

HOUSE No. 3734

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 17, 2015.

The committee on Bills in the Third Reading, to whom was referred the Bill Establishing an Appointed Treasurer for the City of Holyoke (House, No. 3328), reports recommending that the same be amended by substitution of the accompanying bill (House, No. 3734), and that when so amended the same will be correctly drawn.

For the committee,

THEODORE C. SPELIOTIS.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act establishing an appointed treasurer for the city of Holyoke.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 438 of the acts of 1896 is hereby amended by striking out section 6,
2 as most recently amended by section 5 of chapter 189 of the acts of 1992, and inserting in place
3 thereof the following section:-

4 Section 6. At such municipal election the qualified voters shall give in their votes by
5 ballot for mayor, city clerk, members of the city council and of the school committee, or of such
6 of them as are to be elected, and the person receiving the highest number of votes for any office
7 shall be deemed and declared to be elected to such office, and whenever 2 or more persons are to
8 be elected to the same office the several persons, up to the number required to be chosen,
9 receiving the highest number of votes shall be deemed and declared to be elected. If it shall
10 appear that there is no choice of a mayor, or if the person elected mayor shall refuse to accept the
11 office, or shall die before qualifying, or if a vacancy in said office shall occur more than 6
12 months previous to the expiration of the municipal year, the city council shall forthwith call
13 meetings for a new election, and the same proceedings shall be had in all respects as
14 hereinbefore provided for the election of a mayor, and shall be repeated until the election of a

15 mayor is completed. If the full number of members of the city council has not been elected, or if
16 a vacancy in the office of councilor shall occur more than 6 months previous to the expiration of
17 the municipal year, the city council may forthwith elect a person to fill such vacancy until the
18 next municipal election. In case a vacancy in the office of mayor shall occur within the 6 months
19 previous to the expiration of the municipal year the city council may in its discretion call
20 meetings for the holding of a new election as aforesaid to fill such vacancy. In case of a vacancy
21 in the office of city clerk, the city council shall elect a city clerk to fill such vacancy until the
22 next municipal year; and in case of any disability in the city clerk to perform the duties required
23 by this act or by law the city council shall elect a city clerk pro tempore. In each of such cases
24 the city clerk shall be sworn and shall perform such duties.

25 SECTION 2. Section 1 of chapter 327 of the acts of 1936, as appearing in chapter 37 of
26 the acts of 1946, is hereby amended by striking out, in line 4, the words “, city clerk and city
27 treasurer” and inserting in place thereof the following words:- and city clerk.

28 SECTION 3. Section 3 of said chapter 327 is hereby amended by striking out, in line 4,
29 the words “and the city treasurer”.

30 SECTION 4. Section 5 of said chapter 327, as appearing in chapter 189 of the acts of
31 1992, is hereby amended by striking out, in line 5, the words “or city treasurer”.

32 SECTION 5. The city treasurer for the city of Holyoke shall be appointed by the city
33 council for a term not to exceed 3 years, unless sooner removed. Qualifications for the treasurer
34 may be established by ordinance. Any vacancy in the office shall be filled in like manner for the
35 remainder of the term.

36 SECTION 6. Notwithstanding section 5, at the regular municipal election for the city of
37 Holyoke to be held in the year 2015, the qualified voters of the city shall give in their votes by
38 ballot to fill the vacancy of the office of the city treasurer. The person so elected shall serve as
39 the city treasurer and perform the duties thereof for the remainder of the 4-year term that
40 commenced January 1, 2014 or until sooner vacating the office. After the expiration of the
41 remainder of such term or a sooner vacating of the office, appointments to the position of city
42 treasurer shall be made pursuant to said section 5.

43 SECTION 7. This act shall be submitted for acceptance to the qualified voters of the city
44 of Holyoke by the city clerk placing the following question on the official ballot to be used in the
45 city of Holyoke at the regular municipal election to be held in the year 2015:

46 “Shall an act passed by the General Court in the year 2015 entitled, ‘An Act Establishing
47 an Appointed Treasurer for the City of Holyoke’ be accepted?”

48 If a majority of the votes in answer to said question is in the affirmative, this act shall
49 take effect forthwith but not otherwise.

50 SECTION 8. The city solicitor shall prepare a fair, concise summary and purpose of the
51 law to appear with the question no later than 60 days before the election in accordance with
52 section 58A of chapter 54 of the General Laws.

53 SECTION 9. This act shall take effect upon its passage.