

Bill as Introduced

HB 181 - AS INTRODUCED

2011 SESSION

11-0821

04/03

HOUSE BILL **181**

AN ACT permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

SPONSORS: Rep. Watrous, Merr 12; Rep. B. Patten, Carr 4

COMMITTEE: Municipal and County Government

ANALYSIS

This bill provides that the charter of any city, town, or school district that was established in statute by the general court shall revert to the control of the voters of the city, town, or school district and such charter shall be governed by the provisions of RSA 49-B.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 181 - AS INTRODUCED

11-0821
04/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT permitting the charter of a city, town, or school district which is in statute to
 revert to the control of the voters.

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

- 1 1 City, Town, or School District Charter; Reversion to Voters. Notwithstanding any provision of
2 law to the contrary, the charter of any city, town, or school district that was established in statute by
3 the general court shall hereby revert to the control of the voters of the city, town, or school district
4 and such charter shall be governed by the provisions of RSA 49-B. The existing charter shall remain
5 in effect until the voters chose to revise, amend, or replace it under the terms of RSA 49-B.
6 2 Effective Date. This act shall take effect 60 days after its passage.

HB 181 - AS AMENDED BY THE HOUSE

09 Feb 2011... 0104h

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SPONSORS: Rep. Watrous, Merr 12; Rep. B. Patten, Carr 4

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill provides that the charter of any city, town, or school district that was established by the general court and which does not have a local amendment process, shall revert to the control of the voters of the city, town, or school district and such charter shall be governed by the provisions of RSA 49-B.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
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2 law to the contrary, the charter of any city, town, or school district that was established by the
3 general court and which does not have a local amendment process shall hereby revert to the control
4 of the voters of the city, town, or school district and such charter shall be governed by the provisions
5 of RSA 49-B. The existing charter shall remain in effect until the voters choose to revise, amend, or
6 replace it under the terms of RSA 49-B.

7 2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

ATTENDANCE

- ✓ Senator John Barnes, Jr. Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator David Boutin
- ✓ Senator Amanda Merrill
- ✓ Senator Nancy Stiles

*START: 9:15 AM
STOP: 10:07 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 14, 2011

HEARINGS

Tuesday

4/19/2011

PUBLIC AND MUNICIPAL AFFAIRS

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: The hearing for HB 316 was recessed from April 12, 2011; the Committee will take up Amendment #2011-1326s.

- | | | |
|----------|----------|--|
| 9:00 AM | HB56 | relative to proper observance of September 11, 2001. |
| 9:15 AM | HB181 | permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. |
| 9:35 AM | HB198 | relative to the investment options for county funds. |
| 9:55 AM | HB251 | relative to absentee ballots. |
| 10:30 AM | HB274-FN | relative to voting procedures. |
| 10:45 AM | HB316 | (New Title) relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. |

Sponsors:

HB56

Rep. Andrew Renzullo

Rep. Robert Haefner

Rep. Jordan Ulery

HB181

Rep. Rick Watrous

Rep. Betsey Patten

HB198

Rep. Frederick Rice

Rep. Kenneth Weyler

Rep. Chris Nevins

Rep. Kenneth Sheffert

Rep. Kevin Sullivan

Sen. Nancy Stiles

Sen. Chuck Morse

HB251

Rep. Dennis Fields

HB274-FN

Rep. Dennis Fields

HB316

Rep. Andrew Manuse

Rep. Mark Warden

Rep. Daniel Itse

Rep. Neal Kurk

Rep. Frank Sapareto

Sen. Tom De Blois

Sen. Sharon Carson

Sen. Jeb Bradley

Sen. John Barnes, Jr.

Rep. John Burt

Rep. Jason Antosz

Rep. George Lambert

Rep. Jenna Roberts

Rep. Sean McGuinness

Debra Martone 271-3092

Sen. John Barnes, Jr.

Chairman

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on HB 181 – **permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.**

HEARING DATE: April 19, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Barnes, Forrester, Merrill, Boutin and Stiles.

MEMBERS OF THE COMMITTEE ABSENT: No one.

Sponsor(s): Representatives Watrous and Patten.

What the bill does: provides that the charter of any city, town or school district that was established by the General Court and which does not have a local amendment process, shall revert to the control of the voters of the city, town or school district and such charter shall be governed by the provisions of RSA 49-B.

