

# Bill as Introduced

HB 1457 - AS INTRODUCED

2010 SESSION

10-2532

04/03

HOUSE BILL **1497**

AN ACT relative to terms of office for Concord school board members.

SPONSORS: Rep. Osborne, Merr 12; Rep. Shurtleff, Merr 10; Rep. Watrous, Merr 12; Rep. Gile, Merr 10

COMMITTEE: Municipal and County Government

---

ANALYSIS

This bill, subject to adoption by the Concord union school district legislative body:

I. Specifies terms of office for Concord union school district board of education members through the November 2012 elections.

II. Effective January 1, 2013, amends the Concord union school district charter to provide that 5 members of the board of education shall serve 2-year terms of office and 4 members shall serve 4-year terms of office.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to terms of office for Concord school board members.

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

1 1 Concord Union School District; School Board Terms of Office Through 2012. Notwithstanding  
2 the provisions of 1961, 355:2 as amended by 1983, 123:1, the term of office of any person elected to  
3 the Concord school district board of education between the effective date of this section and the date  
4 of the November 2012 election shall expire on the date the new board of education is elected at the  
5 November 2013 election.

6 2 Concord Union School District; Elections. 1961, 355:2 as amended by 1983, 123:1 is repealed  
7 and reenacted to read as follows:

8 355:2 Elections. The election officers in each ward whose duty it is to conduct regular state  
9 general elections, shall conduct an election, as hereinafter provided, on the Tuesday after the first  
10 Monday in November, biennially, to elect members of the board of education of the Concord school  
11 district to serve 4-year terms, except that 5 members elected at the first election after the effective  
12 date of this section shall serve 2-year terms. For the purposes of this election, the voters shall cast  
13 their ballots in their respective wards for the election of members of the board of education.  
14 Candidates for election to the board of education shall be listed on ballot page or pages separate from  
15 the pages used in any other elections which may be held concurrently with the board election, as  
16 provided in section 4 of this chapter.

17 3 Referendum; Concord School District Charter; Amendments to Charter. Sections 1 and 2 of  
18 this act shall not take effect unless adopted by a majority vote of those present and voting at the  
19 regular school board election in November 2010 as hereinafter provided. The clerk of the Concord  
20 school district shall cause to be printed at the bottom of the ballot prepared for the election of  
21 members of the board of education the following question "Shall the provisions of an act entitled 'An  
22 act relative to terms of office for Concord school board members' passed at the 2010 session of the  
23 legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No"  
24 with a square immediately opposite each word, in which the voter may indicate his or her choice. If  
25 a majority of those voting on this question at said election vote in the affirmative on this question,  
26 this act shall be declared to have been adopted and section 1 of this act shall become effective  
27 January 1, 2011, and section 2 of this act shall become effective at 12:01 a.m. on the day after the  
28 November 2012 elections. The school district clerk shall within 10 days of said election certify to the  
29 secretary of state the result of the vote on the above question.

30 4 Effective Date.

31 I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

32 II. The remainder of this act shall take effect upon its passage.

# Amendments

Rep. Osborne, Merr. 12  
Rep. Shurtleff, Merr. 10  
Rep. Watrous, Merr. 12  
Rep. Gile, Merr. 10  
Sen. Larsen, Dist. 15  
December 18, 2009  
2010-0034h  
04/10

Amendment to HB 1497

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

2  
3 AN ACT relative to the governance of the Concord school district.  
4

5 Amend the bill by replacing all after the enacting clause with the following:  
6

7 1 Concord School District Charter; Charter Commission Established.

8 I. A charter commission shall be established to develop a local procedure, which does not  
9 require the approval of the legislature, to revise, amend, or replace the Concord school district  
10 charter, established in chapter 355 of the 1961 Laws of New Hampshire, as amended by chapter  
11 123:1 of the 1983 Laws of New Hampshire. The charter commission shall submit its  
12 recommendations for a procedure to revise, amend, or replace the Concord school district charter in  
13 the form of a ballot question to the Concord school district voters for a vote at the November 2011  
14 regular election. If the ballot question is approved, then the Concord school district charter shall be  
15 revised, amended, or replaced in accordance with the local procedure approved by the school district  
16 voters and, effective on the date the ballot question is approved, the Concord school district shall be  
17 solely responsible for revising, amending, or replacing the charter.

