

Bill as Introduced

HB 1497 – 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 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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6 2 Concord Union School District; Elections. 1961, 355:2 as amended by 1983, 123:1 is repealed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.

1

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

HB 1497 -- AS AMENDED BY THE HOUSE

17Feb2010... 0412h

2010 SESSION

10-2532

04/03

HOUSE BILL **1497**

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

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

COMMITTEE: Municipal and County Government

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.

.....

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 Ten

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

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

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

3 Concord School District Charter Commission

4 49-B:14 Concord School District; Charter Commission Established.

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

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

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

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

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

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

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

23 III. The charter commission shall have all the powers and duties of a charter commission
24 established pursuant to this chapter and shall comply with the provisions of this chapter, except as
25 otherwise indicated in this section.

26 2 Repeal. The following are repealed:

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

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

29 3 Contingency. If Concord school district voters approve a ballot question at the 2011 Concord
30 school district meeting to adopt a school district charter which includes a procedure to allow the

HB 1497 – AS AMENDED BY THE HOUSE

- Page 2 -

1 Concord school district to amend the charter without the approval of the legislature and to repeal the
2 existing Concord school district charter established in 1961, 355, as amended by 1983, 123:1, then
3 section 2 of this act shall take effect on the date such ballot question is approved. If the ballot
4 question is not approved, section 2 of this act shall not take effect.

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.

HB 1497 – FINAL VERSION

17Feb2010... 0412h
05/12/10 1868s

2010 SESSION

10-2532
04/03

HOUSE BILL ***1497***

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

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

COMMITTEE: Municipal and County Government

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.

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 Ten

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

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

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

3 Concord School District Charter Commission

4 49-B:14 Concord School District; Charter Commission Established.

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

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

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

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

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

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

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

23 III. The charter commission shall have all the powers and duties of a charter commission
24 established pursuant to this chapter and shall comply with the provisions of this chapter, except as
25 otherwise indicated in this section.

26 2 Repeal. The following are repealed:

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

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

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

7 4 Effective Date.

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

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

Amendments

Public and Municipal Affairs
May 4, 2010
2010-1868s
04/10

Amendment to HB 1497

1 Amend the bill by replacing section 3 with the following:

2

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

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

ATTENDANCE

- ✓ Senator Betsi DeVries Chairman
- ✓ Senator Matthew Houde V Chairman
- ✓ Senator Kathleen Sgambati
- ✓ Senator Sheila Roberge
- ✓ Senator John Barnes, Jr.

*START: 8:45 AM
END: 8:57 AM*

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

Date: April 15, 2010

HEARINGS

Thursday

4/22/2010

PUBLIC AND MUNICIPAL AFFAIRS

LOB 103

8:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 8:30 AM HB1439-L
- 8:40 AM HB1497
- 8:50 AM HB1571
- 9:00 AM HB1447

relative to tax exemptions for water and air pollution control installations.
 (New Title) relative to the governance of the Concord school district
 relative to the penalty for failure to file an annual inventory of taxable property.
 relative to authorization to use firearms in the compact part of a town.

Sponsors:

HB1439-L

Rep. Leigh Webb

Rep. Andrew Peterson

HB1497

Rep. Jessie Osborne

Rep. Stephen Shurtleff

Rep. Rick Watrous

Rep. Mary Gile

HB1571

Rep. Valerie Hardy

HB1447

Rep. David Welch

Sen. Robert Letourneau

Rep. Daniel Eaton

Rep. Burton Williams

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Shannon Whitehead, *Legislative Aide*

RE: Hearing report on HB 1497-AN ACT relative to the
governance of the Concord School District

HEARING DATE: April 22, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senator DeVries,
Senator Houde, Senator Roberge, Senator Sgambati and Senator Barnes

MEMBERS OF THE COMMITTEE ABSENT: All members were present

Sponsor(s): Rep. Osborne, Merr 12; Rep. Shurtleff, Merr 10; Rep. Watrous,
Merr 12; Rep. Gile, Merr 10

What the bill does: 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.

Who supports the bill: Senator Larsen; District, Rep. Osborne, Kassandra
Ardinger (Concord School Board), Rep. Mary Cooney.

Who opposes the bill: Rep. Rick Waltrous

Summary of testimony received:

Rep. Osborne: Prime Sponsor

- 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. We are the voters vote.
- Rep. Osborne handed in an amendment (#1515h) accompanied by Rep. Cooney to amend the bill by replacing the following. Section 3, Contingency. If Concord school district voters approve a ballot question at the November 2011 regular election to adopt a school district charter which includes a procedure to allow the Concord school district to amend the charter without the approval of the legislature and to repeal the existing Concord School district charter established in 1961 as amended by 1983 then section 2 of this act shall take effect on the date such ballot question is approved. If the ballot question is not approved, section 2 shall not take effect.
- This is mirror image of the Senate from what Senator Larsen created.

Kassandra Ardinger: President of Concord School Board

- In support. Served with Senator Sylvia Larsen on the Commission to study the Concord School District Charter, which submitted its final report to the legislature on December 1, 2009.
- As a member of the commission it faithfully incorporates the recommendations of the commissions report into legislation by establishing a charter commission to be elected by the voters of the Concord school district in November of this year.
- The elected commission will then agree upon a procedure to revise, amend or replace the existing charter and will place its recommendations on a ballot for the Concord school district voters to decide in November 2011.
- Urges the committee to pass this bill.

Senator Sylvia Larsen

- In support of the bill. It is identical to the bill that was tabled. The bill is on behalf of the Concord School District so all issues can be resolved.

Rep. Rick Waltrous: Co Sponsor

- Doesn't support the amended version

- Last year the House unanimously passed the amended HB 319 authorizing the Concord School District to amend its charter with out prior legislative approval.
- The Senate amended that bill to create the commission to study the Concord school district charter. The duty of this commission was to decide whether the present legislative school district charter should be preserved, amended or terminated in favor of a new school district charter.
- The school district has enjoyed its total autonomy that last 50 years and wants to keep Concord citizens from having a say over its budget it its charter as long as possible.
- Rep. Waltrous stated 3 major problems with the bill 1) in lines 29-30 it has Concord voters approving the ballot at the 2011 Concord School District meeting, but since the budget vote was taken away from district voters in 1961, voters have stop coming to the annual school district meeting. In 2010 no citizens attended the annual school district meeting. 2) Its entirely possible that the majority of the elected commission could be composed of school board members and school district employees who want to maintain school district autonomy. 3) Concord voters are placed in a position where if they don't approve whatever ballot question is put before them, they will continue to have zero control over their district charter.
- Handed in an amendment to the committee to consider. The wording of amendment #1500h was originally vetted by the Attorney General's office in 2009.
- If passed this would immediately take the State House out of the loop and let Concord Citizens and the school district change or not change their charter under the provisions of RSA 49B. Please don't let school district charter delay.

