizing bonds or notes:

I. The town council shall hold at least one public hearing at least 15 days, but not more than 60 days prior to the vote on the bond issue or note by the town meeting. Notice of the time, place, and subject matter of such hearing shall be published in a newspaper of general circulation in the municipality at least 7 days before the hearing is held and posted in at least 2 public places in the municipality.

II. Following the public hearing, the council shall place the question of whether to recommend the issuance of any bonds or notes on the public agenda of a town council meeting, and at that meeting the council shall vote by a recorded role-call vote whether to order a referendum on the issuance of the bonds or notes.

III. The town council shall place the question before the voters at the next annual meeting, or at a special meeting to be scheduled not less than 60 days, nor more than 90 days from the meeting at which the order is passed.

IV. An additional public hearing shall be held if the proposed bond or note issue is substantively altered by the town council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and shall comply with the same notice requirements.

V. An official copy of the final bond or note proposal shall be placed on file with the town clerk and made available to the public 7 days before the referendum and displayed at the voting place on the day of the referendum.

VI. The town clerk shall prepare an official ballot which shall include the following question:

"Are you in favor of appropriating the sum of _____ dollars for the purpose of _____, with said sum to be in addition to any federal, state or private funds made available for such purpose, and of authorizing the issuance of not more than _____ dollars of bonds or notes in accordance with the provisions of the Municipal Finance Act, RSA Chapter 33?"

When submitting the question under this section to the voters, there shall be 2 squares

printed after the question, one with the word "Yes" beside it and another with the word "No" beside it.

VII. If a 3/5 majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds or notes in the amount so stated ion the question shall be declared to have been adopted.

4 Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B Without a Budgetary Town Meeting. Amend RSA 33:8-d, II(g) to read as follows:

(g) If a [~~2/3~~] ***3/5*** majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds or notes in the amounts so stated in the question shall be declared to have been adopted.

5 Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B Without a Budgetary Town Meeting. Amend RSA 33:8-d, IV to read as follows:

IV. This section shall not apply to towns which have adopted a charter calling for a budgetary town meeting pursuant to RSA 49-D:3, III. The issuance of bonds or notes in such towns shall be governed by RSA 33:7, 33:8 and 33:8-a, ***or by RSA 33:8-f***.

2002-2138h

AMENDED ANALYSIS

This bill increases the necessary vote for school district bond articles from 2/3 to 3/4. This bill also provides procedures for authorizing bonds or notes in municipalities adopting charters pursuant to RSA 49-B with a budgetary town meeting, and increases the necessary vote for municipalities adopting charters pursuant to RSA 49-B without a budgetary town meeting from 2/3 to 3/5..

Rep. Micklon, Rock. 26
Rep. Holland, Rock. 26
January 25, 2002
2002-2323h
08/09

Amendment to HB 1242

Amend the title of the bill by replacing it with the following:

AN ACT relative to the required vote for board articles.

Amend the bill by replacing section 1 with the following:

1 Required Vote. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation[~~, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, and [except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13~~] ***or school district*** shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. [~~The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5~~]. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have

been delegated to the governing board.

2001-2323h

AMENDED ANALYSIS

This bill lowers the required vote for bond articles to 2/3.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB1242 Date 1-16-02

Committee M+CG Committee

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Sarah L. Browning	101 Pleasant	271-3879	Department of Education		X
ROBERT INTRONE	8 EVERTS ST, LONDONDERRY	432-0345			
Rep. JONATHAN Hill	178 WINDING POND LONDONDERRY	434-5437	LONDONDERRY	✓	
Bernard H Campbell	100 Bray Ave Salem N.H		Salem SS		X
Bob McIntosh	1 Colonial Dr. Londonderry	437-3375			X

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1242

BILL TITLE: relative to the required vote for approving school district bond articles.

DATE: January 16, 2002

LOB ROOM: 301 **Time Public Hearing Called to Order:** 11.10a.m.

Time Adjourned: 12.40p.m.

(please circle if present)

Committee Members: Reps. Patten, Brundige, Griffin, Akins, Lockwood, R. Eaton, Fairbanks, Lachance, Twombly, Boyce, M. Fraser, Dumaine, Guinta, N. Johnson, Bellavance, M. Cooney, Goodwin, Scovner and W. Johnson.

Bill Sponsors: Rep. Micklon, Rock 26; Rep. Holland, Rock 26

TESTIMONY

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

Rep. Holland, Rock 26.