18 II.(a) The charter commission shall consist of 9 members who shall be registered voters of  
19 the Concord school district, and who shall run without party designation, as follows:

- 20 (1) Two members who shall be from wards 1, 2, 3, and 4.  
21 (2) Two members who shall be from wards 5, 6, and 7.  
22 (3) Two members who shall be from wards 8, 9, and 10.  
23 (4) Three members who shall run at-large.

24 (b) The election of charter commission members shall be held in conjunction with the  
25 regular November elections in 2010 in accordance with RSA 49-B:4.

26 III. The charter commission shall have all the powers and duties of a charter commission  
27 established pursuant to RSA 49-B and shall comply with the provisions of RSA 49-B, except as  
28 otherwise indicated in this section.

29 2 Repeal. 1961, 355, as amended by 1983, 123:1, is repealed.

Amendment to HB 1497

- Page 2 -



1           3 Contingency. Section 2 of this act shall only take effect upon the approval by the Concord  
2 school district voters at the November 2011 regular election of a ballot question to adopt a charter  
3 which includes a procedure allowing the Concord school district to amend the charter without the  
4 approval of the legislature.

5           4 Effective Date.

6           I. Section 2 of this act shall take effect as provided in section 3 of this act.

7           II. The remainder of this act shall take effect upon its passage.



2010-0034h

AMENDED ANALYSIS

This bill requires the establishment of a charter commission to recommend amendments to the Concord school district charter without legislative approval.

This bill is a request of the commission to study the Concord Union school district charter established in 2009, 233.

Amendment to HB 1497

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

2

3 AN ACT authorizing the Concord school district to amend its charter without prior  
4 legislative approval.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Section; Concord Union School District Charter; Amendments to Charter. Amend 1961,  
9 355, as amended by 1967, 560; 1971, 262; 1977, 47; and 1983, 123 by inserting after section 20 the  
10 following new section:

11 355:21 Revisions, Amendments, or New Charter. Any revisions or amendments to this charter  
12 or the adoption of a new charter shall comply with the provisions of RSA 49-B.

13 2 Concord School District Charter; Charter Commission Established.

14 I. A charter commission shall be established which does not require the approval of the  
15 legislature, to revise, amend, or replace the Concord school district charter, established in chapter  
16 355 of the 1961 Laws of New Hampshire, as amended by chapter 123:1 of the 1983 Laws of New  
17 Hampshire and section 1 of this act. The charter commission shall submit its recommendations to  
18 revise, amend, or replace the Concord school district charter to the Concord school district voters as  
19 provided in RSA 49-B.

20 II.(a) The charter commission shall consist of 9 members who shall be registered voters of  
21 the Concord school district, and who shall run without party designation, as follows:

22 (1) Two members who shall be from wards 1, 2, 3, and 4.

23 (2) Two members who shall be from wards 5, 6, and 7.

24 (3) Two members who shall be from wards 8, 9, and 10.

25 (4) Three members who shall run at-large.

26 (b) The election of charter commission members shall be held in conjunction with the  
27 regular November elections in 2010 in accordance with RSA 49-B:4.

28 III. The charter commission shall have all the powers and duties of a charter commission  
29 established pursuant to RSA 49-B and shall comply with the provisions of RSA 49-B, except as  
30 otherwise indicated in this section.

31 3 Effective Date. This act shall take effect upon its passage.



2010-0196h

AMENDED ANALYSIS

This bill provides that any revisions or amendments to the Concord school district charter, or the adoption of a new school district charter, shall comply with the procedures in RSA 49-B for revising, amending, or adopting a municipal charter. This bill also requires the establishment of a charter commission to recommend amendments to the Concord school district charter without legislative approval.

Amendment to HB 1497

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

2

3 AN ACT authorizing the Concord school district to amend its charter without prior  
4 legislative approval.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Section; Concord Union School District Charter; Amendments to Charter. Amend 1961,  
9 355, as amended by 1967, 560; 1971, 262; 1977, 47; and 1983, 123 by inserting after section 20 the  
10 following new section:

11 355:21 Revisions, Amendments, or New Charter. Any revisions or amendments to this charter  
12 or the adoption of a new charter shall comply with the provisions of RSA 49-B.

13 2 Concord School District Charter; Charter Commission Established.

14 I. A charter commission shall be established which does not require the approval of the  
15 legislature, to revise, amend, or replace the Concord school district charter, established in chapter  
16 355 of the 1961 Laws of New Hampshire, as amended by chapter 123:1 of the 1983 Laws of New  
17 Hampshire and section 1 of this act. The charter commission shall submit its recommendations to  
18 revise, amend, or replace the Concord school district charter to the Concord school district voters as  
19 provided in RSA 49-B.