Who supports the bill: Representatives Watrous and Patten; James McConaha; Anthony Schenella;

Who opposes the bill: Senator Larsen; Former Representatives Jessie Osborne and Elizabeth Hoadley; Attorney Bill Ardinger; Attorney Martin Honigberg;

Summary of testimony received:

•Senator Barnes opened the hearing at 9:15 am and introduced the prime sponsor, Representative Watrous, who explained that this is a bill for voters, who now lack the control over amending their own government charters. It is a local control bill.

- This bill is needed because there are a few cities, towns and school districts whose charters are still in state chapter law, and lack a local amendment process. The only way for these citizens to amend their charter is via the legislative process. What should be a strictly local issue, becomes a matter for the entire General Court. This bill is designed to end that.

- In 2008, Representative Watrous was one of six representatives who introduced legislation for referendum questions that would amend the Concord School District Charter. That particular piece of legislation became a “political football”. The result became a study commission. Unfortunately, that commission ended up recommending another commission to draft a charter to put before the voters.

- Three years later, Concord voters still do not have a district charter. If the commission presents a charter to the voters and the voters approve the charter, the goals will have been met. If voters disapprove, the city remains with the district charter under the control of the Legislature.

- The City Charters of Rochester and Franklin are both in state chapter law as well, with no apparent amendment process.

- RSA 49-B was created to provide a statutory framework for cities and towns to amend their own charters. This bill would bring the home rule provisions of RSA 49-B to any unfortunate city, town or school district whose charter is still stuck in statute law. The citizens of these communities would finally enjoy the same rights and powers of all other towns and cities to be able to amend their own charters.

- All of the terms of the existing charter would remain in effect until if and when the voters decided to change them to this amendment process. The General Court would not have to be brought into these strictly local matters.

- Senator Larson spoke against the portion of HB 181 that affects Concord. She was not aware there were a couple of other communities that are in a similar situation. In 2010, Chapter 213 was enacted which established a charter commission to recommend a procedure for amending Concord’s school charter, if it were returned to the city. That charter commission has been meeting regularly. She implored committee members not to allow HB 181 to affect the city of Concord. If they put the process in RSA 49-B, it would be allowing the Legislature to determine the process rather than the voters. The committee either needs to kill the bill or revise it in such a way that it doesn’t affect Concord.

- Senator Larson distributed an article from the current edition of the *Concord Monitor*, which indicates how well the commission is working. It will be submitting its preliminary report to the Attorney General’s Office, the

Secretary of State and the Department of Revenue Administration. A final round will then occur with public input and consultation with an attorney in June. Voters will entertain the recommendations on the November ballot.

- Concord is working to govern itself and bring the charter back to local hands. Please don't allow HB 181 to affect that process. It is a good process, which will continue to allow the voters to have a voice.

- Senator Barnes inquired as to whether or not the City of Concord was similar to the City of Manchester whereas the Mayor of Manchester is the Chairman of the School Board. Senator Larsen assured Senator Barnes it was not. Concord has a separately elected School Board.

- Senator Barnes further inquired of Senator Larsen as to what she had heard from the School Board on this issue. She indicated the School Board is supportive of the Charter Commission process.

- Senator Boutin asked Senator Larsen to clarify a couple of items. Is the Concord School District Charter in state statute? Senator Larsen replied yes. Senator Boutin continued, indicating the city has a Charter Commission that's working through recommendations to be voted on in November. Senator Larsen further agreed. Senator Boutin then asked what the role of the Legislature was. Sen. Larsen stated that basically, the Legislature would play no role. However, if HB 181 passed, the Legislature would insert its legislative opinion that RSA 49-B should govern how charters are amended. She reiterated that the role of the Legislature at this point should be nothing. It should be left up to the local voters to determine.

- Senator Larsen indicated if the voters of Concord were to vote no on adopting the amendment procedures, the school charter would remain in legislative control. That decision won't be known until this November. She believes most voters will vote to have the charter back under local control.

- Senator Boutin asked if once the voters approve the local amendment process, does that, in effect, nullify the charter in state statute. Senator Larson stated it would. The language to do so is contained in Chapter 213. Senator Merrill then followed up Senator Boutin's question by asking confirmation that the contingency was already contained in legislation that had been passed. Senator Larsen agreed.

