

HB 1293 - AS INTRODUCED

2016 SESSION

16-2310

06/10

HOUSE BILL **1293**

AN ACT relative to the procedure for charter amendments.

SPONSORS: Rep. Cheney, Straf. 17; Rep. Gray, Straf. 8; Rep. Souza, Hills. 43; Rep. B. Griffin, Hills. 6; Rep. Ammon, Hills. 40; Rep. L. Ober, Hills. 37; Rep. Fraser, Belk. 1

COMMITTEE: Municipal and County Government

ANALYSIS

This bill prohibits substantive changes to proposed charter amendments submitted by voter petition.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT relative to the procedure for charter amendments.

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

1 1 Municipal Charter Amendments; Procedure. Amend the introductory paragraph of RSA 49-
2 B:5, I to read as follows:

3 I. The municipal officers may determine that one or more amendments to the municipal
4 charter are necessary and, by order, provide for notice and hearing on them in the same manner as
5 provided in RSA 49-B:5, V(a). Within 7 days after receiving approval from the secretary of state,
6 the attorney general, and the commissioner of the department of revenue administration under
7 RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at
8 the next regular municipal election. In the case of municipalities with biennial elections, the
9 municipal officers may order amendments to be placed on the ballot at ~~[either]~~ the next regular
10 municipal election ~~[or the next state biennial election, whichever occurs earlier,]~~ that occurs not less
11 than 60 days after the order.

12 2 Municipal Charter Amendments; Procedure. Amend the introductory paragraph of RSA 49-
13 B:5, II to read as follows:

14 II. On the written petition of a number of voters equal to at least ~~[20]~~ **10** percent of the
15 number of ballots cast in a municipality at the last regular municipal election, but in no case fewer
16 than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the
17 municipal charter be placed on a ballot in accordance with the procedures set out below:

18 3 Charter Amendments; Procedure. Amend RSA 49-B:5, II-a (b) to read as follows:

19 (b) The petitioners' committee, or ~~[voters of the municipality]~~ **persons** designated by
20 the committee, may circulate the petition and file it in proper form. ***Each signature on the***
21 ***affidavit required by subparagraph II-a(a) shall be included in the clerk's count of the***
22 ***number of signatures required by paragraph II unless a signatory has signed both the***
23 ***affidavit and the petition, in which case the signature shall be counted only once.***

24 4 Charter Amendments; Procedure. Amend RSA 49-B:5, V to read as follows:

25 V.(a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers
26 shall by order provide for a public hearing on the proposed amendment. The notice of the hearing
27 shall be published in a newspaper having general circulation in the municipality at least 7 days
28 prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation.
29 The hearing shall be conducted by the municipal officers or a committee appointed by them;
30 ~~provided that in the case of an amendment submitted by voter petition, the hearing shall be~~
31 ~~conducted by the municipal officers].~~ If, as a result of the public hearing, substantive changes are

1 made to the proposed amendment, a second hearing shall be held. *In the case of a proposed*
2 *amendment submitted by voter petition, the hearing shall be conducted by the municipal*
3 *officers and no substantive changes may be made to the amendment.* Notice of the hearing
4 and the conduct thereof shall be as provided in this section.

5 (b) Within 7 days after the [last] public hearing, the municipal officers or the committee
6 appointed by them shall file with the municipal clerk a report containing the [final draft of the]
7 proposed amendment [~~and a written opinion by an attorney admitted to the bar of this state that~~
8 ~~the proposed amendment is not in conflict with the general laws or the constitution~~]. In the case of
9 a *report of an appointed* committee [report], a copy shall be filed with the municipal officers.
10 [~~Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter~~
11 ~~adoption; provided, however, that the municipal officers or the appointed committee shall be~~
12 ~~substituted for the charter commission for purposes of RSA 49-B:4-a, III.~~]

13 (c) Within 7 days after the approval by the secretary of state, the attorney general and
14 the commissioner of the department of revenue administration, or within 7 days after the [last]
15 public hearing in the case of an amendment submitted by voter petition, the municipal officers shall
16 order the proposed amendment to be placed on the ballot at the next regular municipal election. In
17 the case of municipalities with biennial elections, the municipal officers shall order the amendments
18 to be placed on the ballot at either the next regular municipal election or at a special municipal
19 election that occurs not less than 60 days after the date of the order.

20 5 Effective Date. This act shall take effect 60 days after its passage.