

**New Hampshire School Boards Association
Legislative Bulletin
May 16, 2008**



A Weekly Update of Important Activity in the Legislature

Education Funding – Constitutional Amendment: CACR 34

It took a long time, with extensive debate and political posturing, but the House clearly rejected pursuing a constitutional amendment on education funding. Passage of this bill required a 3/5 vote, or 237 favorable votes. But no proposal even received a simple majority of those present; the Finance Committee proposed amendment failed 140-222, and CACR 34, as passed by the Senate, failed 97-238.

Labor Relations – Evergreen Clause: HB 1436

The Senate version of this bill that continues the terms of “any pay plan” in a contract after its expiration, when a new contract has not been settled, specifically excludes cost of living increases. Given this slight modification, the bill must now go back to the House for concurrence. House approval is very likely.

ACTION ITEM – OPPOSE HB 1436

Please contact [your local representatives](#), urging them not to support any proposal that mandates pay raises without local voter approval, undermining the power and authority of our locally based system of governance. If the House adopts the bill, write Governor Lynch (State House, 25 Capitol Street, Concord, NH 03301 - [or email](#)) and urge his veto of HB 1436. (See [NHSBA testimony](#).)

Retirement – Omnibus Bill: HB 1645

The House and Senate versions of this bill differ greatly. Both contain the \$250 million transfer from the Special Account to the corpus of the annuity fund, but that is where similarities stop (see [last week's Bulletin](#)). The Senate version increases liabilities associated with the retirement fund and removes language aimed at long-term cost savings in benefits, yet does not transfer any more money into the pension fund to cover these projected costs. We continue to request enough money be transferred to cover the medical subsidy obligation and include “hold harmless” language in the bill, ensuring that if projected estimates are less than actual costs, local taxpayers are protected from funding a new mandate. The Senate version also deletes the changes to governance (Board of Trustees) adopted by the House. It acknowledges the complexity of a \$6 billion system and adds two new trustee positions with financial and investment expertise while eliminating duplicate representation for Group I and II members, reducing their number from 8 to 4. The House response to the Senate version is scheduled for next Wednesday, with a likely recommendation for a Committee of Conference to resolve differences.

ACTION ITEM – SUPPORT THE HOUSE VERSION OF HB 1645

Please contact [your local representatives](#) and explain that passage of a balanced version of HB 1645 is critical. In addition to addressing the needs of our public employees and retirees, consideration of local property taxpayer burdens is also necessary. The Special Account was always intended to be the source of funding for the medical subsidy and the current bill needs an amendment to hold taxpayers harmless for any increase in costs due to this benefit. In addition, the bill should include a change in governance that acknowledges the complexity of a \$6 billion system: support the House recommendation of two new trustee positions with financial and investment expertise and the elimination of duplicate representation for Group I and II members, reducing their number from 8 to 4.

Education Funding – Adequacy: SB 539

The Senate concurred with the House changes for a new formula on the cost of an Adequate Education, setting the cost of adequacy and fiscal capacity aid at \$940 million. However, the proposal implements a transition period stipulating that for the next two years, no district shall receive less than its current grant, nor more than a 15% increase. (A listing of the ESTIMATED impact on each community is available on the [NHSBA web site](#). These estimates WILL CHANGE when the calculations are implemented using updated data.) The bill now awaits approval by the Governor.

Labor Relations – Teacher Nonrenewal: SB 374 and HB 1330

Both these bills change the nonrenewal process by removing current language making State Board review of

nonrenewals the exclusive remedy for an appeal and allowing non-renewal appeals to be arbitrated under the terms of a collective bargaining agreement or reviewed by the State Board. The House version includes the removal of language that stipulates there is no REQUIREMENT for a district to provide remediation, while the Senate version leaves current language intact, making it clear that remediation assistance is not required. NHSBA continues to voice opposition to these bills that are strongly supported by the labor unions and the Dept. of Education. The difference between the two positions will likely be resolved in a Committee of Conference.

Brief Update on Other Important Bills

HB 1642 – Charter School Funding: This bill, as approved by the House, provided \$1.5 million from the Education Trust Fund for supplemental grants to charter schools for the 2008-09 school year. Due to budget constraints and decreased revenues, various proposals were offered in the Senate to fund the bill from local school district sources. The Senate approved an amended version that funds \$1 per pupil for charter schools, hoping to reach a compromise with the House in Conference Committee. We need to remain diligent in not allowing local school districts to be the source of revenue for these supplemental grants for state-approved charter schools.

HB 1408 – Right to Know: This bill has been adopted by both the House and Senate and clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business. A public meeting is defined as a quorum, or a majority, whether in person or other means, if participating members are able to communicate with each other contemporaneously, to discuss or act upon official business. Chance, social or other encounters not convened for the purpose of discussing business would not constitute a meeting if no decisions were made. The bill also contains provision for one or more officials to participate by electronic means without being physically present. This may occur only if attendance in person is not reasonably practical, a quorum is physically present, and all discussions are audible to everyone, including the public.

HB 1127 – Bargaining Units: This bill has been adopted by both the House and Senate and allows the governing body of a public employer to certify a bargaining unit of less than 10 members.

HB 1171 – Air Quality: This bill establishes a commission to study air quality issues in public school buildings. Duties of the commission include study of the feasibility of implementing air quality standards and performing regular air quality inspections. A report is due on or before November 1, 2009.

HB 1161 – Truancy Laws: This bill establishes a committee to study the truancy laws and all related statutes. A report is due on or before November 1, 2008.

HB 679-766 – Special Education: The Senate adopted HB 679, impacting special education and the juvenile justice system. The Senate amended HB 766, the broad re-write of the special education laws. This bill will now return to the House for concurrence.

HB 1371 – Extension of Reporting Dates: Both the House and Senate have adopted this bill that extends the deadline for reports from various studies, including the Committee to Study Issues Related to Cooperative School Districts. A report is now due on or before November 1, 2008. Also extended to November 2008 is the Committee to Study Dispute Resolution Between Local Political Subdivisions and Public Employees.

SB 415 – Compulsory School Attendance: This bill amends the effective date of last year's change to the age of compulsory school attendance. The bill now clarifies that on June 30, 2009, the age of compulsory school attendance shall be raised from 16 to 18 years of age.

Please review the ACTION ITEMS above and contact your local representatives, senators, and committee members TODAY to voice your concerns regarding legislative proposals. Remember that you, through NHSBA, are the only locally elected officials that “speak” exclusively for public education in NH.

For the complete text of any bill, go to <http://www.gencourt.state.nh.us/ns/billstatus/quickbill.html> and enter the bill number, e.g. HB1469, SB362 or CACR21 (no spaces!), and make sure the Session Year is 2008.

For more information on specific legislation, please call Dean Michener, NHSBA Director of Governmental Affairs at 603-228-2061, or email: deanm@nhsba.org.