

Bill as
Introduced

HB 544 - AS INTRODUCED

2019 SESSION

19-0405

08/04

HOUSE BILL **544**

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

SPONSORS: Rep. Long, Hills. 10

COMMITTEE: Education

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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

1 1 New Subdivision; Manchester School District Charter Commission. Amend RSA 49-B by
2 inserting after section 14 the following new subdivision:

3 Manchester School District Charter Commission

4 49-B:15 Manchester 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 Manchester school district
7 charter, established in 1846 as amended in 1848, as amended by chapter 301 of the 1909 Laws of
8 New Hampshire, as amended by chapter 323 of the 1909 laws of New Hampshire, as amended by
9 chapter 249 of the 1915 Laws of New Hampshire, as amended by chapter 302 of the 1915 Laws of
10 New Hampshire, as amended by chapter 52 of the 1972 Laws of New Hampshire. The charter
11 commission shall submit its recommendations for a procedure to revise, amend, or replace the
12 Manchester school district charter in the form of a ballot question to the Manchester school district
13 voters for a vote at the November 2020 regular election. If the ballot question is approved then the
14 Manchester school district charter shall be revised, amended, or replaced in accordance with the
15 local procedure approved by the school district voters and, effective on the date the ballot question is
16 approved, the Manchester school district shall be solely responsible for revising, amending, or
17 replacing the charter.

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

20 (b) The election of charter commission members shall be held in conjunction with the
21 regular November elections in 2019 in accordance with RSA 49-B:4.

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

25 2 Repeal. The following are repealed:

26 I. 1846, as amended by 1848, as amended by 1909, 301 as amended by 1909, 323 as
27 amended by 1915, 249, as amended by 1915, 302, as amended by 1972, 52, relative to the
28 Manchester city charter amendments.

29 II. RSA 49-B:15, relative to the Manchester school district charter commission.

30 3 Contingency. If Manchester school district voters approve a ballot question at the November
31 2020 regular election to adopt a school district charter which includes a procedure to allow the

HB 544 - AS INTRODUCED

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1 Manchester school district to amend the charter without the approval of the legislature, and to
2 repeal the existing Manchester school district charter established in 1846, as amended by 1848, as
3 amended by 1909, 301 as amended by 1909, 323 as amended by 1915, 249, as amended by 1915, 302,
4 as amended by 1972, 52, then section 2 of this act shall take effect on the date such ballot question is
5 approved. If the ballot question is not approved section 2 of this act shall not take effect.

6 4 Effective Date.

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

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

CHAPTER 174
HB 544 - FINAL VERSION

2019 SESSION

19-0405
08/04

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CHAPTER 174
HB 544 - FINAL VERSION

19-0405
08/04

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1 174:1 New Subdivision; Manchester School District Charter Commission. Amend RSA 49-B by
2 inserting after section 14 the following new subdivision:

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14 Manchester school district charter shall be revised, amended, or replaced in accordance with the
15 local procedure approved by the school district voters and, effective on the date the ballot question is
16 approved, the Manchester school district shall be solely responsible for revising, amending, or
17 replacing the charter.

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

20 (b) The election of charter commission members shall be held in conjunction with the
21 regular November elections in 2019 in accordance with RSA 49-B:4.

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

25 174:2 Repeal. The following are repealed:

26 I. 1846, as amended by 1848, as amended by 1909, 301 as amended by 1909, 323 as
27 amended by 1915, 249, as amended by 1915, 302, as amended by 1972, 52, relative to the
28 Manchester city charter amendments.

29 II. RSA 49-B:15, relative to the Manchester school district charter commission.

CHAPTER 174
HB 544 - FINAL VERSION
- Page 2 -

1 174:3 Contingency. If Manchester school district voters approve a ballot question at the
2 November 2020 regular election to adopt a school district charter which includes a procedure to
3 allow the Manchester school district to amend the charter without the approval of the legislature,
4 and to repeal the existing Manchester school district charter established in 1846, as amended by
5 1848, as amended by 1909, 301 as amended by 1909, 323 as amended by 1915, 249, as amended by
6 1915, 302, as amended by 1972, 52, then section 2 of this act shall take effect on the date such ballot
7 question is approved. If the ballot question is not approved section 2 of this act shall not take effect.