Funding: *Not applicable*

Future Action: Pending

DM

Date: April 22, 2010
Time: 8:45 a.m.
Room: LOB Room 103

The Senate Committee on Public and Municipal Affairs held a hearing on the following:

HB 1497 (New Title) relative to the governance of the Concord school district.

Members of Committee present: Senator DeVries
Senator Houde
Senator Sgambati
Senator Roberge
Senator Barnes

The Chair, Senator Betsi DeVries, opened the hearing on HB 1497 and invited the prime sponsor, Representative Jessie Osborne, to introduce the legislation.

Representative Jessie Osborne: Thank you, Madam Chair. I would like, may I ask that Kass Ardinger come up and sit with me? She was the Chair on the Committee.

Senator Betsi DeVries, D. 18: Absolutely, and I thought that was the name that I had seen, but we appreciate that.

Representative Osborne: Thank you. I'm Representative Jessie Osborne. I represent Merrimack District 12, the wards of Concord 5, 6 and 7. And I'm here in support of HB 1497 to, an act relevant to the governance of the Concord School District. 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.

As you may remember, the Concord School District doesn't own its charter, and what we are trying to do with this bill is to get the charter back to the people. Ms. Ardinger will explain what the charter commission did. When we drew up this bill, we found yesterday, unfortunately, a technical glitch. So I have Amendment 2010-1515h, which changes, on Line 29 of the original

bill, the words, "If the Concord School District voters approve a ballot question at the 2011 Concord School District meeting..." Please see **Attachment #1 - Representative Osborne's Amendment #2010-1515h**. We do not have meetings for the Concord School District where the voters vote; we have elections. So it's changed in that, on this amendment, to reflect that we have school district elections. And that's where the acceptance is made. And this is a bill that Senator Larsen, is the mirror image of what Senator Larsen has introduced in the Senate.

Senator Betsi DeVries, D. 18: Thank you. You're all set?

Representative Osborne: I am.

Senator Betsi DeVries, D. 18: And Ms. Ardinger, Mrs. Ardinger, would you like to speak to the bill as well?

Kassandra Ardinger: Yes, thank you for allowing me to speak. My name is Kassandra Ardinger, and I'm currently serving as the President of the Concord School Board. As such, I served along with Senator Larsen, Representative Watrous, Mayor Bouley, several people in Concord on the commission to study the Concord School District charter, which submitted its final report to the Legislature on December 1, 2009. A copy of that report I can pass out. Please see **Attachment #2 - The Commission to Study the Concord School District Charter Final Report**.

As a member of the commission, I support HB 1497. It faithfully incorporates the recommendations of the commission's report into legislation by establishing a charter commission to be elected by the voters of the Concord School District in November of this year. The elected charter commission will then agree upon a procedure to revise, amend or replace the existing charter and will place its recommendations on a ballot for the Concord School District voters to decide in November of 2011.

Based on my understanding of the bill, the only amendment that the bill requires is to correct the mistake in the bill which refers to the Concord School District "meeting," and should instead read "election". Accordingly, except for this technical change, I urge you to find this bill Ought to Pass.

Senator Betsi DeVries, D. 18: Thank you. Do you, would you be able to leave a copy of your comments with...Oh, is that this?

Kassandra Ardinger: No, that's the...that's the Commission Report.

Senator Betsi DeVries, D. 18: It just is helpful if you could leave a copy of it and we'll distribute that as well.

Kassandra Ardinger I don't have a copy of my remarks.
But I can certainly...

Senator Betsi DeVries, D. 18: We can make copies for you if you don't mind.

Kassandra Ardinger: There's part of it that I didn't, that I didn't read, so...**See Attachment #3 – Kassandra Ardinger's typewritten comments.**

Senator Betsi DeVries, D. 18: That's fine; it's just a good baseline for the Committee. We thank you.

Kassandra Ardinger: I'm happy to answer questions.

Senator Betsi DeVries, D. 18: Were there questions from the Committee?

Representative Osborne: I would like to make one last statement.

Senator Betsi DeVries, D. 18: Representative Osborne, yes.

Representative Osborne: That, if the Concord School District voters do not pass this, we will, they will be coming back to you for all the changes in their charter forever. So...

Senator Betsi DeVries, D. 18: Thank you, Representative Osborne. With that, I see that Senate President Larsen has joined us, and would you like to speak to the matter this morning?

Senate President Sylvia B. Larsen, D. 15: Madam Chairman, I am just here to be in support of the bill. It is identical to the bill that you tabled on our behalf earlier, the Senate bill. So, it is one which I think will help to resolve some of the Concord School District issues, and I'm in full support of it.

Senator Betsi DeVries, D. 18: Thank you, Madam President.

Senate President Larsen, D. 15: Thanks.

DM

Senator Betsi DeVries, D. 18: I would also note that I have Representative Mary Cooney, who has signed up in support, not speaking. I have Representative Rick Watrous, is it? Signed up in opposition, speaking...

Representative Rick Watrous: Thank you, Madam Chair. For the record, I am Representative Rick Watrous of Merrimack District 12, Concord, Wards 5, 6 and 7. And, HB 1497 was put in as a placeholder bill by Representative Osborne, myself and other Concord Representatives, while we were waiting for the Concord School District study commission to complete its work.

I do not support the amended version that is before you. Last year, the House unanimously passed HB 319, authorizing the Concord School District to amend its charter without prior legislative approval. Upon testimony in front of this Committee by the Concord School District Legal Counsel, Attorney John Teague, who appears to have been acting as an unregistered lobbyist, in possible violation of the law, the Senate amended that bill to create the commission to study the Concord School District charter. The duty of this commission was to decide whether the present legislative school district charter should be preserved, amended or terminated in favor of a new school district charter. I was the Speaker-appointed Concord Representative upon that commission. And, as Attorney Teague proposed, that commission was made up of Concord citizens and elected officials.

Over a period of months, the commission held several public meetings and heard from many citizens, including Attorney Teague. So I was surprised when Attorney Teague appeared before our commission and testified that this commission, the result of his own proposal, wasn't sufficient. He now proposed that what was really needed was an elected charter commission to do the work that the State House had intended this commission to do.

