

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.

Sponsors:

Rep. Boehm

Rep. T. Lekas

Rep. McLean

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.