Has amended the original bill to change 3/4 to 2/3. Thinks the percentage for schools is too low and the school bond issues should require a higher percentage. Intent was to level the playing field between school districts and municipalities.

Bernard Campbell, Salem School Board.

Opposes the bill both as originally written and the amendment. Wants to keep present law intact. This bill would invite litigation.

Rick trombly, NEA N.H.

Opposes the bill and the amendment. 3/5 is still a super majority. Thinks every bond issue should have a 3/5 majority, rather than 2/3.

Rep. McKinney, Rock 29.

Presented an amendment (2138h). will lower the threshhold to 3/5 for towns with charters that hold bond rating by ballot.

Ed Naile, Deering.

The reason behind the bill is to try to relieve the amount of court cases. The original 2/3 was accepted by towns and the legislature changed it. Would like it changed back the way it was

originally, 2/3 for all bond requests. 3/5 is too easy for school districts. Thinks there will be many court cases and the state will end up paying for the schools.

Maura Carroll, NHMA.

Supports 3/5 bond vote on all issues.

Mark V. Joyce, N.H. School Administrators Association.

Opposes the bill and amendment . Schools have significant needs. More bond issues pass with 3/5. Still not a majority pass.

Dean Michener, N.H. School Boards Association.

Opposes the bill and amendments . The Association has a longstanding to lower the 2/3 to 3/5 for bond issues.

Ken Barton, Londonderry, N.H.

Opposes amendment 2138h. Doesn't want 2/3, but doesn't want a toen to have 3/5 without the SB2 process.

Richard Bielinski, Londonderry Teasurer.

Opposes the 2138h amendment. Should have SB2 process to go with 3/5. The town(Londonderry) chose theie Charter instead of SB2. Also opposes the bill.

Jere Beckman, Lee.

Supports the bill. Wants 2/3 to pass all bonds. Amend the bill to do this.

Repectfully submitted,
Priscilla P. Lockwood

Priscilla Lockwood,
Clerk

Testimony

NEW. HAMPSHIRE SCHOOL ADMINISTRATORS ASSOCIATION

CHAMPIONS FOR CHILDREN



January 22, 2002

Testimony to: House Municipal and Government Committee

Re: Testimony on HB 1242 – required vote for bond approval

From: Dr. Mark V. Joyce

The following is a transcription of the notes that I used in my testimony before the Committee on January 16, 2000 at 11:50 AM

Good morning my name is Dr. Mark V. Joyce and I am the Executive Director of the New Hampshire School Administrators Association. I'm here today representing the members of NHSAA and the NH Association of Special Education Administrators to appear in opposition to House Bill 1242 in it's original and amended form.

Our opposition is based on three reasons. First of all, the current bond approval process is quite restrictive and conservative. Secondly, there are significant capital needs facing school districts throughout our state. Making it more difficult to meet these needs will only exacerbate the negative impact on children. Finally, we would humbly suggest that it is not in the state's best interest to increase the standard for approving a safe and productive learning environment while the state is still developing and defending its response to funding educational adequacy for all children.

The current system of approving bonds in school districts and most municipalities requires a 66-2/3% vote for any expenditure that would exceed one year of repayment. For a Senate Bill Two district, that level of approval is at 60%. This relatively new revision of the law was the product of a carefully crafted study that looked at the impact of requirements on bond approvals. In brief, the Legislature concluded that in an environment where all citizens have the opportunity to vote (because the polls are open all day, and an absentee ballot process is in place) there was no need for the 66-2/3% level of bonding.

For further evidence that the current system of bond approval is quite conservative and restrictive, we need only to look at the survey of NH school districts from last year. During the FY02 Budget Approval Process there were 33 bond proposals on school warrants. These proposals ranged from minor renovations to large additions and new structures. Of the 33 districts, 17 were Senate Bill Two and 16 were traditional school district meetings. Overall only 13 received the two-thirds ratings and five additional ones, in Senate Bill Two districts, received greater than 60%. Those percentages combined made a total of

SUMMER STREET SCHOOL, 12 CROSS STREET • PENACOOK, NH 03303
TEL: (603) 753-4479 • FAX: (603) 753-4611

18 approvals out of 33 proposals that were developed by local building committees and taken through the complete budget approval process.