The School District attorney was being paid to move the goal post once again. The School District has enjoyed its total autonomy for the last 50 years, and wants to keep Concord citizens from having a say over its budget or its charter as long as possible.

The bill before you today has 3 problems. As has been indicated already, in Lines 29 and 30, has Concord voters approving the ballot question at the 2011 Concord School District Meeting. But since the budget vote was taken away from district voters in 1961, Concord citizens don't bother to come to the School District Annual Meeting any more. In 2010, no citizens attended the Annual School District Meeting.

Secondly, it's entirely possible, the way this bill is constructed, that the elected charter commission could be composed entirely of school board members and school district employees who want to maintain school district autonomy.

Thirdly, Concord voters are placed in a position with this bill where, if they don't approve whatever budget question is put before them by this elected commission, they will continue to have zero control over their own district charter.

So, with that in mind, I brought in my own amendment to HB 1497. Please See Attachment #4 - Representative Watrous' Amendment #2010-1500h. I believe there are sufficient copies for the Committee already. The wording of the amendment I brought in, which is Amendment #2010-1500h, was originally vetted by the Attorney General's Office in 2009. In fact, was brought before this Committee a year ago when this bill came up, and if passed, this would immediately take the State House out of the loop and let Concord citizens and the school district, the school board, change or not change their charter under the provisions of RSA 49-B.

So, I'm asking you to, please don't let the school district have another opportunity to delay the Concord School District charter coming back under control of the Concord citizens. After 50 years of, without control of their charter, it's time to adopt this amendment and return control of the charter to the citizens of Concord.

Senator Betsi DeVries, D. 18: Thank you, Representative. Questions from the Committee? Senator Barnes.

Senator John S. Barnes, Jr., D. 17: Thank you, Representative. I appreciate the effort you put into this and the history that you have with it. You're saying that the Concord voters have been shut out for 50 years, and I guess my question is, "How come, as a member of this Committee, I have received absolutely no comment from any Concord citizens asking me to do what you're asking me to do here?"

Representative Watrous: Thank you for your question, Senator. The...I also have...you might want to pass this out at the same time.

Senator Betsi DeVries, D. 18: This should go to the other side.

Representative Watrous: Sorry. Concord citizens appeared numerous times when this issue, control the Concord School District charter, was before the House and the Senate last year. In fact, a number of citizens

appeared in support of this bill at this very Committee, speaking on the identical amendment. The only thing you'll see, change with that amendment is the date that Representative Osborne brought to this Committee in May of '09. And, except for School District employees, Christine Rath and Attorney John Teague, everybody spoke in support of the bill, of this amendment going around, because it would stop all this shuffle, meetings in the State House, more commission meetings, and it would instantly let Concord citizens amend the charter if they choose to, wish to, under 49-B. **Please See Attachment #5 – Rep. Watrous' Public and Municipal Affairs Committee Hearing Report on HB 319 and associated materials.**

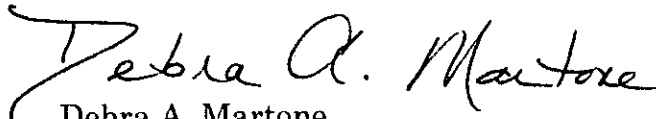
Senator Betsi DeVries, D. 18: Thank you. Senator Barnes, I'm hoping that you can be brief... Thank you, Senator Barnes. Further questions from the Committee? Seeing none, thank you, Representative.

Representative Watrous: Thank you very much.

Senator Betsi DeVries, D. 18: I have nobody else who is signed up to speak. Seeing none, we will close the hearing.

Hearing concluded at 8:57 a.m.

Respectfully submitted,



Debra A. Martone
Senate Committee Secretary
06/11/10

5 Attachments

ATTACHMENT #1

Rep. Osborne, Merr. 12
Rep. Cooney, Graf. 7
April 21, 2010
2010-1515h
04/10

Amendment to HB 1497

1 Amend the bill by replacing section 3 with the following:

2

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

**The Commission to Study the Concord School District Charter Final Report
December 1, 2009**

I. The Commission to Study the Concord School District Charter was formed under an amendment to HB 319.

II. Mission Statement: The Commission was charged to "Study the historical relationship between the General Court and the Concord School District and 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."

III. The Commission membership was as follows:

Representative Rick Watrous,
Representative Beverly Ferrante
Senator Sylvia Larsen
Mayor Jim Bouley
City councilor Stephen Shurtleff
School board chair Kass Ardinger
School board member Clint Cogswell
PTO member Pia Shea
Community Member Charles Douglas, III
Community member and newly elected school board member Wilbur Glahn
Community member Maureen Redmond-Scura
Community member Charles Russell
Community member Anthony Tenczar.

IV. The Commission held meetings as follows:

9/9/09 7:00 p.m. to 9:00 p.m.
9/24/09 6:05 p.m. to 8:40 p.m.
10/20/09 6:05 p.m. to 8:23 p.m.
10/20/09 6:05 p.m. to 8:09 p.m.
11/5/09 6:00 p.m. to 8:13 p.m.
11/12/09 6:00 p.m. to 8:30 p.m.
11/19/09 6:10 p.m. to 9:07 p.m.

V. Index of citizens who appeared and spoke or left written comments:

September 9, 2009: Jim McConaha, Rep. Jessie Osborne
September 24, 2009: Rep. Jessie Osborne
October 8, 2009: Rep. Jessie Osborne, Roy Schweiker, Tony Schinella
October 20, 2009: David Ruedig, Rodney E. Tenney, Claudia Damon, Jackie Teague, Martin Honigberg, Rep. Jessie Osborn, Jim McConaha, Eileen Keim, Chuck Willing, Carol Hargrove, John Stohrer.
November 5, 2009: Jackie Teague

November 12, 2009: Rep. Jessie Osborne, Anthony Schinella, Jim McConaha, Jackie Teague, George Lewis, Kathy Conners.

November 19, 2009: Rep. Jessie Osborne, Lloyd Farnum, Jim Baer.
(Include emails)

VI. Recommendations:

The Commission to study the Concord School District charter arrived at several recommendations at the conclusion of their meetings.