8 174:4 Effective Date.

- 9 I. Section 2 of this act shall take effect as provided in section 3 of this act.
 II. The remainder of this act shall take effect upon its passage.

Approved: July 10, 2019

Effective Date:

I. Section 2 shall take effect as provided in section 3.

II. Remainder shall take effect July 10, 2019.

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen Melanie Levesque, Chair
Sen Tom Sherman, Vice Chair
Sen Jon Morgan, Member
Sen Regina Birdsell, Member
Sen James Gray, Member

Date: May 8, 2019

HEARINGS

Thursday	05/16/2019	
(Day)	(Date)	
Election Law and Municipal Affairs	LOB 102	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

10:00 a.m. **HB 544** relative to the governance of the Manchester school district.

10:30 a.m. **HB 588** relative to presidential nominations.

11:00 a.m. **HB 593** relative to updating official voter checklists.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 544

Rep. Long

HB 588

Rep. Huot

HB 593

Rep. Gay

Rep. McBride

Tricia Melillo 271-3077

Melanie Levesque
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 544, relative to the governance of the Manchester school district.

Hearing Date: May 16, 2019

Members of the Committee Present: Senators Levesque, Sherman, Morgan, Birdsell and Gray

Members of the Committee Absent : None

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

Sponsors:
Rep. Long

Who supports the bill: Representative Pat Long

Who opposes the bill: None

Summary of testimony presented in support:

Representative Long

- Every year there are arguments between the Aldermen and the School Board in Manchester over the school budget.
- Now that he is a School Board member he sees their real funding needs.
- Currently there is no accountability about budget matters.
- It is time to let the citizens of Manchester decide if they would like the School Board to be autonomous where the budget is concerned.
- This bill will allow them to come up with a charter commission on how they will arrange this process and then the voters will decide at the polls.
- This bill addresses only the school district and not other departments in the town.
- Senator Levesque asked what the Aldermen are saying about this plan. Representative Long answered that they are on board with this. There are some that are concerned that the School Board will tax them out of their house. In other places where this has happened it took a couple of budget cycles before the people were comfortable with it.
- Senator Birdsell commented that the school budgets keep going up and the town has no control wouldn't this be the same situation if you remove the Aldermen from the budget process. Representative Long replied that currently it looks like both the Aldermen and the School Board are incompetent for fighting over the budget. Changing the process gives the voters the choice to implement it and still have the option of voting out any School Board member who may be negligent with the responsibility. They are not accountable right now this legislation would hold them accountable to the voters.
- Senator Gray commented that currently the city of Manchester has a charter and passing this would seem like the legislators are taking away local control.

Representative Long answered that every time they fight over the budget a Representative has to draft a bill to help the situation. This will give more local control by not having to ask the state house for permission to deal with the school budget the way the voters want.

- Senator Gray asked if it would make sense to make some way for the people to petition for what they want – this bill allows the voters to decide who has autonomy over the budget – this allows the voters to decide
- Senator Levesque asked if other towns have done this – there are some , Concord and Keene in some ways
- Senator Levesque clarified that currently the Alderman have to approve the school board budget. Representative Long replied yes.
- Senator Levesque also clarified that this bill will allow the school board to be autonomous and it is enabling legislation. Representative Long answered that was correct.
- Senator Levesque asked if currently, if the School Board does not give the Aldermen a budget that fits what they have approved they have to cut programs. He answered that was correct also.
- Senator Levesque asked if that has put Manchester is a negative situation. Representative Long stated that yes, it causes them to struggle over cuts and increases.
- Senator Levesque asked when the vote would be to enable this legislation. Representative Long answered in November of 2020 the voters would decide.