- Senator Forrester sought clarification that the Charter Commission is currently heading down a path that brings back local control. Senator Larsen agreed. Senator Forrester then asked if HB 181 would preempt that. Senator Larsen indicated the concern is that if the voters vote no, the process would be governed by the provisions of RSA 49-B, and would return the process of amending Concord's district charter to RSA 49-B. The city of

Concord wants its own separate vote, and not have RSA 49-B inserted into the process.

- Representative Patten is a co-sponsor, but expressed a slightly different viewpoint. Numerous times the House Municipal and County Government Committee has dealt with bills that have charters in state statutes. Prior to the enactment of RSA 49-A-D, any changes to those types of charters had to go through the legislative process. The Legislature would develop the process, which would then have to be ratified by the local governing body.

- Representative Patten is looking to extract the Legislature from the business of changing local charters. But HB 181 was never supposed to affect the process that the Concord Charter Commission has embarked upon. There are two other municipalities that have charters that apparently do not have a way to amend those charters unless it's done legislatively. If a local governing process does not have an amendment process to it, there is a set up in RSA 49-B that would allow a petition to the governing board to be able to have the citizens determine how to effect the changes. It would then be voted on in the municipality. Representative Patten supported this bill as it was a way to get the Legislature out of local issues. She'd like to develop a process to remove the Legislature from determining what is right and what is wrong for the local municipality.

- Senator Barnes expressed the sentiment that perhaps this bill doesn't do what Representative Patten originally sought it to do. Perhaps she would like to bring in another piece of legislation? Representative Patten suggested the effective date of the bill be changed to January 1, 2012, so that the voters in Concord can have their say. If the Concord voters choose not to have a local amendment process, then they would revert to RSA 49-B.

- Senator Boutin asked for clarification on RSA 49-B. Senator Patten explained RSA 49-B is the process. RSA 49-C deals with cities; RSA 49-D is for towns. Senator Boutin then asked Representative Patten if she would be agreeable to an amendment that would exclude the Concord School District from HB 181. Representative Patten expressed a concern should the Concord voters turn down a local process. Perhaps they need to go back to the drawing board. Perhaps the bill should be retained so that the issue can play out with Concord voters.

- Senator Boutin then indicated that it appears there is still some sort of political conflict ongoing in Concord. Representative Patten agreed. Senator Boutin then stated he would rather solve the issue for the remaining 99% of the charters in state statute. If Concord voters approve the local amendment process in November, then their problem is eliminated as well. Representative Patten indicated she would urge the House Municipal and County Government to concur with the Senate's proposed amendment for the

bill. She implored Committee members to find a way for the Legislature to get out from under these local issues.

- Senator Barnes then expressed concern about action the House would take if the Senate amended HB 181. Representative Patten wondered if the committee would rather just kill the bill. She indicated she would advocate for the amended bill on the House floor.

- Senator Merrill wondered if any representatives from either Rochester or Franklin attended the House hearing. Representative Patten indicated they did not.

- Former Representative Elizabeth Hoadley, Chair of the Charter Commission, expressed agreement with portions of Representative Watrous' testimony. She described the diversity of the elected members of the commission. It has been diligent and has completed its work on a preliminary report outlining a good amendment process. It was a challenge to develop a process, which included the assistance of four different attorneys. She implored committee members to allow the commission to complete its work and put the question to the voters in November.

- Senator Barnes asked Ms. Hoadley for her thoughts on Senator Boutin's proposed amendment. She indicated she was in favor of the amendment in theory, but unsure as to how the process would work. Senator Barnes indicated the committee is attempting to preserve the work the commission has done thus far.

- Senator Boutin expressed the sentiment that the committee would like to enable the commission to complete its goal. They also want to assist Representative Patten with her mission. He believes the committee could craft an amendment that creates an exclusion for Concord, while addressing Representative Patten's issue. He asked Ms. Hoadley if she would be willing to work with the committee, and if Attorney Ardinger could perhaps help craft the language. Ms. Hoadley agreed.

- Former Representative Osborne does not believe HB 181 is necessary for the city of Concord. The city is on its way to a successful adoption of its charter, and an amendment process. She asked the committee to protect Concord's efforts.