- A. The commission recommends unanimously for the Legislature to relinquish control over changes to the school district charter.
- B. The commission recommends the Legislature authorize the formation of an elected charter commission to further study the issue, bring it to the public more fully and put in the hands of the Concord School District voters the process for amending the charter in the future.
- C. The commission recommends that the elected commission consist of nine members of Concord school district voters,
that the election be held in conjunction with the regular November elections in 2010 and be made up of the following ward representatives; two from wards 1, 2, 3 and 4, two from wards 5, 6, and 7, two from wards 8, 9, and 10 and three to run at large.
- D. The commission recommends the Legislature follow guidelines detailed in RSA 49-B 4 and 5-a to elect the nine members who should run without party designation.
- E. In regards to amending the school board charter the commission recommends the elected commission use its prerogative to place questions on the ballot separately, that the current charter remain in effect until both a new charter and a new amendment process have been voted on by the citizens.
- F. Finally, the commission recommends the Legislature direct the elected charter commission to deliver to the Legislature a charter amendment procedure proposal(s) to be voted on by citizens at the November 2011 regular election.

VII. Attached find the minutes and other materials related to the Commission's work and meetings.

Senate Committee on Public and Municipal Affairs
April 22, 2010

Thank you for allowing me the opportunity to speak. My name is Cassandra Ardinger, and I am currently serving as the President of the Concord School Board. As such, I served, along with Senator Larsen, on the Commission to Study the Concord School District Charter, which submitted its final report to the legislature on December 1, 2009.

As a member of the commission, I support House Bill 1497. It faithfully incorporates the recommendations of the commission's report into legislation by establishing a charter commission, to be elected by the voters of the Concord School District, in November of this year. The elected charter commission will then agree upon a procedure to revise, amend or replace the existing charter and will place its recommendations on a ballot for the Concord School District voters to decide in November of 2011.

The amendment put forth by Representative Watrous is inconsistent with the recommendations of the charter commission. The official report of the charter commission does not contemplate putting a method to amend the charter on a ballot prior to or contemporaneously with the election of the charter commissioners. In fact, a proposal which would have adopted 49-B procedures (essentially, allowing citizen petitions) as a way to amend the existing charter until a charter commission can be elected, was expressly voted down by a majority of the study commission.

Based on my understanding of the bill, the only amendment that the bill requires is to correct a mistake in the bill which refers to the Concord School district meeting and should instead read "election." Accordingly, except for this technical change, I urge you to find this bill Ought to Pass.



Rep. Watrous, Merr. 12
April 20, 2010
2010-1500h
04/10

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



2010-1500h

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.

Public and Municipal Affairs Committee Hearing Report

TO: Members of the Senate

FROM: Patrick Murphy, *Legislative Aide*

RE: Hearing report on HB319 authorizing the Concord school district to amend its charter without prior legislative approval.

HEARING DATE: May 14, 2009

MEMBERS OF THE COMMITTEE PRESENT:

Senator DeVries, Dist 18; Senator Houde, Dist 5; Senator Sgambati, Dist 4; Senator Roberge, Dist 9; Senator Barnes, Dist 17

MEMBERS OF THE COMMITTEE ABSENT:

None

Sponsor(s):

Rep. Osborne, Merr 12; Rep. Bouchard, Merr 11; Rep. Watrous, Merr 12; Rep. Gile, Merr 10; Rep. Stetson, Merr 10

What the bill does:

Subject to approval by the Concord school district voters, this bill provides that any revisions or amendments to the Concord school district charter, or the adoption of a new school district charter, shall be made without prior legislative approval and shall comply with the procedures in RSA 49-B for revising, amending, or adopting a municipal charter.

Supporters of the bill:

Representative Osborne, Merr 12; Representative Watrous, Merr 12; Representative Bouchard, Merr 11; Representative Cooney, Graf 7; Representative Shurtleff, Merr 10; Representative Gile, Merr 10; Linda Tarnham; Leoyd Tarnham; James Baer; Charlie Russell; Anthony Shanell

Those in opposition to the bill:

Christine Rath, Concord School District; Attorney John Teague, Concord School District

Speaking to the bill/Neutral:

Jim Kennedy, Assistant Attorney General

Anthony Shanell, Concord resident

- It's difficult for working people to get to the State House for a hearing on a Concord school district issue. We shouldn't have to go through the legislature to change our own school charter.

Funding:

None

Action:

Executive action is pending.

Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: May 14, 2009

Time: 8:30 a.m. Public Hearing on House Bill 319

HB 319 (New title) authorizing the Concord school district to amend its charter without prior legislative approval.

Name	Representing	Support	Oppose	Speaking?	Yes	No
Rep Jessie L. Jordan	Prime Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
James Baker	CITIZEN + TAXPAYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Rep Rick Whitson	Co Sponsor Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Andrew Bouchard	Concord - Merr. 10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Linda Turnham	Citizen + Taxpayer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lloyd W. Turnham	" "	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Mary Cooney	MTCG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Teague	Concord School Dist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Megan DeVorse	Concord School Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Christine Keith	Concord School Dist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A. Shindle	parent/resident	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Shure Hoff	Merrimack 10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charlie Russell	Concord citizen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Stuart Gile	Merr. 10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tim Kennedy	ASST AG	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Date: May 14, 2009
Time: 8:35 a.m.
Room: LOB Room 103

The Senate Committee on Public and Municipal Affairs held a hearing on the following:

House Bill 319 (2nd New Title) establishing a commission to study the Concord Union school district charter.

Members of Committee present: Senator DeVries
Senator Houde
Senator Sgambati
Senator Roberge
Senator Barnes

The Chair, Senator Betsi DeVries, opened the hearing on House Bill 319 and invited the prime sponsor, Representative Jessie Osborne, to introduce the legislation.

Representative Jessie Osborne: Thank you, Madam Chair and Senators. Before you, you have House Bill 319 as amended by the House. And in the process of speaking with the Attorney General's Office, we found that part of the amendment would be unconstitutional, which would require a referendum. So, I have brought in an amendment, which just incorporates the first part of the bill.

Please see Attachment #1 - Representative Osborne's amendment #2009-1480h.

Representative Osborne: Now, do you want me to speak to the bill or to the amendment? Because the bill needs to be amended.

Senator Betsi DeVries, D. 18: I have an amendment before me that says you're replacing the title, Representative Osborne; that would be 2009-1480h. Is that the amendment...?

Representative Osborne: That's correct.

Government decided that we did not want to be involved in the local politics of Concord or in any other city or town. That's up to the locals. So, we put this in to allow them to control their own charter locally, to have home rule, to be able to have the voters put in a petition to change their charter, or to have a charter commission as in 49-B, as it explains in 49-B. We've discussed this with the Attorney General's Office, and they have told us that this is the right way to go to give Concord its own right to change its charter.

