

**CACR 7 - AS INTRODUCED**

2023 SESSION

23-0215

02/04

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **7**

RELATING TO: use of money raised by taxation for education.

PROVIDING THAT: money raised by taxation may be applied for the use of religious educational institutions.

SPONSORS: Rep. Cordelli, Carr. 7; Rep. Simon, Graf. 1; Rep. McLean, Hills. 15; Rep. Hill, Merr. 2; Rep. Lynn, Rock. 17; Rep. Ladd, Graf. 5; Rep. M. Pearson, Rock. 34; Rep. Peternel, Carr. 6; Rep. Notter, Hills. 12; Sen. Avard, Dist 12

COMMITTEE: Education

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ANALYSIS

This constitutional amendment concurrent resolution removes the prohibition on the use of money raised by taxation for schools of any religious sect or denomination.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: use of money raised by taxation for education.

PROVIDING THAT: money raised by taxation may be applied for the use of religious educational institutions.

*Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:*

1 I. That article 83 of the second part of the constitution be amended to read as follows:

2 [Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.]

3 Knowledge and learning, generally diffused through a community, being essential to the  
4 preservation of a free government; and spreading the opportunities and advantages of education  
5 through the various parts of the country, being highly conducive to promote this end; it shall be the  
6 duty of the legislators and magistrates, in all future periods of this government, to cherish the  
7 interest of literature and the sciences, and all seminaries and public schools, to encourage private  
8 and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences,  
9 commerce, trades, manufactures, and natural history of the country; to countenance and inculcate  
10 the principles of humanity and general benevolence, public and private charity, industry and  
11 economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous  
12 sentiments, among the people[: ~~Provided, nevertheless, that no money raised by taxation shall ever  
13 be granted or applied for the use of the schools of institutions of any religious sect or denomination].~~

14 Free and fair competition in the trades and industries is an inherent and essential right of the  
15 people and should be protected against all monopolies and conspiracies which tend to hinder or  
16 destroy it. The size and functions of all corporations should be so limited and regulated as to  
17 prohibit fictitious capitalization and provision should be made for the supervision and government  
18 thereof. Therefore, all just power possessed by the state is hereby granted to the general court to  
19 enact laws to prevent the operations within the state of all persons and associations, and all trusts  
20 and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any  
21 article of commerce or to destroy free and fair competition in the trades and industries through  
22 combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all  
23 such persons, associations, corporations, trusts, and officials doing business within the state; to  
24 prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the  
25 wrongs herein declared against.

26 II. That the above amendment proposed to the constitution be submitted to the qualified  
27 voters of the state at the state general election to be held in November, 2024.

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1           III. That the selectmen of all towns, cities, wards and places in the state are directed to  
2 insert in their warrants for the said 2024 election an article to the following effect: To decide  
3 whether the amendments of the constitution proposed by the 2023 session of the general court shall  
4 be approved.

5           IV. That the wording of the question put to the qualified voters shall be:  
6 "Are you in favor of amending article 83 of the second part of the constitution to read as follows:

7           [Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.]  
8 Knowledge and learning, generally diffused through a community, being essential to the  
9 preservation of a free government; and spreading the opportunities and advantages of education  
10 through the various parts of the country, being highly conducive to promote this end; it shall be the  
11 duty of the legislators and magistrates, in all future periods of this government, to cherish the  
12 interest of literature and the sciences, and all seminaries and public schools, to encourage private  
13 and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences,  
14 commerce, trades, manufactures, and natural history of the country; to countenance and inculcate  
15 the principles of humanity and general benevolence, public and private charity, industry and  
16 economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous  
17 sentiments, among the people. Free and fair competition in the trades and industries is an inherent  
18 and essential right of the people and should be protected against all monopolies and conspiracies  
19 which tend to hinder or destroy it. The size and functions of all corporations should be so limited  
20 and regulated as to prohibit fictitious capitalization and provision should be made for the  
21 supervision and government thereof. Therefore, all just power possessed by the state is hereby  
22 granted to the general court to enact laws to prevent the operations within the state of all persons  
23 and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who  
24 endeavor to raise the price of any article of commerce or to destroy free and fair competition in the  
25 trades and industries through combination, conspiracy, monopoly, or any other unfair means; to  
26 control and regulate the acts of all such persons, associations, corporations, trusts, and officials  
27 doing business within the state; to prevent fictitious capitalization; and to authorize civil and  
28 criminal proceedings in respect to all the wrongs herein declared against."

29           V. That the secretary of state shall print the question to be submitted on a separate ballot  
30 with other constitutional questions or on the official ballot. The ballot containing the question shall  
31 include 2 ovals next to the question allowing the voter to vote "Yes" or "No." If no oval is marked, the  
32 ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular  
33 official ballot except that the words "Questions Relating to Constitutional Amendments proposed by  
34 the 2023 General Court" shall be printed in bold type at the top of the ballot.

35           VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it  
36 becomes effective when the governor proclaims its adoption.

37           VII. Voters' Guide.

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1                   AT THE PRESENT TIME, the state constitution prohibits the use of money raised by  
2 taxation to be granted to or applied for the use of any school of a religious sect or denomination. The  
3 United States Supreme Court has ruled that if any money raised by taxation is granted to any  
4 private school, it would be unconstitutional to exclude any school of a religious sect or denomination.

5                   IF THE AMENDMENT IS ADOPTED, this prohibition will be removed and money  
6 raised by taxation could be granted to or applied for the use of a school of a religious sect or  
7 denomination.