20 II.(a) The charter commission shall consist of 9 members who shall be registered voters of  
21 the Concord school district, and who shall run without party designation, as follows:

22 (1) Two members who shall be from wards 1, 2, 3, and 4.

23 (2) Two members who shall be from wards 5, 6, and 7.

24 (3) Two members who shall be from wards 8, 9, and 10.

25 (4) Three members who shall run at-large.

26 (b) The election of charter commission members shall be held in conjunction with the  
27 regular November elections in 2010 in accordance with RSA 49-B:4.

28 III. The charter commission shall have all the powers and duties of a charter commission  
29 established pursuant to RSA 49-B and shall comply with the provisions of RSA 49-B, except as  
30 otherwise indicated in this section.

31 3 Effective Date. This act shall take effect upon its passage.



2010-0196h

AMENDED ANALYSIS

This bill provides that any revisions or amendments to the Concord school district charter, or the adoption of a new school district charter, shall comply with the procedures in RSA 49-B for revising, amending, or adopting a municipal charter. This bill also requires the establishment of a charter commission to recommend amendments to the Concord school district charter without legislative approval.

Rep. Osborne, Merr. 12  
Rep. Shurtleff, Merr. 10  
Rep. Gile, Merr. 10  
Sen. Larsen, Dist. 15  
February 1, 2010  
2010-0412h  
04/10

Amendment to HB 1497

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

2

3 AN ACT relative to the governance of the Concord school district.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Subdivision; Concord School District Charter; Charter Commission Established. Amend  
8 RSA 49-B by inserting after section 13 the following new subdivision:

9

Concord School District Charter Commission

10

49-B:14 Concord School District; Charter Commission Established.

11

12 I. A charter commission shall be established to develop a local procedure, which does not  
13 require the approval of the legislature, to revise, amend, or replace the Concord school district  
14 charter, established in chapter 355 of the 1961 Laws of New Hampshire, as amended by chapter  
15 123:1 of the 1983 Laws of New Hampshire. The charter commission shall submit its  
16 recommendations for a procedure to revise, amend, or replace the Concord school district charter in  
17 the form of a ballot question to the Concord school district voters for a vote at the November 2011  
18 regular election. If the ballot question is approved, then the Concord school district charter shall be  
19 revised, amended, or replaced in accordance with the local procedure approved by the school district  
20 voters and, effective on the date the ballot question is approved, the Concord school district shall be  
solely responsible for revising, amending, or replacing the charter.

21

22 II.(a) The charter commission shall consist of 9 members who shall be registered voters of  
the Concord school district, and who shall run without party designation, as follows:

23

(1) Two members who shall be from wards 1, 2, 3, and 4.

24

(2) Two members who shall be from wards 5, 6, and 7.

25

(3) Two members who shall be from wards 8, 9, and 10.

26

(4) Three members who shall run at-large.

27

(b) The election of charter commission members shall be held in conjunction with the  
28 regular November elections in 2010 in accordance with RSA 49-B:4.

29

III. The charter commission shall have all the powers and duties of a charter commission  
30 established pursuant to this chapter and shall comply with the provisions of this chapter, except as

Amendment to HB 1497

- Page 2 -

1 otherwise indicated in this section.

2 2 Repeal. The following are repealed:

3 I. 1961, 355, as amended by 1983, 123:1.

4 II. RSA 49-B:14, relative to the Concord school district charter commission.

5 3 Contingency. If Concord school district voters approve a ballot question at the 2011 Concord  
6 school district meeting to adopt a school district charter which includes a procedure to allow the  
7 Concord school district to amend the charter without the approval of the legislature and to repeal the  
8 existing Concord school district charter established in 1961, 355, as amended by 1983, 123:1, then  
9 section 2 of this act shall take effect on the date such ballot question is approved. If the ballot  
10 question is not approved, section 2 of this act shall not take effect.

11 4 Effective Date.

12 I. Section 2 of this act shall take effect as provided in section 3 of this act.

13 II. The remainder of this act shall take effect upon its passage.

2010-0412h

AMENDED ANALYSIS

This bill requires the establishment of a charter commission to recommend a procedure to revise, amend, or replace the Concord school district charter without legislative approval.