In reality the physical plant needs of school districts are quite severe and appear to be worsening. Based on a recently commissioned study by the State of NH, approximately 55% of our public schools were actually constructed before 1960. While some of these buildings have received some type of renovation, many still exist in their original physical form. In addition, the survey investigated related concerns that schools currently face. The results showed that over 53% reported that their heating systems were not working well, over 39% reported poor air quality, over 38% reported systems problems with boilers, ventilation, etc., and over 33 % identified leaky roofs as an issue. Over the past several years I have had the opportunity to investigate a number of school district facilities as part of a comprehensive enrollment and program analysis for each of their communities. In brief I have found that the needs, and the circumstances surrounding those needs, in each community are quite unique yet reaffirm these concerns. In cases where districts have developed school bonds, there has been a very clear need for additional space or improved facilities. I have never seen a local committee propose a discretionary or frivolous solution to its community.

Finally at the present time, the State is defending its educational funding solution and it's current definition of educational adequacy. It seems at this time, that it may not be in the State's best interest to be advocating for a higher standard of bond approval or relegating a more restrictive legal requirement on the local community's willingness to solve it's own educational space needs.

In closing, the positive spirit of the testifiers on the previous piece of legislation would seem to allow for a wonderful collaboration between schools, towns, and in fact all citizens in solving their local problems. For all of those same reasons it would seem that if this legislation seeks a higher and different standard for schools and towns, it would be counter productive to the long-term development of New Hampshire.

If you have any further questions please feel free to call at any time.

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1242

BILL TITLE: **relative to the required vote for approving school district bond articles.2**

DATE: 2/20/02

LOB ROOM: 301

Amendments:

Sponsor: Rep. Micklon — OLS Document #: 2002-2323h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

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

Moved by Rep. Brundige

Seconded by Rep. Griffin

Vote: 13-4 (Please attach record of roll call vote.)

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

Moved by Rep. Brundige

Seconded by Rep. Griffin

Vote: 12-5 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla Lockwood, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on {Type BILL NO.} HB 1242

BILL TITLE:

DATE: 2/20/02

LOB ROOM:

Amendments:

Sponsor: Rep. Mickelson OLS Document #: 2002-2323h Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

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

Moved by Rep. Brundige

Seconded by Rep. Griffin

Vote: 13-4 (Please attach record of roll call vote.)

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

Moved by Rep. Brundige

Seconded by Rep. Griffin

Vote: 12-5 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla Lockwood, Clerk

OFFICE OF THE HOUSE CLERK 2002 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1242 **Title:** _____

PH Date: 1/16/02 Exec Session Date: 2/20/02

Motion: OTP Amendment #: 2002-2323h

MEMBER	YEAS	NAYS
Patten, Betsey L. Chairman	13	
Brundige, Robert W. V Chairman	1	
Griffin, Marv E	2	
Akins, Ralph L	3	
Lockwood, Priscilla P. Clerk	4	
Eaton, Richard S		
Fairbanks, Chandler V	5	
Lachance, Douglas A		
Twomblv, James E	6	
Bovce, Laurie J	7	
Dumaine, Dudlev Daniels	8	
Guinta, Frank C	9	
Johnson, Nancv K		1
Fraser, Marilvn A		
Bellavance, Paul C		2
Coonev, Marv R		3
Goodwin, Earle	10	
Scovner, Nancv M	11	
Johnson, William G		4
Quandt, Matt	12	
TOTAL VOTE:	13	4

Printed: 12/19/2001

OFFICE OF THE HOUSE CLERK 2002 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1242 **Title:** _____

PH Date: 1/16/02 **Exec Session Date:** 2/20/02

Motion: OTP-A **Amendment #:** (2002-2323h)

MEMBER	YEAS	NAYS
Patten. Betsey L. Chairman	12	
Brundige. Robert W. V Chairman	1	
Griffin. Marv E	2	
Akins. Ralph L	3	
Lockwood. Priscilla P. Clerk	4	
Eaton. Richard S		
Fairbanks. Chandler V	5	
Lachance. Douglas A		
Twomblv. James E	6	
Bovce. Laurie J	7	
Dumaine. Dudlev Daniels	8	
Guinta. Frank C	9	
Johnson. Nancv K		1
Fraser. Marilvn A		
Bellavance. Paul C		2
Coonev. Marv R		3
Goodwin. Earle	10	
Scovner. Nancv M		4
Johnson. William G		5
Matthew Quandt	11	
TOTAL VOTE:	12	5

Printed: 12/19/2001

Committee Report

COMMITTEE REPORT
MAJORITY

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 1242**

TITLE: relative to the required vote for approving school district bond articles.