So, the amendment you have before you, 1480h, is just to allow Concord ... All it does ... It doesn't change the charter; it does nothing for Concord except to allow Concord to now utilize what every other municipality in the state can do, to use 49-B to change their charter and allow ... and the vote of the people will be the final outcome.

Thank you.

Senator Betsi DeVries, D. 18: Thank you, Representative Osborne. Are you available for questions from the Committee?

Representative Osborne: Certainly.

Senator Betsi DeVries, D. 18: You are complete with your testimony?

Representative Osborne: Yes.

Please see Attachment #2 - Representative Osborne's typewritten testimony.

Senator Betsi DeVries, D. 18: Thank you. Questions from the Committee?

Senator Matthew Houde, D. 5: I have a question. Thank you, Madam Chair.

Senator Betsi DeVries, D. 18: Representative ... Senator Houde.

Senator Matthew Houde, D. 5: Thank you, Representative. You had mentioned taking out the referendum component.

Representative Osborne: Right.

Senator Matthew Houde, D. 5: Could you talk to that?

Representative Osborne: Well, the Attorney General's Office is here, and he could probably explain it better than I could, since I am not a lawyer. But

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was at a disadvantage, because people did not know what was going on in the school district when they came in to vote for a Presidential (sic), in the Presidential election.

So, that change was made in '67, and I might say to you that it was made without a referendum after the Legislature passed it. So, the referendum took place before it even was introduced, and which does not go with the law as it stands. But the others were all done that way, so ... But it's very difficult to ... You have to have somebody in the House, and it doesn't have to be a Concord Representative. It could be somebody from Coos County put in a bill. If it went through the House without objection, the only thing that would stand between that and changing the charter would be the vote of the people.

Senator Betsi DeVries, D. 18: Thank you, Representative. I guess I was looking for examples of how, in the past, this process has harmed or hindered the City of Concord.

Representative Osborne: Well, I would say the waiting two years to make a change, in certain circumstances, could cause a problem. I can't say that I know in the past, but I think that in the future, the way the world is changing and our laws are changing, that it could definitely be a problem if the Legislature is not in session.

Senator Betsi DeVries, D. 18: Okay. I just was looking for examples, but thank you. Further questions from the Committee? Thank you, Representative.

Representative Osborne: Thank you.

Senator Betsi DeVries, D. 18: I would call on a co-sponsor, Representative Watrous. Is that how it's...?

Representative Rick Watrous: (Speaking from the back of the room) Yes.

Senator Betsi DeVries, D. 18: Welcome.

Representative Watrous: Thank you. And I have copies of my testimony.

Please see Attachment #3 - Representative Watrous' typewritten testimony.

Representative Watrous: Hello. For the record, I am Representative Rick Watrous of Merrimack District 12: Concord Wards 5, 6, and 7. And I am one

Senator Betsi DeVries, D. 18: Representative, you have also mentioned in your testimony that you brought this forward at the request of many Concord citizens. Can you elaborate on that, how this...?

Representative Watrous: The ... Well, some of them are in this room. Essentially, there's been, Representative Osborne mentioned, two bills that came before the Municipal Committee in the House: one concerning changing the at-large representation; the other one requiring a public vote on a certain level of bond. And there were citizens that came out to support these, that initiated these bills. And the House Municipal Committee, justifiably, said, "We don't want to get into the middle of a strictly Concord situation, a local situation," which I quite understand.

But the law, as it was changed in the 60s, puts the State House in the middle of these strictly local issues. And what we're trying to do is to take the State House out of the loop so Concord can be like the other towns and cities.

Senator Betsi DeVries, D. 18: Senator Barnes?

Senator John S. Barnes, Jr., D. 17: Thank you, Madam Chair. Where is the Mayor on this situation?

Representative Watrous: I'm not ... I know he appeared briefly at ... He didn't speak publicly. I don't know where the Mayor is.

Senator John S. Barnes, Jr., D. 17: Thank you.

Senator Betsi DeVries, D. 18: Further questions from the Committee? Thank you, Representative, for your testimony. I would note, also, that I have signed up in favor, not speaking, Representative Bouchard, Representative Cooney, Representative Shurtleff, as well as Representative Stuart Gile.

Representative Watrous: If I may add one thing to further answer Senator Barnes' question?

Senator Betsi DeVries, D. 18: Please.

Representative Watrous: Three city councilors, who are representatives for Concord, have signed up in support of this bill, so just for your information. Any further questions?

Senator Betsi DeVries, D. 18: Thank you.

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Attorney Kennedy: That's correct.

Senator Matthew Houde, D. 5: Thank you.

Senator Betsi DeVries, D. 18: So, let me just ask for clarification, if I might, Mr. Kennedy. You're indicating that this does not ... does or does not require a referendum?

Attorney Kennedy: This bill does not require a referendum by the City, by the voters in the City of Concord School District...

Senator Betsi DeVries, D. 18: Okay.

Attorney Kennedy: ...because it does not change the form of government. It allows the charter with a form of government to be changed by a different process than that which exists today. But it doesn't change any ... there's no substantive change to the actual form of government.

Senator Betsi DeVries, D. 18: Okay.

Attorney Kennedy: So, absent that, and there is case law under Part 1, Article 39, that go into the elements that may constitute what a change is. And the process type changes to existing governments don't constitute a change to the form of government itself.

Senator Betsi DeVries, D. 18: Further questions from the Committee? Hearing none, thank you for your testimony.

Attorney Kennedy: Thank you.

Senator Betsi DeVries, D. 18: And I would have, wishing to speak, James, is it Baer?

James Baer: (Speaking from the back of the room) Yes.

Senator Betsi DeVries, D. 18: James, welcome.

Mr. Baer: (Speaking from the back of the room) Good morning.

Senator Betsi DeVries, D. 18: If you could come forward and introduce yourself.

Mr. Baer: Sure, okay. My name is Jim Baer, and I'm a citizen of Concord, taxpayer, and a member of the Concord Taxpayers Association. I never

budgeting process. It may not be easy, and it may be messy, but true democracy demands it.

Thank you.

Please see Attachment #4 – Mr. Baer’s typewritten testimony.

Senator Betsi DeVries, D. 18: Thank you, sir. Questions from the Committee? Hearing none, we thank you...

Mr. Baer: Thank you.

Senator Betsi DeVries, D. 18: ...for your testimony. Calling on John Teague with the Concord School District, speaking in opposition.

Attorney John Teague: Good morning. Thank you.

Senator Betsi DeVries, D. 18: Thank you.