This bill is a request of the commission to study the Concord Union school district charter established in 2009, 233.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1497

**BILL TITLE:** relative to terms of office for Concord school board members.  
**DATE:** January 21, 2010  
**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 1:30 pm  
**Time Adjourned:** 2:08 pm

(please circle if present)

**Committee Members:** Reps. Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schueft, Patten, Boyce, O. Soucy, J. Sullivan, Crisler, Perrante, Perkins, Sterling and Cunningham.

**Bill Sponsors:** Rep. Osborne, Merr 12; Rep. Shurtleff, Merr 10; Rep. Watrous, Merr 12; Rep. Gile, Merr 10

TESTIMONY

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

**Rep. Osborne**, sponsor, introduced the bill. Presented Am #0034h which replaces entire bill. This is a plan to create an elected charter commission to oversee the process of removal of statutory control of Concord School Board charter.

Rep. Lauterborn: Are there some students outside Concord who attend? Ans.-Just tuition.

Rep. Lauterborn: Name changed? Ans.-Yes

Rep. Boyce: What percent vote of school district needed to change? Ans.-51%

Rep. Brown: How is the district work transferred? Ans.-School commission will direct how changes will proceed.

Rep. Brown: How will current members serve and work. Ans.- Will be in office until transition is completed. If charter were repealed now, we would not be able to operate in the meantime.

\***Rep. Watrous**, co-sponsor, presented Am #0196h and spoke to the amendment.

Rep. Cooney: Did you get an opinion from the AG as to the legality of your plan? Ans. I spoke to the Sec of State and he feels this is a more legal way to get the charter back to where it should be. He feels Rep. Osborne's plan is not legal because of the limbo status the board would be in if the initiative fails in a vote.

\***James McConaha**, Concord. Member of Concord School Charter Legislative Committee, supports Rep. Watrous' Am.#0196 proposal.

**Bill Glahn**, Concord. Member of Concord School Charter Legislative Committee supports Rep. Osborne's Am. #0034h proposal. All members agreed that the charter should be returned to control of Concord, the disagreements involved the timing and manner. RSA 49-B is part of the manner. Applying that law to the manner is putting the cart before the horse. Rep. Osborne's proposal is closer to what our committee recommended, Rep. Watrous' is not. This arose because of an attempt to amend our school charter over an issue of consolidating various schools in our school district, which politicized the whole issue and was improper.

Rep. Cooney: Did you say the commission recommended the Osborne approach? Ans.- It is the closest - recommended making an elected charter commission to preside over the process.

Rep. Cooney: Do you feel as a former AG that Rep. Watrous' proposal is unconstitutional. Ans.- No, the current system is constitutional, but not satisfactory.

Rep. Brown: So if you feel the Watrous plan is defensible, is it complete, does it result in

enfranchisement of Concord voters. Ans.-No, his plan imposes a process on the voters from the outset, rather than providing a process to create a procedure. Let the Concord voters decide what the process should be rather than the legislature.

Respectfully submitted,

*Rep. Dianne E. Schuett*

Rep. Dianne E. Schuett  
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1497

**BILL TITLE:** relative to terms of office for Concord school board members.

**DATE:**

1/21/2010

**LOB ROOM:**

301

**Time Public Hearing Called to Order:** 1:30 pm

**Time Adjourned:** 2:08 pm

(please circle if present)

**Committee Members:** Reps. Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins and Sterling Cunningham

**Bill Sponsors:** Rep. Osborne, Merr 12; Rep. Shurtleff, Merr 10; Rep. Watrous, Merr 12; Rep. Gile, Merr 10

TESTIMONY

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

Hearing, minutes on  
HB 1497 Jan. 21, 2010

Hearing opened at 1:30 p.m.

Rep. Osborne, sponsor, introduced the bill. Presented Am #0034h which replaces entire bill. This is a plan to create an elected charter commission to oversee the process of removal of statutory control of Concord School Board charter.

Rep. Lauterborn: Are there some students outside concord who attend?

Ans.-Just tuition.

Rep. Lauterborn: Name changed? Ans.-Yes

Rep. Boyce: What percent vote of school district needed to change? Ans.-51%

Rep. Brown: How is the district work transfered? Ans.-School commission will direct how changes will proceed.

Rep. Brown: How will current members serve and work. Ans.- Will be in office until transition is completed. If charter were repealed now, we would not be able to operate in the meantime.

