

HB 1170 - AS AMENDED BY THE HOUSE

17Mar2022... 0270h

2022 SESSION

22-2059

07/11

HOUSE BILL **1170**

AN ACT limiting the authority of New Hampshire delegates to policymaking conventions.

SPONSORS: Rep. Wallace, Rock. 12; Rep. Ulery, Hills. 37; Rep. Hobson, Rock. 35; Rep. Torosian, Rock. 14; Rep. Bernardy, Rock. 16

COMMITTEE: Legislative Administration

ANALYSIS

This bill:

I. Establishes a procedure for the selection of delegates to an inter/intrastate policy-making convention.

II. Limits the authority of delegates to policymaking conventions to only those granted by the New Hampshire legislature.

III. Creates a procedure for recalling and replacing delegates to policymaking conventions who act outside of the scope of the authority granted to them by the New Hampshire legislature.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT limiting the authority of New Hampshire delegates to policymaking conventions.

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

1 1 New Chapter; Authority of New Hampshire Delegates to Interstate Conventions. Amend RSA
2 by inserting after chapter 20-B the following new chapter:

3 CHAPTER 20-C

4 AUTHORITY OF NEW HAMPSHIRE DELEGATES TO INTERSTATE CONVENTIONS

5 20-C:1 Definitions. In this chapter:

6 I. "Article V convention" means a convention for the purpose of proposing amendments,
7 called by the states pursuant to Article V of the Constitution for the United States of America.

8 II. "Article V petition" means a concurrent resolution by the general court of New
9 Hampshire calling for a convention pursuant to the Constitution for the United States, Article V, if
10 such an eventuality were to occur.

11 III. "Delegate" means a person from the state of New Hampshire, selected by law to
12 represent the people and state of New Hampshire at any interstate/intrastate convention, including
13 but not limited to an Article V convention.

14 IV. "Interstate convention" means a multi-state gathering, function, or 'virtual' workgroup
15 which formally convenes for the purpose of coordinating or proposing new written policy or
16 amendments to existing laws, rules, or policies, whether such convened body occurs pursuant to
17 Article V in the Constitution for the United States of America or occurs due to any other existing
18 interstate or intrastate policy-making body such as the Uniform Law Commission.

19 V. "Permitted scope" means the topic of an amendment or specific language of an
20 amendment or proposal that may be considered by any given interstate or intrastate convened body,
21 in which numerous states are represented, including but not limited to an Article V convention.

22 20-C:2 Selection of Delegates.

23 I. Whenever an interstate convention is called and convened, the New Hampshire general
24 court shall select delegates as follows:

25 (a) Four members of the delegation shall be selected by the New Hampshire house of
26 representatives; one member shall be appointed by the speaker of the house of representatives and 3
27 members shall be elected by a majority vote of the house of representatives.

28 (b) Three members shall be selected by the New Hampshire senate; one member shall be
29 appointed by the senate president and 2 members shall be elected by a majority vote of the senate
30 members.

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1 (c) No person holding any office or position within the government of the United States
2 of America, including members of congress, the federal judiciary, or the federal executive branch,
3 shall be named a delegate.

4 II. A list of seven alternate delegates shall be selected and given priority as follows:

5 (a) The first alternate shall be appointed by the New Hampshire senate.

6 (b) The second alternate shall be appointed by the New Hampshire house of
7 representatives.

8 (c) The remaining alternates appointments shall be filled using the method of
9 alternating the appointing body as used in subparagraphs II(a) and (b) until the remaining alternate
10 spots are full.

11 III. In the event that any delegate is unable or unwilling to serve, or if the delegate becomes
12 disqualified as provided in subparagraph I(c) of this section or RSA 20-C:3, II, the New Hampshire
13 secretary of state shall immediately notify the first-named alternate that he or she has been
14 appointed a delegate. The New Hampshire secretary of state shall also immediately notify the
15 presiding officer of the convention that a replacement delegate has been named to represent the
16 state.

17 IV. Each New Hampshire delegate member shall be paid \$100 per day and reimbursed for
18 actual expenses submitted, including, but not limited to, transportation, lodging, and meals.

19 20-C:3 Authority of Delegates.

20 I. Delegates from New Hampshire to an interstate convention shall not have the authority
21 to allow consideration, support, or approve an unauthorized amendment. Improper consideration,
22 support, or approval shall include, but not be limited to, making or seconding a motion, voting for, or
23 otherwise taking any formal action in favor of an unauthorized amendment to the United States
24 constitution.

25 II. Any vote taken by a delegate from New Hampshire at an interstate convention in
26 violation of paragraph I shall be null and void. Any delegate making this vote shall be immediately
27 disqualified from serving as a delegate to the convention in question. Any delegate from New
28 Hampshire who has reason to believe that any other delegate from New Hampshire has taken such
29 disqualifying action shall immediately report such action to the New Hampshire secretary of state.
30 Upon receipt of written or other recorded evidence of unauthorized consideration, support, or
31 approval by a delegate, the New Hampshire secretary of state shall take immediate action to revoke
32 the credentials of the offending delegate and immediately issue new credentials to the first named
33 alternate.

34 III. Every delegate from New Hampshire to an interstate convention shall be required to
35 take the following oath:

36 "I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to an interstate
37 convention, uphold the Constitution and laws of the United States of America and the state of New

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1 Hampshire. I will accept and act in accordance to the limits of the authority as a delegate granted to
2 me by New Hampshire law, and I will not vote to consider or approve any unauthorized amendment
3 or policy proposal introduced by the convention as prohibited by New Hampshire law. I understand
4 penalties may be imposed under New Hampshire law for violation this oath.”

5 IV. The New Hampshire secretary of state shall certify the selection of the New Hampshire
6 delegates in writing to the official organizers of the proposed convention in question and shall
7 provide a copy of the certification to each delegate to such convention. No delegate shall have the
8 authority to vote or otherwise serve as a delegate at the designated interstate convention without
9 the certification.

10 V. The secretary of state shall notify the official organizers of the interstate convention in
11 question and all appointed delegates to such convention of the automatic revocation of any delegate’s
12 certification should the delegate violate his or her oath to act only within the limits of the authority
13 granted by the state of New Hampshire.

14 20-C:4 Enforcement. The provisions of this chapter shall be enforced by the New Hampshire
15 secretary of state.

16 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1170- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-0270h)

AN ACT limiting the authority of New Hampshire delegates to policymaking conventions.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill establishes a procedure for delegates to attend an inter/intrastate policy-making convention and allows the delegate to get paid \$100 daily and reimbursed for actual expenses submitted including transportation, lodging, and meals.

The General Court Administrative Office states the current per diem travel rates set by the US GSA are \$96 daily for lodging and \$59 daily for meals coupled with the \$100 daily payment, established in this bill, equates to a daily minimum payment of \$255 per delegate. This cost would be in addition to any transportation costs. The General Court Administrative Office is unable to determine the amount of delegates attending conventions, the frequency and the duration of the conventions resulting in an indeterminable fiscal impact to State General Fund expenditures starting in FY 2023.

AGENCIES CONTACTED:

Legislative Branch