DATE: 2/20/02 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The original bill would have changed a vote for school district bond articles in traditional town meeting form of government, from 2/3% to ¾% of the voters present and voting at an annual or special meeting called for that purpose. The committee rejected that proposal unanimously. Subsequently, several amendments were reviewed and rejected each changing the percentage required from 2/3 to something else. Traditionally all bond articles have required a 2/3% vote. In 1999 the General Court voted to lower the percentage needed to pass bond articles in SB2 towns from 2/3 to 3/5. The majority of the committee voted for the amendment to reestablish the historic requirement of 2/3% vote for all bond issues, whether for school a district or municipality in all forms of governance, so that the bond articles which have a life of 10, 15, or 20 years has significant support of the taxpayers in the SB2 communities. Passage of this bill would negate the need for the current court case and free the affected SB2 communities to reconsider all bond articles which are currently blocked by the court action.

Vote 12-5.

Rep. Robert W. Brundige
FOR THE MAJORITY

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Municipal and County Government

HB 1242, relative to the required vote for approving school district bond articles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: The original bill would have changed a vote for school district bond articles in traditional town meeting form of government, from 2/3% to ¾% of the voters present and voting at an annual or special meeting called for that purpose. The committee rejected that proposal unanimously. Subsequently, several amendments were reviewed and rejected each changing the percentage required from 2/3 to something else. Traditionally, all bond articles have required a 2/3% vote. In 1999 the General Court voted to lower the percentage needed to pass bond articles in SB2 towns from 2/3 to 3/5. The majority of the committee voted for the amendment to reestablish the historic requirement of 2/3% vote for all bond issues, whether for a school district or municipality in all forms of governance, so that the bond articles which have a life of 10, 15, or 20 years has significant support from the taxpayers in SB2 communities. Passage of this bill would negate the need for the current court case and free the affected SB2 communities to reconsider all bond articles which are currently blocked by the court action. **Vote 12-5.**

H B 1242

AN ACT RELATIVE TO THE REQUIRED VOTE FOR APPROVING SCHOOL DISTRICT BOND ARTICLES

OTP/A

THE ORIGINAL BILL ~~WAS~~ WOULD HAVE changed ~~REQUIRED~~ A VOTE FOR SCHOOL DISTRICT BOND ARTICLES FROM 2/3% TO 3/4% OF THE VOTERS PRESENT AND VOTING AT AN ANNUAL OR SPECIAL MEETING (in a traditional town meeting form of government) CALLED FOR THAT PURPOSE. THE COMMITTEE REJECTED THAT PROPOSAL UNANIMOUSLY. SUBSEQUENTLY SEVERAL AMENDMENTS WERE REVIEWED AND REJECTED, changing the percentage required from 2/3 to each ~~THE~~ MAJORITY OF THE COMMITTEE VOTED for the amendment TO REESTABLISH THE HISTORIC REQUIREMENT OF 2/3% VOTE ~~REQUIRED~~ FOR ALL BOND ISSUES, whether for SCHOOL district or MUNICIPALITY, in all forms of governance. ~~AND~~ PASSAGE OF THIS BILL WOULD NEGATE THE NEED FOR THE CURRENT COURT CASE AND FREE THE AFFECTED COMMUNITIES TO RECONSIDER ALL BOND ARTICLES WHICH ARE CURRENTLY BLOCKED BY THE COURT ACTION.

other ~~reasons~~ things. Something else.

COMMITTEE REPORT
MINORITY

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 1242**

TITLE: relative to the required vote for approving school district bond articles.

DATE: 2/20/02 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Recognizing substantial differences in the voting methods between the ballot law towns (SB2) towns and towns governed by town meeting, the General Court voted in 1999 to lower the percentage needed to pass bond articles in SB2 towns from 2/3 to 3/5. Although challenged in the courts, judicial decisions to date have supported the constitutionality of this legislation. HB 1242 would eliminate that differential by requiring a 2/3 vote in SB towns. The minority of the committee agrees with the overwhelming testimony heard before the committee in opposition to HB 1242. Based on historical evidence, the passing of school bond articles in SB2 towns would become almost impossible at a time when New Hampshire schools have significant capital needs. The bill would allow an even smaller minority to thwart the will of a vast majority-creating minority rule. The easier voting process under SB2 warrants a lower voting threshold. In comparison, the state legislature adopts bonds by only a majority
vote. Furthermore, this would establish a state mandate where it is not needed. If SB2 towns or school districts want to adopt a 2/3 % requirement, they can adopt a charter form of official ballot voting. The minority finds no valid reason to change the status quo. For the sake of our children's education, we urge that the majority's recommendation be overturned and that HB 1242 be voted "Inexpedient to Legislate".