\*Rep. Watrous, co-sponsor, presented Am #0196h and spoke to the amendment.

Rep. Cooney: Did you get an opinion from the AG as to the legality of your plan?

Ans.- I spoke to the Sec of St and he feels this is a more legal way to get the charter back to where it should be. He feels Rep. Osborne's plan is not legal because of the limbo status the board would be in if the initiative fails in a vote.

\*James McConaha, Concord. Member of Concord School Charter Legislative Committee, supports Rep. Watrous' Am.#0196 proposal.

Bill Glahn, Concord. Member of Concord School Charter Legislative Committee supports Rep. Osborne's Am. #0034h proposal. All members agreed that the charter should be returned to control of Concord, the disagreements involved the timing and manner. RSA 49-B is part of the manner. Applying that law to the manner is putting the cart before the horse. Rep. Osborne's proposal is closer to what our committee recommended, Rep. Watrous' is not. This arose because of an attempt to amend our school charter over an issue of consolidating various schools in our school district, which politicized the whole issue and was improper.

Rep. Cooney: Did you say the commission recommended the Osborne approach?

Ans.- It is the closest - recommended making an elected charter commission to preside over the process

Rep. Cooney: Do you feel as a former AG that Rep. Watrous' proposal is unconstitutional. Ans.- No, the current system is constitutional, but not satisfactory.

Rep. Brown: So if you feel the Watrous plan is defensible, is it complete, does it result in enfranchisement of Concord voters. Ans.-No, his plan imposes a process on the voters from the outset, rather than providing a process to create a procedure. Let the Concord voters decide what the process should be rather than the legislature.

Hearing closed at 2:08 p.m.

Respectfully submitted,

Rep. Dianne E. Schuett, clerk

# Testimony

**Testimony for the House Municipal Committee, January 21, 2010**  
**HB 1497 amendment 2010-0196h**  
**An act authorizing the Concord school district to amend its charter**  
**without prior legislative approval**

For the record I am Representative Rick Watrous of Merrimack District 12, Concord wards 5, 6, and 7. HB 1497 was put in as a placeholder bill by Rep. Osborne, myself and other Concord representatives as we were waiting for the Concord School District charter study commission to complete its work.

Last year, this committee and the House unanimously passed the amended HB 319 authorizing the Concord school district to amend its charter without prior legislative approval. Upon testimony of the Concord school district legal consul, the Senate amended that bill to create the Commission to Study the Concord School District Charter. The duty of this commission was to "evaluate whether and in what manner the present legislative school district charter should be preserved, amended or terminated in favor of a new school district charter."

I was the named Concord representative to that study commission. Your fellow Representative Beverly Ferrante also served. The commission delivered its report on Dec. 1, 2009.

Drawing from that report's recommendations, I am here to present amendment 0196h to HB 1497. If passed into law, this committee need never again involve itself with the affairs of the Concord School District.

While the commission disagreed over various issues, it did recommend unanimously for the Legislature to relinquish control over the school district charter. This amendment does that. Upon passage of this bill, the charter would immediately return where it belongs, to the voters of the Concord School District.

On a divided vote, the majority of the commission recommended the Legislature authorize an elected charter commission for the Concord School District. In accordance with that recommendation, this amendment would have that commission elected by the citizens of Concord at the November 2010 election, with the commission's proposals scheduled to come before the voters at the November 2011 regular election.

This is a win/win scenario. Upon this bill becoming law Concord voters would immediately have the return of their charter and its related constitutional rights. The State House would no longer be involved in the internal affairs of the Concord School District. The elected charter commission could recommend changes to the charter. Concord voters could approve or disapprove these changes, but after nearly 50 years citizens will finally have their charter back to amend as they see fit.



January 21, 2010

To: Members, House Municipal & County Government Committee

From: James McConaha, Voter & Taxpayer, City of Concord

Re: HB1497

Although HB1497, as drafted, does not specifically address the creation of an elected school district charter commission for the city of Concord, I ask you to act positively on two requests:

- 1) Support the creation of an elected school district charter commission as recommended, unanimously, by the Concord School Charter Legislative Committee created by the legislature last year, and,
- 2) Support legislative language that will provide a process for amending the Concord School District Charter in the interim, and until the newly created charter commission secures voter approval for an amending process.

After months of meetings and much public testimony, the legislative charter committee arrived at a predictable conclusion, that the voters and taxpayers of the city of Concord wanted control over their school district charter returned to them. They also agreed that a charter commission, with elected members from all wards of the city, be created and charged with recommending to the voters necessary changes. Paramount among these is a mechanism for amending the charter.