Attorney Teague: My name is John Teague, or Teague.

Senator Betsi DeVries, D. 18: My apologies, sir.

Attorney Teague: No, no. Either or either is fine. I’m the attorney for the Concord School District and have had the privilege of being General Counsel for the school district for over thirty years, which means that I was here in 1983, seeking an amendment to the Concord School District charter. And I can tell the Legislators who are here, and maybe anyone else who can remember that far back, that it was a fairly easy process. I was asked by the Concord School Board to shepherd a bill through the Legislature to amend the charter. The committees heard it; there was testimony; and the charter was so amended. So, just a little bit of historic perspective.

The broader historic perspective is that this relationship between the Legislature and the Concord School District actually goes back well over a century. It goes back to 1885, when the Legislature adopted the town school act, setting up school districts in the state. There were two thousand, and it narrowed it down – the school districts – to several hundred, leaving forty-six special districts which had been created by state legislative act, and that included Concord.

That legislative connection has continued from that day to this. It’s been changed several times, because, when Concord-Union School District was formed, Penacook decided not to join. That was School District #20. So, they

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radically change the way Concord School District operates. And the citizens should hear about it first and have a say.

Thank you.

Senator Betsi DeVries, D. 18: Thank you, sir. Do you have ... Since you were involved in 1983, in the charter change; do you recall how difficult a process, how lengthy a process that might have been to accomplish back then?

Attorney Teague: Oh, I remember it well, because I had only represented the school district for six or seven years, so it was really my first time to do something like this. And it was fairly simple. Now, to be sure, the change was also a fairly simple one. We were changing, in part, the name from the Concord-Union School District to Concord School District. So, it wasn't exactly an earth-shattering bit of charter amendment. But the process itself was quite simple, straightforward. And no one, at that time, objected to the process, either on the legislative side or on the Concord School District side.

Senator Betsi DeVries, D. 18: Thank you, sir. Questions from the Committee? Senator Barnes.

Senator John S. Barnes, Jr., D. 17: I do, thank you. Different cities have different situations. Where does the mayor fit in? Is it like Manchester? Isn't the mayor of Manchester, Madam Chair, the head of the school board? In Concord...

Attorney Teague: Yes.

Senator Betsi DeVries, D. 18: Are you asking the witness the question?

Senator John S. Barnes, Jr., D. 17: But is that the same thing in Concord? Is the mayor in charge of the school board in Concord?

Attorney Teague: No. For one thing, Concord is not co-terminus with Concord School District because of Penacook. So, the city council and the mayor have operated under their own charter, which has gone through a series of commissions and fairly significant changes, for instance, having an elected mayor. But the Concord School District has operated under a legislatively adopted charter in 1961, and that's what we operate under.

Senator John S. Barnes, Jr., D. 17: So, the answer is: the mayor is not.

Attorney Teague: Not connected.

amendment, how would you propose that that dialogue with the citizens happen; how that decision process would go?

Attorney Teague: I think they should be represented on a commission. I think the Legislature should be represented on a commission. I think the school board should be; I think the city council should be; and I think the citizens in general should be represented. And then they have a series of hearings in the school district to hear from the people to see what they want. So that they could be educated, first, on what the issue is.

An awful lot of people, including in this these two bodies, don't understand what a long history this is and why we've gotten to where we are. Neither do the city residents of the school district. They need to be educated about how we got here, what's proposed, and how we change it. Do you want to change it? That's what we need to hear from, in a series of educational hearings, where we hear from the public.

And then at the end of that process, we'll have an informed voter, informed electorate, instead of one that's just being handed a one-line here, one size fits all. You get Chapter 49-B; we don't really care if it fits; we're out of here.

Senator Kathleen G. Sgambati, D. 4: Thank you.

Senator Betsi DeVries, D. 18: All set? Senator Barnes, for a quick question please.

Senator John S. Barnes, Jr., D. 17: I have a quick one. When the House had the hearing on this, did some of the citizens of Concord come in to discuss it?

Attorney Teague: Not the general populace, or you would have had 250 people. There were about five people there that were basically people who had been interested in this issue from the beginning. The Concord School District hasn't been heard from at all.

Senator Betsi DeVries, D. 18: Follow up, Senator Barnes.

Senator John S. Barnes, Jr., D. 17: Yeah, I'm just concerned, because they're public hearings, and they were ... People knew about them.

Attorney Teague: I'd have to say, we didn't know about it. We came not knowing that the subcommittee was even going to consider changing the basic ... the relationship between the Legislature and the school district. We were told that the day we came here. We had nothing in advance, no prior

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Senator Betsi DeVries, D. 18: Would you put it in encapsulate (sic) and send us that by e-mail, I'm sure the Committee members would love to see that background.

Attorney Russell: Well...

Senator Betsi DeVries, D. 18: Thank you.

Attorney Russell: I'm primarily a citizen speaker here, and I know the school board, and I know time is precious, but with all due respect to the prior speaker, John Teague, who (sic) I know very well and known for quite a while, this isn't a radical change. This is a change that allows an enabling act, 49-B, to come in and that they ... that if they want it, if it's voted in, then the school board can vote to say, "Let's have a charter commission." And what they do is, that vote goes to the people, and the people vote yes or no whether we want a charter commission.

This happened in the city in '90, '91. I participated. Yes, we want a charter commission. We then had an election. Nine people were elected at-large from the city on this charter commission, former mayors and community leaders. They formulated charter changes. The vote at the charter change went to the people, and the people voted it in. The school board wants a charter commission that they will hand-select, like they did the architectural selection committee. They have not been including the people.

It all started ... We're going from nine schools to five schools because of drops of enrollment. We passed in 300 petitions supporting neighborhood schools. We've not had a public hearing on the reduction of the schools from five ... from nine to five in over two years. And I don't want to bore you. That's why this ended up. But they didn't want to hear the local issues.

So, the people can also take the petitions out and get, under 49-B, which you're familiar with, and go out and get signatures, and say, "We want a charter commission", or "We want a cap so that we can vote on bonds over \$5 million". This bill empowers the people. If the school board wants to jump the gun, if it's passed, and says, "We want a vote on a charter commission," we can do it. We don't want the Legislature involved. We don't want the school board to pick the charter commission. We want the people to decide whether they want it, and we want the people to select who's going to go on that commission.

But right now, there's no home rule in Concord. There's no check and balance. The school board is autonomous. Penacook is less than one-tenth of Concord. That's the other school district. It's not a major chunk. And the

Senator Betsi DeVries, D. 18: Thank you, sir. Thank you for your testimony.

