

Amendment to HB 1293

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Municipal Charter Amendments; Procedures. Amend RSA 49-B:5, I to read as follows:

4
5 I. The municipal officers may determine that one or more amendments to the municipal
6 charter are necessary and shall, by order, provide for notice and hearing on them [~~in the same~~
7 ~~manner as provided in RSA 49-B:5, V(a)~~]. ***The notice of the hearing shall be published in a***
8 ***newspaper having general circulation in the municipality at least 7 days prior to the***
9 ***hearing, and shall contain the text of the proposed amendment and a brief explanation.***
10 ***The hearing shall be conducted by the municipal officers or a committee appointed by***
11 ***them. If substantive changes are made to the proposed amendment, a hearing on the***
12 ***modified amendment shall be held. Notice of the hearing and the conduct thereof shall be***
13 ***as provided in this paragraph.***

14 (a) ***Within 7 days after the last public hearing, the municipal officers or the***
15 ***committee appointed by them shall file with the municipal clerk a report containing the***
16 ***proposed amendment. In the case of a report of an appointed committee, a copy shall be***
17 ***filed with the municipal officers.***

18 (b) Within 7 days after receiving approval from the secretary of state, the attorney
19 general, and the commissioner of the department of revenue administration under RSA 49-B:4-a,
20 the municipal officers may order the proposed amendment to be placed on a ballot at the next
21 regular municipal election. In the case of municipalities with biennial elections, the municipal
22 officers may order amendments to be placed on the ballot at either the next regular municipal
23 election or [~~the next state biennial election, whichever occurs earlier,~~] ***at a special municipal***
24 ***election*** that occurs not less than 60 days after the order.

25 [(a)] (c) Each amendment shall be limited to a single subject, but more than one section
26 of the charter may be amended as long as it is germane to that subject.

27 [(b)] (d) Alternative statements of a single amendment are prohibited.

28 2 Municipal Charter Amendments; Procedure. Amend the introductory paragraph of RSA 49-
29 B:5, II to read as follows:

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

Amendment to HB 1293
- Page 2 -

1 **II-a through V:**

2 3 Charter Amendments; Procedure. Amend RSA 49-B:5, II-a (b) and (c) to read as follows:

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

8 (c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file
9 a certified copy of the affidavit, including the proposed amendment, for review of the proposed
10 amendment in accordance with RSA 49-B:4-a. Promptly after receiving approval of the proposed
11 amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition ***form*** blanks
12 to the committee. ***The petition forms shall read substantially as follows: "Each of the***
13 ***undersigned voters respectfully requests the municipal officers to provide for the***
14 ***amendment(s) of the municipal charter as set out below. If more than one subject is***
15 ***included in a petition, each subject shall be addressed in a separate amendment".***

16 4 Charter Amendments; Procedure. Amend RSA 49-B:5, III(a) to read as follows:

17 III.(a) ~~[The petition forms shall read substantially as follows: "Each of the undersigned~~
18 ~~voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal~~
19 ~~charter as set out below." If more than one subject is included in a petition, each subject shall be~~
20 ~~addressed in a separate amendment.]~~ ***The petitioners' committee, or voters of the municipality***
21 ***designated by the committee, may circulate the petition and file it in proper form.*** Each
22 signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by
23 the place of domicile of the voter with street and number, if any. No petition shall contain any
24 party or political designation.

25 5 Charter Amendments; Procedure. Amend RSA 49-B:5, V to read as follows:

26 V.(a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers
27 shall by order provide for ***and issue notice of*** a public hearing on the proposed amendment. The
28 notice of the hearing shall be published in a newspaper having general circulation in the
29 municipality at least 7 days prior to the hearing, and shall contain the text of the proposed
30 amendment and a brief explanation. The hearing shall be conducted by the municipal officers~~[or a~~
31 ~~committee appointed by them; provided that in the case of an amendment submitted by voter~~
32 ~~petition, the hearing shall be conducted by the municipal officers. If, as a result of the public~~
33 ~~hearing, substantive changes are made to the proposed amendment, a second hearing shall be held]~~
34 ***and no substantive changes may be made to the amendment.*** ~~[Notice of the hearing and the~~
35 ~~conduct thereof shall be as provided in this section.]~~

36 (b) Within 7 days after the [last] public hearing, the municipal officers ~~[or the~~
37 ~~committee appointed by them]~~ shall file with the municipal clerk a report containing the ~~[final draft~~

Amendment to HB 1293
- Page 3 -

1 of the] proposed ***petitioned*** amendment [and a written opinion by an attorney admitted to the bar
2 of this state that the proposed amendment is not in conflict with the general laws or the
3 constitution. In the case of a committee report, a copy shall be filed with the municipal officers.
4 Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter
5 adoption; provided, however, that the municipal officers or the appointed committee shall be
6 substituted for the charter commission for purposes of RSA 49-B:4-a, III.

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

14 6 Effective Date. This act shall take effect 60 days after its passage.