Because the process of electing the charter commission, developing and recommending changes to the charter, and, most importantly, securing voter approval will be lengthy and unpredictable, a process for amending the charter in the interim is critical.

It might be argued that changes to the school district charter can still be brought before the General Court, but it is unrealistic to expect that any legislator, or legislative committee, would support any changes, while the residents of Concord are engaged in electing their own charter commission and developing their own process for change.

Without a mechanism for change, as part of legislative approval for an elected charter commission for Concord, the voters and taxpayers of this community (virtually unique in all of New Hampshire), will be denied any process for petitioning for change for an unpredictable number of years.

During the hearings the school charter legislative committee held, strong support was offered for using the language of RSA 49-B to provide opportunity for change in the charter. This statute, which offers such opportunity to voters of municipalities throughout New Hampshire, is straightforward and would seem to be easily modified to provide for a process of change to local school district charters.

As voters and taxpayers in the city of Concord, we ask you to please not leave us in a situation worse than we are now, where the only way we can achieve change in our school district charter is to get the approval of the General Court.

And please do not leave us disenfranchised, during this interim and unpredictable period, while a charter commission is elected, while it proposes changes, and while it secures voter approval for those changes.

As you return the Concord school district charter to the citizens of Concord, give us an effective process for change, within our own control as a community, until such time as the voters agree on that process or one of their own.



James McConaha  
7 Cypress Street  
Concord, New Hampshire

Kass Ardinger [kspanos@comcast.net]

Sent: Wed 1/20/2010 9:46 PM

To: Cooney, Mary

Cc:

Subject: comments re: HB 1497

Attachments:

[View As Web Page](#)

Dear Representative Cooney,

Thank you for giving me the opportunity to send you my comments via e-mail concerning HB 1497, a bill concerning the Concord School District charter which your committee will be considering on Thursday, January 21. I am unable to attend the meeting and hope that you will consider these comments as testimony.

As president of the Concord School Board, I served on the Commission to Study the Concord School District Charter, which was formed in the 2009 legislative session by HB 319. This commission, comprised of 13 members, including Senator Sylvia Larsen, Rep. Beverly Ferrante and Rep. Rick Watrous, met a total of seven times between September and November of 2009.

The commission engaged in wide-ranging discussion during the course of our meetings and ultimately voted to recommend that the NH legislature authorize the formation of a locally elected charter commission to further study how the Concord school district charter should be amended. The purpose of an amendment would be to allow the voters of the Concord school district to take control of its charter without further oversight by the state legislature.

As part of its discussions, the use of RSA 49-B was expressly debated, and it was decided by a majority of the commission to reject the notion that the members of the legislatively appointed commission would recommend the methods outlined in 49-B (including a petition option) be amended onto the charter. Instead, the commission voted to recommend that the legislature relinquish control over changes to the charter, and to authorize the election of a Concord charter commission charged with the job of proposing a charter amendment procedure to be voted on by citizens of the Concord School District.

I therefore object to Representative Watrous' proposed amendment to HB 1497, which allows for the adoption of a new school district charter in

compliance with procedures in RSA 49-B for revising, amending or adopting a municipal charter. This proposal was rejected by the charter commission in favor of allowing an elected charter commission to place proposals to amend the charter on a Concord school district ballot.

I am in support of an amendment sponsored by Representative Jessie Osbourne, which is identical to SB 446 sponsored by Senator Sylvia Larsen. This amendment effectively adopts the position taken by the majority of the legislatively appointed charter commission members as reflected in the recommendations that were submitted in a final report to the legislature on December 1, 2009.

Sincerely,  
Kassandra S. Ardinger

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1497

**BILL TITLE:** relative to terms of office for Concord school board members.

**DATE:** February 4, 2010

**LOB ROOM:** 301

Amendments:

Sponsor: Rep. OLS Document #: 2010 0412h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Osborne

Seconded by Rep. Ferrante

Vote: 18-0 (Please attach record of roll call vote.)

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

Moved by Rep. Osborne

Seconded by Rep. Ferrante

Vote: 18-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Yes vv

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

*Rep. Dianne E. Schuett*

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1497

BILL TITLE: relative to terms of office for Concord school board members.