Bradford Cook – NH Ballot Law Commission, Chairman

- If this Legislation went before the voters, it would be letting them decide if the School Board could be autonomous and not telling them.
- Senator Gray commented that his objection is that he could do charter changes in his town and it would go before the citizens and asked if Manchester could do the same thing. Mr. Cook explained that when he was in office the School Board of Manchester had to take the city to court to make changes. With this legislation the voters would be voting on a new process.

Summary of testimony presented in opposition: None

TM

Date Hearing Report completed: May 17, 2019

Speakers

Testimony



CITY OF MANCHESTER

Joyce Craig
Mayor

May 16, 2019

Chairwoman Melanie Levesque
NH Senate Election Law and Municipal Affairs Committee
LOB Room 102
33 N. State Street
Concord, NH 03301

RE: HB 544

Dear Chairwoman Levesque and Members of the Committee,

Before your committee today, you have an important piece of legislation— HB 544, relative to the governance of the Manchester school district. I urge the Senate Election Law and Municipal Affairs Committee to look favorably on this legislation and recommend an “Ought to Pass” motion to the full Senate.

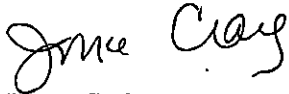
As Mayor of the City of Manchester, I preside over the Board of Mayor and Aldermen and I am a member and Chair of the Board of School Committee. This unique role, unlike anywhere else in the state, gives me a unique perspective on how these two boards interact.

I believe it is the right time for the people of Manchester to examine the current system in greater detail and recommend changes. And that’s exactly what HB 544 would provide for—an opportunity for the people of Manchester to elect a charter commission to recommend changes to the current charter.

HB 544 would be the first step in a community-wide discussion on how we govern our school district and how we can best provide all our children with a quality education and I urge you to support this important piece of legislation.

Thank you for your attention to this matter and if you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Craig".

Joyce Craig
Mayor

cc: Manchester House Legislative Delegation
Senate President Donna Soucy
Senator Lou D'Allesandro
Senator Kevin Cavanaugh

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2019 Session**

Bill # **HB 544**

Hearing date: 5/16/19

Executive Session date: 5/29/19

Motion of: Re Refer/Failed Vote: 2-3

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Morgan

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, May 29, 2019

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 544**

AN ACT

relative to the governance of the Manchester school district.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-2

Senator Jon Morgan
For the Committee

Tricia Melillo 271-3077

Docket of HB544

Docket Abbreviations

Bill Title: relative to the governance of the Manchester school district.**Official Docket of HB544.:**

Date	Body	Description
1/15/2019	H	Introduced 01/03/2019 and referred to Education HJ 3 P. 19
1/30/2019	H	Public Hearing: 02/06/2019 11:00 am LOB 207
2/6/2019	H	Executive Session: 02/12/2019 10:30 am LOB 207
2/14/2019	H	Committee Report: Ought to Pass for 02/27/2019 (Vote 17-0; CC) HC 13 P. 5
2/27/2019	H	Ought to Pass: MA VV 02/27/2019 HJ 6 P. 7
3/18/2019	S	Introduced 03/14/2019 and Referred to Election Law and Municipal Affairs; SJ 9
5/8/2019	S	Hearing: 05/16/2019, Room 102, LOB, 10:00 am; SC 22
5/29/2019	S	Committee Report: Ought to Pass, 06/06/2019; SC 25
6/6/2019	S	Ought to Pass: MA, VV; OT3rdg; 06/06/2019; SJ 19
6/18/2019	S	Enrolled (In recess 06/13/2019); SJ 21
6/18/2019	H	Enrolled 06/13/2019 HJ 19 P. 18
7/15/2019	H	Signed by Governor Sununu 07/10/2019; Chapter 174; Sec. 2 Eff: as provided in Sec.3 II. Rem. Eff: 07/10/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 544

Senate Committee: Elec. Law + MA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office jm