- Senator Boutin asked Ms. Osborne if she would be agreeable to the amendment he is proposing. She agreed to his proposal.

- Senator Barnes suggested Senator Boutin may want to discuss his amendment with the prime sponsor, Representative Watrous.

- Jim McConaha, a resident of Concord, supports the bill. The city has had a very lengthy and hard time getting control over their district charter. RSA 49-B does outline a very fair process changing charters. Passing HB 181 will not diminish the efforts of the Charter Commission. It merely eliminates the procedural question as to how charters get amended. It would simply give Concord the opportunity to use the very same process nearly every other community with a charter in state statute uses. In effect, it will make the commission's job easier. It could then concentrate on more substantive issues. Why would the committee move to exclude the very community that brought this bill in front of it? It doesn't seem to make sense. RSA 49-B is a perfectly good process for changing municipal charters.

- Anthony Schenella, a Concord journalist, urged the committee to vote for the bill as is; do not amend it. It is basic political rights and curbing political mischief in Concord. If the committee amends the bill, it will bring the city right back to the beginning. Don't amend it to exclude Concord.

- Senator Larson wrapped up the hearing by encouraging the committee to look at Rochester and Franklin and whether they are governed by RSA 49-B. She asked they do the due diligence and know the status of both cities before the committee votes on the bill. She believes Rochester is already governed by RSA 49-B; it is worth looking at how Franklin is governed, as well.

- Senator Barnes asked Senator Larson to comment on Senator Boutin's proposed amendment. Senator Larson stated the amendment makes sense if it is found that Rochester and Franklin need correction to clarify their RSA 49-B oversight.

- Senator Barnes closed the hearing at 10:07 am.

Action: Senator Barnes indicated Senator Boutin would be working with all interested parties in an attempt to craft language for an amendment.

dam

[file: HB 181 report]
Date: April 19, 2011

Speakers

Testimony

Testimony for the Senate Public & Municipal Affairs Committee
April 19, 2011
HB 181

For the record I am Representative Rick Watrous of Merrimack District 12, Concord wards 5, 6, and 7. I am the prime sponsor of House Bill 181. This is a bill to give voters, who now lack that option, control over amending their own local government charter. This is a local control bill.

The bill before you was passed unanimously by the House Municipal Committee and sailed through the House on the consent calendar. HB 181 is needed because there are a few cities, towns and school districts whose charters are still in state chapter law and lack a local amendment process. The only way for citizens to amend these charters is to persuade a legislator to introduce a bill and have it passed by the House, Senate and Governor. What should be a strictly local issue becomes a matter for the entire General Court.

I know this all too well because in 2008 I was one of six Concord representatives who introduced legislation for referendum questions that would amend the Concord School District charter. That charter is one of those rare charters that exist entirely in state chapter law. The House Municipal Committee was reluctant to get involved in such local matters, but there was no other option because a local amendment process did not exist.

That legislation became a political football as various parties promoted or opposed the legislation. The General Court punted by creating a study commission for the Concord School District Charter. That commission recommended another commission which is trying to draft a charter to put before the voters. Three years after the initial legislation, Concord voters still lack control over their own district charter and there is no guarantee under current law that they will attain that control. If the current commission fails to complete its work, or if the voters reject the terms of a charter proposed by the commission, voters would continue to have no control over their charter.

There appear to be a few other instances where local control is restricted. The city charters of Rochester and Franklin are both in state chapter law with no apparent amendment process other than going through the General Court. RSA 49-B was created to provide the statutory framework for cities and towns to amend their own charters. HB 181 would bring the home rule provisions of RSA 49-B to any unfortunate town, city or school district whose charter is currently locked away in chapter law.

The citizens of these communities would finally enjoy the same rights and powers of the rest of New Hampshire and have home rule over amending their own charters. All of the terms of the existing charters would remain in effect until if and when the local citizens voted to change them. The General Court would not have to be brought into these strictly local matters again. By insuring local control, HB 181 would be a win/win for state government and the voters of NH.