DATE: 2/4/2010

LOB ROOM: 301

Amendments:

Sponsor: Rep. Osborne

OLS Document #: 2010-0112h 412

Sponsor: Rep. Ferrante

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: (OTP, <sup>AM</sup>OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Osborne

Seconded by Rep. Ferrante

Vote: 18-0 (Please attach record of roll call vote.)

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

Moved by Rep. Osborne

Seconded by Rep. Ferrante

Vote: 18-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

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

YES

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

## MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1497 Title: re terms of office for Concord school board members.PH Date: 1/21/2010Exec Session Date: 2/4/2010Motion: AMAmendment #: 2010-0142-h

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	18	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R	6	
Carlson, Nancy L	7	
Lauterborn, Elaine M	8	
Lewis, Robert D	9	
Schuett, Dianne E, Clerk	10	
Patten, Betsey L	11	
Boyce, Laurie J	12	
Soucy, Connie M	13	
Sullivan, James M	<i>absent</i>	
Crisler, Margaret M	14	
Ferrante, Beverly A	15	
Perkins, Amy Stasia	16	
Sterling, Franklin W	<i>absent</i>	
Cunningham, Steven L	17	
TOTAL VOTE:	18	0



## MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1497 Title: re Terms of office for Concord school board members.  
 PH Date: 1/31/2010 Exec Session Date: 2/4/2010

Motion: OTP / AM Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	18	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R	6	
Carlson, Nancy L	7	
Lauterborn, Elaine M	8	
Lewis, Robert D	9	
Schuett, Dianne E, Clerk	10	
Patten, Betsey L	11	
Boyce, Laurie J	12	
Soucy, Connie M	13	
Sullivan, James M <i>absent</i>		
Crisler, Margaret M	14	
Ferrante, Beverly A	15	
Perkins, Amy Stasia	16	
Sterling, Franklin W <i>absent</i>		
Cunningham, Steven L	17	
TOTAL VOTE:	18	0

# Committee Report

**CONSENT CALENDAR**

**February 4, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on MUNICIPAL AND COUNTY  
GOVERNMENT to which was referred HB1497,**

**AN ACT relative to terms of office for Concord school  
board members. Having considered the same, report  
the same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Jessie L Osborne**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>MUNICIPAL AND COUNTY GOVERNMENT</b>
Bill Number:	<b>HB1497</b>
Title:	<b>relative to terms of office for Concord school board members.</b>
Date:	<b>February 4, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

This bill as amended will give the Concord school district the ability to elect a charter commission to create a local procedure, which does not require the approval to revise, amend, or replace its charter. The Concord school district charter is currently the only one in chapter law. This bill provides for the voters of the Concord school district to elect a charter commission in 2010 utilizing RSA.49-B:4. Upon passage by the voters of the Concord school district of the recommendations of the charter commission in 2011 Concord will have control of it's own charter, and the statutes for the Concord charter would then be revoked.

Vote 18-0.

Rep. Jessie L Osborne  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### MUNICIPAL AND COUNTY GOVERNMENT

**HB1497**, relative to terms of office for Concord school board members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L Osborne for MUNICIPAL AND COUNTY GOVERNMENT. This bill as amended will give the Concord school district the ability to elect a charter commission to create a local procedure, which does not require the approval to revise, amend, or replace its charter. The Concord school district charter is currently the only one in chapter law. This bill provides for the voters of the Concord school district to elect a charter commission in 2010 utilizing RSA.49-B:4. Upon passage by the voters of the Concord school district of the recommendations of the charter commission in 2011 Concord will have control of it's own charter, and the statutes for the Concord charter would then be revoked. **Vote 18-0.**

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT.

BILL NUMBER: HB 1497

TITLE: re terms of office for Concord school board members.

DATE: 2/4/2010 CONSENT CALENDAR: YES [X] NO [ ]

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. 412  
2010-entire

STATEMENT OF INTENT:

This bill as amended will give the Concord School District the ability to elect a charter Commission to create a local procedure, which does not require the approval to revise, amend, or replace its charter. The Concord school district charter is currently the only one in chapter law. This bill provides for the voters of the Concord School District to elect a charter commission in 2010 utilizing RSA 49-B:4, upon passage by the voters of the Concord School District of the recommendations of the charter commission in 2011 Concord will have control of its own charter. and the statutes for the Concord Charter would then be revoked.

49-B:4

COMMITTEE VOTE: 18-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Jan Osborne  
For the Committee  
Osborne

Mary Carney