Attorney Russell: Thank you..

Senator Betsi DeVries, D. 18: And the final speaker would be, it looks like initial A. Is it Shindle?

Anthony Shinella: (Speaking from the back of the room) Shinella. Anthony Shinella.

Senator Betsi DeVries, D. 18: Oh.

Mr. Shinella: Sorry, I would have written my name out.

Senator Betsi DeVries, D. 18: I've got you at that.

Mr. Shinella: I know time's of the essence.

Senator Betsi DeVries, D. 18: Thank you, sir.

Mr. Shinella: So, I'll just make some points, Madam Chair. Thank you for allowing me to testify.

First off, as a working journalist who puts in a fifty-plus hour week and has a ten-hour week commute to his job, it's extremely difficult for somebody like me to get to hearings here in the Legislature, especially on Tuesdays and Wednesdays, which are my deadline days. So, this is my first opportunity to be able to testify on any of these issues. There are a number of us. I'm also a parent, a resident, and a taxpayer. There are a number of us who are concerned about things going on in the school district. So, hearings have been difficult to get to, that's why a lot of us haven't been there.

It's important to acknowledge that this bill is a compromise bill from what residents have asked the Legislature to take up. And instead of voting on those ideas, since we have to come to the Legislature to change charter, the Legislature decided that they would just move and say, "We want to get out of the school district's business and allow citizens to be able to change their own charter". So, this has been going on for months. It hasn't been going on for weeks, so, to say that ... This is a compromise bill, though; it's important to remember.

I wanted just to make an esoteric example, very quickly, Madam Chair, on what you said, "Can you give us some examples of how difficult it is?" Let me

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Representative Osborne: We had three subcommittee meetings on this after we decided to do the change. And *Concord Monitor* followed this, these bills, and what happened in the Legislature and even editorialized (sic) that Concord should have the right to make their decisions.

Thank you.

Senator Betsi DeVries, D. 18: Thank you. With that, we will close the hearing on House Bill 319.

Hearing concluded at 9:16 a.m.

Respectfully submitted,



Marty Cote
Senate Secretary
8/24/09

4 Attachments



2009-1480h

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.

WE originally felt that a referendum was require and so amended the bill to allow for this. **But recently the Attorney General's Office informed me that the Referendum was not constitutional and that a city could not amend a state statute. So the only way available for Concord to gain local control of their charter is for the legislature to pass legislation to allow Concord to use RSA 49: B for amending their charter.**

Concord would then follow the guidelines which every city, town or school district in the state does and use a Charter Commission or a petition from voters following strict guidelines to change their charter. This option was discussed by the Municipal and County Government and agreed to as the best option.

This legislation only enables the Concord School District to change its charter; it does not force Concord to do anything

Please allow local control of the Charter for Concord Schools and pass Amendment 2009-1489

Thank you

My name is Jim Baer and I am a citizen and taxpayer living in Concord.

Democracy is a messy business. The ancient Greeks gave it to us and we have muddled through it ever since as best we can. Representative government is a child of democracy and for that child to mature, it should and must be given the opportunity to explore and discover much about itself, what its purpose is and how best to make itself relevant to the people it is suppose to serve.

We have a situation in the city charter of Concord that flies in the face of the concept of democracy. Twenty years ago some crafty lawyers came up with a plan to take the Concord school district out of the direct control of the local government budgeting process and to install an autonomous school board, with vast powers that insulates it from all but the most elementary concepts of democracy. It does as it wishes, when it wishes with little or no interest in what the city council, mayor or the citizens of Concord may have to say on any matter connected to the operation of our school system. It has become the breeding ground for resume enhancement and gives a new meaning to arrogance.

The peoples constitutional maxim is "Where there is harm, there must be a remedy". As citizens and taxpayers, our only remedy to have any meaningful control over the Concord school board is the opportunity to throw one or two of the rascals out every few years at election time and keep our fingers crossed that what we elect may be better than what we had. It's a hell of a way to run a railroad or a multi-million dollar school district.

You have an opportunity to change that. Our state legislature should not become the "circumlocution office" that Dicken's wrote about in his novel, Little Doret. It is not and should not become a black hole, where new and better ideas on how to nourish democracy fall into and are never heard from again. The solution is simple. Use your considerable skills as legislators to amend the city charter of Concord to reflect what is in the best interest of the citizens and the taxpayers of Concord. The school board should once again sit at the table with local representative government and be subject to all of the responsibilities of the municipal budgeting process. It may not be easy and it may be messy but true democracy demands it. Thank you.

607-549-7050

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 15

LOBBYISTS

Section 15:1

15:1 Registration. –

I. Any person who is employed for a consideration by any other person, except the state of New Hampshire, in a representative capacity for the purposes specified in paragraph II of this section shall first register as a lobbyist with the secretary of state. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as lobbyist.

II. Registration is required where the person, partnership, firm, or corporation is employed:

(a) To promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or;

(b) To promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraph III.

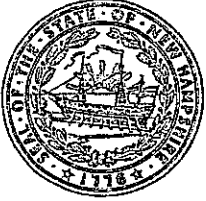
III. Such registration is not required where the person:

(a) Is employed to represent another only in an adjudicative proceeding or nonadjudicative process as defined or described in RSA 541-A, other than a rulemaking proceeding or any process related to the purchasing of goods or services by the state, and who files an appearance with the authority conducting the matter; or

(b) Is an owner or employee, of a business seeking to do business with the state or communicating with an executive branch official or employee, a state agency, or an administrative official of the general court regarding goods or services that are being or may be purchased by the state.

IV. All registrations required under this section shall expire on December 1.

Source. 2006, 21:7, eff. June 2, 2006.



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

March 31, 2010

Concord School Board
SAU 8
16 Rumford Street
Concord, NH 03301

Subject: 91-A information request concerning lobbying efforts by school district consul

Dear President Ardinger and Members of the Concord School Board:

Would you please provide information and documents concerning the following:

1. Did the Concord School Board authorize the school district consul, Atty. John Teague, to influence state house legislation pertaining to the Concord School District Charter in 2009?
2. Where, when and by whom was this authorization given?
3. How much was Atty. Teague paid in his efforts concerning the Concord School District Charter legislation?

I have been told that Atty. Teague was not registered as a lobbyist, as required by law, when he testified on HB 319 in front of the Senate Public and Municipal Affairs Committee on May, 14, 2009. I find this troubling, especially since his testimony led directly to the creation of the commission to study the Concord school district charter. In turn, his frequent testimony before that commission led to its recommendation of another commission to make recommendations for the Concord school district charter. Legislation enacting that commission, HB 1497, is now working its uncertain way through the legislature.