Complete Document

Can Be Viewed

In Bill Folder

CHAPTER 49-B
Home Rule—Municipal Charters

** Also includes
49-C Local Option
City Charters*

- 49-B:1 Purpose and Intent.
- 49-B:2 Scope of Authorization; Definitions.
- 49-B:3 Charter Revisions, Adoptions, Procedure.
- 49-B:4 Charter Commission, Membership, Procedure.
- 49-B:5 Charter Amendments, Procedure.
- 49-B:5-a Approval and Review.
- 49-B:6 Submission to Voters.
- 49-B:7 Recording.
- 49-B:8 Ordinance, Power Limited.
- 49-B:8-a Powers of Town Council.
- 49-B:8-b Powers of Representative Town Meeting [Omitted.].
- 49-B:9 Private, Special, and General Laws.
- 49-B:10 Judicial Review.
- 49-B:11 Construction.
- 49-B:12 Return to Former Form of Government.
- 49-B:13 Separability; Preservation.

NOTES TO DECISIONS

1. Scope
2. Charter amendment
3. Constitutionality

1. Scope

This chapter provides the statutory framework through which cities and towns may amend their actual form of government, and grants them the power necessary to carry out such changes. *Harriman v. Lebanon*, 122 N.H. 477, 446 A.2d 1158, 1982 N.H. LEXIS 382 (1982).

This chapter was intended only to provide a statutory framework by which cities and towns may amend their actual form of government. *Girard v. Allenstown*, 121 N.H. 268, 428 A.2d 488, 1981 N.H. LEXIS 295 (1981).

2. Charter amendment

Where proposed charter amendment provided for implementation of citizen initiative and referendum, the amendment, if adopted, could not be utilized by the voters to amend or alter the city charter, because all charter alterations and amendments must be adopted in accordance with provisions of this chapter. *Harriman v. Lebanon*, 122 N.H. 477, 446 A.2d 1158, 1982 N.H. LEXIS 382 (1982).

consideration, require a referendum to enact the ordinance.

(c) Conflicts of interest so long as any provisions adopted are at least as stringent as the state general laws relative to conflicts of interest.

II. Any election pursuant to initiative and referendum procedures shall be held within 60 days after certification of a valid petition or at the next regular municipal election, whichever is earlier.

Source. 1991, 304:11, eff. Aug. 23, 1991.

49-C:34 Saving Clause.

So much of the previous charter of the city and of laws passed in amendment or supplementary to the charter, as now may be in force, relative to the constitution and bounds of its several wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, to its water works, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this chapter. All special legislation relative to the government of the city, not expressly saved, is hereby repealed. All general laws relative to the government of cities shall remain in force in the city so far as consistent with this chapter. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this chapter, but are hereby annulled so far as inconsistent with this chapter. In all existing laws, ordinances and regulations hereby saved, references to the city councils, board of mayor and aldermen, board of public works, or other bodies or officers hereby abolished and superseded, or to bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by the charter or by the administrative code.

Source. 1991, 304:11, eff. Aug. 23, 1991.

April 19, 2011

Public and Municipal Affairs Committee

Testimony on HB 181

Good Morning Senator Barnes and Members of the Committee,

My Name is Jessie Osborne and I am a former representative for Wards 5, 6, & 7 in Concord.

I was one of the original sponsors of the legislation which created HB 1497 which was used to create a new section of RSA: 49 B- section 14. This established the process for Concord to have a charter Commission which was elected last November to provide a way for Concord to assume control of its charter. The commission was required to review the current charter, which is in statute, and to provide an amendment process.

29 citizens of Concord ran to fill 9 seats on the charter commission. The elected members started meeting in late November, 2010 and continued to meet twice a month; reviewing the current charter and taking written and oral testimony from all citizens who wanted to speak about anything in the charter and also to give their ideas on how it should be amended .

We did several housekeeping corrections to comply with current law and then worked on the amendment process. Our membership did not always agree on every point but we have finally produced and voted on a preliminary report on April 18, 2011. It was a unanimous vote 9-0. The Report will go to the Attorney General, the Secretary of State and the Commissioner of the DRA for review and recommendations on its constitutionality.

We are following procedure outlined in RSA 49B and have engaged a Municipal Law Attorney to submit a review of the work we have done. We will have a Public Hearing in May to allow the Public to again testify on the report recommendations and then submit a final report by June 15. We will then have fulfilled the requirements the Legislature set down for us in the last session. We will then proceed to inform the citizens about the report's recommendations.

