CACR 19 - AS INTRODUCED

2018 SESSION

18-2547
06/05

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION ***19***

RELATING TO: right to govern.

PROVIDING THAT: the people of the state may enact local laws that protect health, safety and welfare.

SPONSORS: Rep. Read, Rock. 17; Rep. Migliore, Graf. 9; Rep. J. Schmidt, Hills. 28; Rep. Darrow, Graf. 17; Rep. Rand, Graf. 8; Rep. Suzanne Smith, Graf. 8; Rep. Burton, Straf. 6; Rep. Howard, Belk. 8; Rep. DiLorenzo, Rock. 17

COMMITTEE: Municipal and County Government

ANALYSIS

This constitutional amendment concurrent resolution provides that the people of the state have the right of local, community self-government.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

CACR 19 - AS INTRODUCED

18-2547
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

CONCURRENT RESOLUTION PROPOSING CONSITUTIONAL AMENDMENT

RELATING TO: right to govern.

PROVIDING THAT: the people of the state may enact local laws that protect health, safety and welfare.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

I. That the first part of the constitution be amended by inserting after article 39 the following new article:

[Art.] 40. [Right of Local Community Self-Government.] All government of right originates from the people, is founded in their consent, and instituted for the general good; the people have the right and the duty to reform governments when those governments manifestly endanger public liberty; and sustainable environmental and economic development can be achieved only when the people affected by governing decisions are the ones who make them; therefore, the people of New Hampshire have an inherent and inalienable right of local, community self-government in each county, municipality, city, and town to enact local laws that protect health, safety, and welfare by recognizing or establishing rights of natural persons, their local communities, and nature; and by securing those rights using prohibitions and other means deemed necessary by the community, including measures to establish, define, alter, or eliminate competing rights, powers, privileges, immunities, or duties of corporations and other business entities operating, or seeking to operate, in the community. Local laws adopted pursuant to this article shall not weaken existing protections for, or constrict the fundamental rights of, natural persons, or their local communities, or nature, as those protections and rights are secured by local, state, federal, or international law.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2018.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2018 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2018 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 39 a new article to read as follows:

[Art.] 40. [Right of Local Community Self-Government.] All government of right originates from the people, is founded in their consent, and instituted for the general good; the people have the

right and the duty to reform governments when those governments manifestly endanger public liberty; and sustainable environmental and economic development can be achieved only when the people affected by governing decisions are the ones who make them; therefore, the people of New Hampshire have an inherent and inalienable right of local, community self-government in each county, municipality, city, and town to enact local laws that protect health, safety, and welfare by recognizing or establishing rights of natural persons, their local communities, and nature; and by securing those rights using prohibitions and other means deemed necessary by the community, including measures to establish, define, alter, or eliminate competing rights, powers, privileges, immunities, or duties of corporations and other business entities operating, or seeking to operate, in the community. Local laws adopted pursuant to this article shall not weaken existing protections for, or constrict the fundamental rights of, natural persons, or their local communities, or nature, as those protections and rights are secured by local, state, federal, or international law."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2018 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.