Vote 12-5.

Rep. William G. Johnson
FOR THE MINORITY

Original: House Clerk
cc: Committee Bill file

Municipal and County Government

HB 1242, relative to the required vote for approving school district bond articles. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: Recognizing substantial differences in the voting methods between the ballot law towns (SB2) towns and towns governed by town meeting, the General Court voted in 1999 to lower the percentage needed to pass bond articles in SB2 towns from 2/3 to 3/5. Although challenged in the courts, judicial decisions to date have supported the constitutionality of this legislation. HB 1242 would eliminate that differential by requiring a 2/3 vote in SB towns. The minority of the committee agrees with the overwhelming testimony heard before the committee in opposition to HB 1242. Based on historical evidence, the passing of school bond articles in SB2 towns would become almost impossible at a time when New Hampshire schools have significant capital needs. The bill would allow an even smaller minority to thwart the will of a vast majority-creating minority rule. The easier voting process under SB2 warrants a lower voting threshold. In comparison, the state legislature adopts bonds by only a majority

vote. Furthermore, this would establish a state mandate where it is not needed. If SB2 towns or school districts want to adopt a 2/3 % requirement, they can adopt a charter form of official ballot voting. The minority finds no valid reason to change the status quo. For the sake of our children's education, we urge that the majority's recommendation be overturned and that HB 1242 be voted "Inexpedient to Legislate". **Vote 12-5.**

COMMITTEE REPORT
MINORITY

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 1242**

TITLE: relative to the required vote for approving school district bond articles.

DATE: 2/20/02 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Recognizing substantial differences in the voting methods between the ballot law towns (SB2) towns and towns governed by town meeting, the General Court voted in 1999 to lower the percentage needed to pas bond articles in SB2 towns from 2/3 to 3/5. Although challenged in the courts, judicial decisions to date have supported the constitutionality of this legislation. HB 1242 would eliminate that differential by requiring a 2/3 vote in SB towns. The minority of the committee agrees with the overwhelming testimony heard before the committee in opposition to HB 1242. Based on historical evidence, the passing of school bond articles in SB2 towns would become almost impossible at a time when New Hampshire schools have significant capital needs. The bill would allow an even smaller minority to thwart the will of a vast majority-creating minority rule. The easier voting process under SB2 warrants a lower voting threshold. I comparison, the state legislature adopts bonds by only a majority
vote. Furthermore, this would establish a state mandate where it is not needed. If towns want to adopt a 2/3 requirement, they can adopt a charter form of official ballot voting. The minority finds no valid reason to change the status quo. For the sake of our children's education, we urge that the majority's recommendation be overturned and that HB 1242 be voted "Inexpedient to Legislate".

SB 2 school districts

Vote 12-5.

Rep. William G. Johnson
FOR THE MINORITY

Original: House Clerk
cc: Committee Bill file

MINORITY BLURB – HB 1242

Recognizing substantial differences in the voting methods between ballot-law towns (SB2 towns) and towns governed by town meeting, the General Court voted in 1999 to lower the percentage needed to pass bond articles in SB2 towns from 2/3 to 3/5. Although challenged in the courts, judicial decisions to-date have supported the constitutionality of this legislation. HB1242 would eliminate that differential by requiring a 2/3 vote in SB2 towns, despite their having greater voting opportunities than traditional meeting towns. The minority of the committee agrees with the ~~lopsided~~ testimony heard before the committee in opposition to HB1242. Based on historical evidence, the passing of school bond articles in SB2 towns would become almost impossible at a time when New Hampshire schools have significant capital needs. The bill would allow an even smaller minority to thwart the will of a vast majority – creating minority rule. The easier voting process under SB2 warrants a lower voting threshold. In comparison, the state adopts bonds by only a majority vote. Furthermore, this would establish a state mandate where it's not needed. If towns want to opt for a 2/3 requirement, they can adopt a charter form of official ballot voting. The minority finds no valid reason to change the status quo. For the sake of our children's education, we urge that the majority's recommendation be overturned and that HB1242 be voted inexpedient to legislate.

William G Johnson for the Minority