This process has cost the taxpayers of Concord thousands of dollars and many of us have given a lot of time to the process.

The last step in the process is to have a final vote of the voters of the Concord School District vote to approve their own School charter and fulfill the return to local control and this will occur in November, 2011. We are nearly there.

If HB 181 passes much of the time and money we have expended will have been a waste of our effort and the legislature's time and money. HB181 does not allow voters of the Concord school district to have a say on their charter and forces the people to accept a legislative mandate and will go into effect 60 days after passage which will occur before the vote on the current charter commission's work.

All changes to the Concord School District Charter have always required a vote of the citizens of the School District even when the legislature passed the changes, the approval of the voters was necessary to complete the deal.

If it is passed, HB 181 will nullify all of the current charter commission's work.

I believe that Concord is the only school district to have its charter under state control and in session law. We do not need this new legislation at this time. We are completing the task given to us by the legislature in the last session and ask that you let us finish our work in accordance with the mandate you gave us.

Thank you.



Testimony for hearing on 4/18

[Desktop](#) · [MailBox](#) · Testimony for hearing on 4/18

From: betty.hoadley@comcast.net

Sunday, April 17, 2011 9:24 AM -0400

Subject: Testimony for hearing on 4/18

To: [Elizabeth Hoadley](#)

Attachments: Attach0.html 11K

To the Senate Public and Municipal Affairs Committee:

The Concord School District charter is the only one in the State of NH still in statute and therefore under the control of the NH Legislature. Members of the Legislature seem more than willing to find a way to put that charter into local control. In the fall of 2009, a Legislative Commission was appointed, worked for a number of meetings, and recommended that a Concord School District Charter Commission be elected to develop and "recommend a procedure to revise, amend or replace the Concord School District charter". House Bill #1497 details that history.

Accordingly, in November, 2010, nine members from the Concord community were elected to the Concord School District Charter Commission. **What follows is a work analysis to evidence that this commission has met - many times. Considerable time, effort and money has been expended to that end. This process has been expensive - secretarial support from the local school district, costs to tape the public meetings, publication costs, and two reviews by personnel in the offices of the Secretary of State, the Attorney General and the Department of Revenue. Taxpayers, both in Concord and in the state, will be picking up these costs.**

1. The CSD Charter Commission has held ten meetings: November 19, November 30, December 21, January 6, January 13, February 9, February 22, March 10, March 24, and April 6, 2011.

2. No public testimony was offered on November 19, which was the required organizational meeting, nor on April 6, which was a dedicated work session.

3. All other meetings started by hearing public input and were followed by work sessions.

4. Public testimony was heard from the following: members of the previous Legislative Commission, other candidates for this Commission, former and present Concord School Board members, a former State Board of Education member, former and current Concord School District employees, members of the public, a member of the current House of Representatives and the Clerk of the Concord School District. One meeting was devoted to working with the Clerk concerning "housekeeping" changes to the core charter document .

5. One of the meetings was held at an easily accessible elementary school site on the east side of the river in Concord. All other meetings were held at the district's administrative offices which are also easily accessible and have a built in system to video record the proceedings. The video tapes of all the meetings have been widely played on the local education channel. In addition to extensive postings on the Concord School District website, the Commission has maintained a "reference circulation only" notebook of print materials that match the website postings. The local newspaper has reported on some of the Commission meetings and an informational piece about the Commission was printed early in the meeting process.

6. Included in the website materials are the following: printed letters and e-mail communications from Concord citizens, reference documents, research documents, member proposals, member memos, working Commission drafts, information from the City (of Concord) Clerk, information from the Concord School District Clerk, written testimony from Concord citizens who also appeared in person, and reports of information gathered at the Secretary of State's office.

Members of this Commission include the following: the Honorable Charles Douglas, Esq.; the Honorable Jessie Osborne; the Honorable William Ardinger, Esq.; Michael Donovan, Esq.; Martin Honigberg, Esq.; Robert

Gile; Clinton Cogswell; Kathleen Conners; and the Honorable Elizabeth Hoadley. Clerk of the Concord School District is Roger Phillips, Esquire.

