

HB 269-FN - AS AMENDED BY THE HOUSE

22Feb2023... 0330h

6Apr2023... 0752

2023 SESSION

23-0276

06/08

HOUSE BILL

269-FN

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

SPONSORS: Rep. Porcelli, Rock. 19; Rep. Bernardy, Rock. 36; Rep. Hobson, Rock. 14; Rep. Phinney, Straf. 9; Rep. Ploszaj, Belk. 1; Rep. Burnham, Straf. 2; Rep. Summers, Rock. 20

COMMITTEE: State-Federal Relations and Veterans Affairs

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 struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to 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 which
15 formally convenes for the purpose of coordinating or proposing new written policy or amendments to
16 existing laws, rules, or policies, whether such convened body occurs pursuant to Article V in the
17 Constitution for the United States of America or occurs due to any other existing interstate or
18 intrastate policy-making body. "Interstate convention" does not include the Uniform Law
19 Commission.

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

23 20-C:2 Selection of Delegates.

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

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

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

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

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

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

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

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

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

20 IV. Each New Hampshire delegate member shall be reimbursed for actual expenses
21 submitted, including, but not limited to, transportation, lodging, and meals.

22 20-C:3 Authority of Delegates.

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

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

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

3 "I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to an interstate
4 convention, uphold the Constitution and laws of the United States of America and the state of New
5 Hampshire. I will accept and act in accordance to the limits of the authority as a delegate granted to
6 me by New Hampshire law, and I will not vote to consider or approve any unauthorized amendment
7 or policy proposal introduced by the convention as prohibited by New Hampshire law. I understand
8 penalties may be imposed under New Hampshire law for violation this oath."

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

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

18 20-C:4 Enforcement.

19 I. The provisions of this chapter shall be enforced by the New Hampshire secretary of state.

20 II. The provisions of this chapter shall not supersede any provisions of RSA 667.

21 2 Effective Date. This act shall take effect 60 days after its passage.

HB 269-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0752h)

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

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
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 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 \$98 daily for lodging and \$59 daily for meals equates to a daily minimum payment of \$157 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, or the duration of the conventions resulting in an indeterminable fiscal impact to State General Fund expenditures starting in FY 2024.

AGENCIES CONTACTED:

Legislative Branch