Return of the Concord School District Charter to the citizens of Concord has been delayed indefinitely by the efforts of the school district consul. The citizens of Concord deserve to know whether the school board authorized his efforts and how much these efforts have cost the taxpayer.

I look forward to your prompt reply within five days, pursuant to RSA 91-A.

Yours truly,

A handwritten signature in cursive script that reads "Rep. Rick Watrous".

Rep. Rick Watrous, Merrimack District 12, Concord
9 Wilson Ave
Concord, NH 03301

CONCORD SCHOOL DISTRICT

School Administrative Unit #8

Robert B. Prohl
Assistant Superintendent

Christine C. Rath
Superintendent

Michele M. Croteau
Business Administrator

T. Matthew Cashman
Director of Facilities and Planning

Larry Prince
Director of Human Resources

April 12, 2010

Rep. Rick Watrous
9 Wilson Avenue
Concord, NH 03301

Dear Representative Watrous,

I am responding on behalf of Kass Ardinger and members of the Concord School Board to your request for information. Although your letter is dated March 31, it was received in my office on April 6, 2010.

Much of your request appears to be for information outside of RSA 91-A. Nonetheless, I will try to respond to the questions you have asked. In responding, I do not understand you to be seeking information protected by the attorney-client privilege and I am not intending to provide you with any privileged information.

1. I requested that Attorney Roger Phillips, not Attorney John Teague, attend the initial public hearings in early 2009 on the proposed legislation to change the way in which School Board members are elected (at large vs. by ward), which was HB 33, and the legislation to limit the fiscal authority of the Concord School Board, HB 319. I did so for the reason that Attorney Phillips had been involved with virtually all of the school district's charter issues over the years. Attorney Phillips attended and testified at the hearings, but was not paid.

Attorney John Teague became involved at my request after the hearings, but he was not, to use the language of RSA 15:1, "promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court." He provided information and answered questions about the history of the Concord School District and, more generally, about the creation of charter commissions, as he has extensive knowledge and experience in both areas. He attended public committee and subcommittee work sessions, and came to one meeting I attended with Senate President Sylvia Larsen and Senator Betsy DeVries. He was not directed to take or state any position in favor of or opposing any of the various proposals, although it is my understanding that in response to a question in one of the committee work sessions he explained that applying RSA ch. 49-B to the Concord School District, without tailoring it specifically for the Concord School District, could cause problems.

2. I do not have any documentation about these requests as they were made orally, over the telephone, by me.
3. Concord School District paid Attorney Teague \$1,340 for the work described above.

While I am not a lawyer, I do not believe Attorney Teague was required to register as a lobbyist as his activities did not constitute "lobbying" under RSA 15:1. As I am sure you will recall, there was substantial opposition expressed at the hearings on HB 33 and HB 319 by current and former Board members and from members of the public. Attorney Teague was not part of that opposition.

I hope I have answered your questions. If not, you are of course free to contact me again.

Sincerely,



Christine C. Rath
Superintendent of Schools

cc: Ed Kaplan
John Teague
Kass Ardinger

ccr:laj

Rep. Watrous, Merr. 12
April 20, 2010
2010-1500h
04/10



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



2010-1500h

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.

Speakers

Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: April 22, 2010

Time: 8:40 am Public Hearing on HB 1497

HB 1497 (New Title) relative to the governance of the Concord school district.

Name	Representing	Please Check				
SEN GUNILA LARSEN	DIST 15	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Voting Sheets

Senate Public & Municipal Affairs

EXECUTIVE SESSION

Bill # 1497

Hearing date: 04/22/10

Executive session date: 05/04/10

Motion of: OTP/A

VOTE: 5-0

Made by
Senator: DeVries
 Houde
 Sgambati
 Roberge
 Barnes

Seconded
by Senator: DeVries
 Houde
 Sgambati
 Roberge
 Barnes

Reported
by Senator: DeVries
 Houde
 Sgambati
 Roberge
 Barnes

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator DeVries, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Sgambati	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Barnes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: Committee Amendment

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 4, 2010

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 1497

AN ACT (New Title) relative to the governance of the Concord
school district

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1868s

Senator Betsi DeVries
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB1497

Docket Abbreviations

Bill Title: (New Title) relative to the governance of the Concord school district.*Official Docket of HB1497:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Municipal and County Government; HJ 6 , PG.242
01/06/2010	H	Public Hearing: 1/21/2010 1:30 PM LOB 301
01/26/2010	H	Executive Session: 2/4/2010 10:30 AM LOB 301
02/04/2010	H	Committee Report: Ought to Pass with AM #0412h (NT) for Feb 17 CC (vote 18-0); HC 14 , PG.595
02/04/2010	H	Proposed Committee Amendment #0412h (New Title); HC 14 , PG.640
02/17/2010	H	Amendment #0412h (New Title) Adopted, VV; HJ 18 , PG.973-974
02/17/2010	H	Ought to Pass with Amendment #0412h (New Title): MA VV; HJ 18 , PG.973-974
03/24/2010	S	Introduced and Referred to Public and Municipal Affairs; SJ 11 , Pg.263
04/15/2010	S	Hearing: April 22, 2010, Room 103, LOB, 8:40 a.m.; SC16
05/04/2010	S	Committee Report: Ought to Pass with Amendment 1868s, 5/12/10; SC19
05/12/2010	S	Committee Amendment 1868s, AA, VV
05/12/2010	S	Ought to Pass with Amendment 1868s, MA, VV; OT3rdg
05/12/2010	S	Passed by Third Reading Resolution
05/19/2010	H	House Concurs with Senate AM #1868s (Rep Cooney): MA VV; HJ 46 , PG.2227
06/02/2010	H	Enrolled
06/02/2010	S	Enrolled
06/28/2010	H	Signed by the Governor 06/28/2010; Chapter 0213
06/28/2010	H	I. Section 2 Effective as Provided in Section 3
06/28/2010	H	II. Remainder Effective 06/28/2010

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 1497 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: 1 TRV 5

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 2010-1868s

_____ - AMENDMENT # _____

_____ - AMENDMENT # _____

_____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED

AS AMENDED BY THE HOUSE

FINAL VERSION

_____ AS AMENDED BY THE SENATE

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

07/12/10

Robert A. Martore
COMMITTEE SECRETARY