Members of the Commission are ready to submit the preliminary report to the Attorney General, the Secretary of State and the Dept. of Revenue Administration by the deadline of April 21. They fully expect to expeditiously complete their work after the three opinions are returned and submit the final report by June 21 as required. Acceptance of that submission means:

A. The question of accepting an amendment procedure will be put to the voters in November, 2011

B. Approval of the question and the amendment procedure will repeal the Concord School District charter as a State document and put the charter, including the new amendment procedure, into the hands of the citizens of the City of Concord

House Bill #181 adds nothing but confusion to a process well in hand and work already done by the Concord School District Charter Commission.

A label of ITL would uphold a process started by the Legislature well before the initiation of that bill and would uphold the integrity of the process by the commissioners and the Concord community, one undertaken in all good faith.

Elizabeth K. Hoadley, Chair, Concord School District Charter Commission

James McConaha
7 Cypress Street, Concord, NH 03301
603-491-5574

Date: April 22, 2011

To: The Honorable Peter Bragdon and Members of the New Hampshire State Senate

Re: HB-181, An Act permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

Dear Senator Bragdon,

Three years ago the entire House delegation from Concord asked the state legislature to return to the city its school district charter, which had been in state statute for decades. This bill, giving local control to the community, passed the House without dissent but was blocked by the Senate leadership.

This year the same request was made of the state legislature, again receiving unanimous approval of the House.

HB-181 simply requires that any municipal or school charter remaining in the hands of the state legislature be returned to the local community. To our knowledge, Concord is the sole municipality whose school district charter is not under local control.

On Tuesday, April 19, at the hearing before the Senate Public and Municipal Affairs Committee, Chairman Jack Barnes made reference to a local political controversy that exists over this issue. The controversy is that some past and present members of the local school board, and some members of the school administration, have fought against local control over the school district charter.

The Senate may want to accommodate school board members and school administrators, but there should be equal consideration in the Senate of the voters of the city who have asked for the return of their school district charter. Concord voters, in numerous public meetings and public hearings, have made clear they want the school district charter under local control, and this desire is well known to local legislative officeholders.

In Concord, a charter commission is currently preparing ballot proposals that address substantive changes deemed necessary in the school district charter. The passage of HB-181 and the return to the city of its school district charter in no way hinders the work of this commission.

The passage of HB-181 simply gives any remaining municipalities control over their local charters, guided by the requirements of RSA 49-B, Home Rule, Municipal Charters. Concord's current charter commission can propose any amendments they wish and if the voters approve, they will be adopted.

I ask that you provide the leadership necessary to eliminate this inequity in state law once and for all, and return local control to any and all communities whose city, town, or school district charter remains in state statute.

Thank you and if I can be of any assistance, please let me know.



Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 26, 2011

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 181

AN ACT permitting the charter of a city, town, or school district
which is in statute to revert to the control of the voters.

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

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Amanda Merrill
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB181

Docket Abbreviations

Bill Title: permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

Official Docket of HB181:

Date	Body	Description
1/11/2011	H	Introduced 1/6/2011 and Referred to Municipal and County Government; HJ 11 , PG. 175
1/19/2011	H	Public Hearing: 1/25/2011 10:00 AM LOB 301
1/19/2011	H	Executive Session: 1/27/2011 1:00 PM LOB 301
2/1/2011	H	Committee Report: Ought to Pass with Amendment #0104h for Feb 9 (Vote 16-0; CC); HC 12 , PG.203-204
2/1/2011	H	Proposed Committee Amendment #2011-0104h ; HC 12 , PG.227
2/9/2011	H	Amendment #0104h Adopted, VV; HJ 16 , PG.313
2/9/2011	H	Ought to Pass with Amendment #0104h: MA VV; HJ 16 , PG.313
3/16/2011	S	Introduced and Referred to Public and Municipal Affairs
4/14/2011	S	Hearing: 4/19/11, Room 101, LOB, 9:15 a.m.; SC20
4/27/2011	S	Committee Report: Inexpedient to Legislate, 5/4/11; SC22
5/4/2011	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; SJ 15 , Pg.307

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 181

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
____ FINAL VERSION ____ AS AMENDED BY THE SENATE

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

DATE DELIVERED TO SENATE CLERK

08/02/11

BY:

Debra A. Martore
COMMITTEE AIDE