

CACR 8 - AS INTRODUCED

2019 SESSION

19-0717
06/08CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **8**

RELATING TO: the 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. Meuse, Rock. 29; Rep. J. Schmidt, Hills. 28; Rep. Adjutant, Graf. 17;
Rep. W. Thomas, Hills. 21; Rep. Stack, Hills. 21; Rep. Murphy, Hills. 21; Rep. Cleaver, Hills. 35; Rep. W.
Pearson, Ches. 16

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

19-0717
06/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

CONCURRENT RESOLUTION PROPOSING CONSITUTIONAL AMENDMENT

RELATING TO: the 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; therefore, all people have the inherent and inalienable right to local self-government, a right of the people which includes using, altering, abolishing, or reforming their municipal governments to enact local laws that recognize, secure, and protect the economic, social, and environmental well-being of people, their communities, and natural environments. This right to local self-government includes the people's authority to use prohibitions and other means to elevate the rights of people, their communities, and natural environments, and to do so free from ceiling preemption and from competing rights, powers, or duties of corporations and other business entities. Local laws enacted pursuant to this article may strengthen and expand but shall not weaken or constrict existing rights and protections for people, or their communities, or natural environments, as those already recognized rights

and protections are secured by other local, state, federal, or international laws, including but not limited to federal first and second amendment rights and protections.

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, 2020.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2020 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2019 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; therefore, all people have the inherent and inalienable right to local self-government, a right of the people which includes using, altering, abolishing, or reforming their municipal governments to enact local laws that recognize, secure, and protect the economic, social, and environmental well-being of people, their communities, and natural environments. This right to local self-government includes the people's authority to use prohibitions and other means to elevate the rights of people, their communities, and natural environments, and to do so free from ceiling preemption and from competing rights, powers, or duties of corporations and other business entities. Local laws enacted pursuant to this article may strengthen and expand but shall not weaken or constrict existing rights and protections for people, or their communities, or natural environments, as those already recognized rights and protections are secured by other local, state, federal, or international laws, including but not limited to federal first and second amendment rights and protections.”

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 2019 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.

VII. Voters' Guide.

AT THE PRESENT TIME, the constitution does not grant any power directly to municipalities. Municipalities have authority to act only if the legislature gives it to them by statute.

IF THE AMENDMENT IS ADOPTED, the constitution will grant municipalities the right to enact local laws that protect health, safety, and welfare.