

**SB 356 – VERSION ADOPTED BY BOTH BODIES**

15May2012... 2208h  
15May2012... 2215h  
06/06/12 2429CofC  
06/06/12 2496EBA

2012 SESSION

12-2920  
05/04

SENATE BILL **356**

AN ACT limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies.

SPONSORS: Sen. Groen, Dist 6; Sen. Bradley, Dist 3; Sen. Bragdon, Dist 11; Sen. Sanborn, Dist 7; Sen. De Blois, Dist 18; Rep. Rowe, Hills 6

COMMITTEE: Internal Affairs

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AMENDED ANALYSIS

This bill:

I. Limits the scope of amendments that may be considered by delegates to a constitutional convention called pursuant to Article V of the United States Constitution.

II. Recodifies title 29, relative to religious societies.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies.

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

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

3 CHAPTER 20-C

4 AUTHORITY OF NEW HAMPSHIRE DELEGATES

5 TO CONSTITUTIONAL CONVENTION

6 20-C:1 Definitions. In this chapter:

7 I. “Article V convention” means a convention called by the states pursuant to the  
8 Constitution for the United States of America, Article V.

9 II. “Article V petition” means a concurrent resolution by the general court of New Hampshire  
10 calling for a convention pursuant to the Constitution for the United States of America, Article V.

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 an Article V convention.

13 IV. “Permitted scope” means the topic of an amendment or specific language of an  
14 amendment that may be considered by the Article V convention.

15 V. “Unauthorized amendment” means any amendment outside the scope permitted by the  
16 Article V petition passed by the general court of New Hampshire.

17 20-C:2 Authority of New Hampshire Delegates.

18 I. No delegate from New Hampshire to the Article V convention shall have the authority to  
19 allow consideration, consider, or approve an unauthorized amendment to the Constitution for the  
20 United States of America.

21 II. Any vote taken by a delegate from New Hampshire at the Article V convention in  
22 violation of paragraph I of this section shall be null and void. Any delegate making this vote shall be  
23 immediately disqualified from serving as a delegate to the Article V convention.

24 III. Every delegate from New Hampshire to the Article V convention called for by the Article  
25 V petition shall be required to take the following oath:

26 “I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to the Article V  
27 convention, uphold the Constitution and laws of the United States and the state of New Hampshire.

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1 I will accept and will act according to the limits of the authority as a delegate granted to me by  
2 New Hampshire law, and I will not vote to consider or approve any unauthorized amendment to the  
3 Constitution for the United States of America. I understand and accept any penalties that may be  
4 imposed on me by New Hampshire law for violating this oath.”

5 IV. Any delegate who violates the oath contained in paragraph III of this section shall be  
6 subject to the maximum criminal penalty under RSA 641:2.

7 V. The secretary of state shall certify the selection of the New Hampshire delegates in  
8 writing to the Article V convention and shall provide a copy of the certification to each delegate. No  
9 delegate shall have authority to vote or otherwise serve as a delegate at the Article V convention  
10 without the certification.

11 VI. The secretary of state shall promulgate rules and regulations setting out a process for  
12 selecting alternative delegates to the Article V convention in the event a delegate becomes unable or  
13 ineligible to serve. If a delegate becomes ineligible to serve under the provisions of paragraph IV, the  
14 alternate delegate shall immediately be entitled to represent New Hampshire as a delegate in place  
15 of the delegate who has become ineligible and the secretary of state shall immediately provide  
16 certification to the new delegate.

17 VII. The secretary of state shall notify the Article V convention and any delegate involved of  
18 the automatic revocation of that delegate’s certification should the delegate violate his or her pledge  
19 to act only within the limits of the authority granted by the state of New Hampshire.

20 20-C:3 Enforcement by Attorney General; Right to Private Action.

21 I. The provisions of this chapter shall be enforced by the department of justice.

22 II. A New Hampshire citizen may file an action to enforce the requirements of this chapter  
23 and shall be entitled to reasonable attorney’s fees if successful.

24 2 Gender Neutral References Amend RSA 306:1 to read as follows:

25 306:1 Membership. No person shall be liable as a member of an incorporated religious society  
26 without his *or her* express consent first having been obtained; and any person may separate from  
27 any such society by leaving with the clerk thereof a written notice signed by him *or her* of his *or her*  
28 intention so to separate, and by paying all legal assessments and arrearages then due from him *or*  
29 *her* to the society.

30 3 Powers as to Donations. Amend RSA 306:3 to read as follows:

31 306:3 Powers as to Donation. If a donation, gift or grant is made to any unincorporated religious  
32 society **consisting of 10 or more unrelated individuals**, such society shall be a corporation so far  
33 as may be necessary to take, hold, manage and use the donation, gift or grant[~~;- but the income of the~~  
34 ~~donations, gifts or grants to any such unincorporated religious society shall not exceed the sum of~~  
35 ~~\$5,000 a year~~].

36 4 Corporate Powers. Amend RSA 306:4 to read as follows:

37 306:4 Corporate Powers. The trustees, deacons, church wardens or other similar officers of

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1 churches or religious societies~~[, if citizens of the United States,]~~ shall be deemed bodies corporate for  
2 the purpose of taking and holding in succession grants and donations, whether of real or personal  
3 estate, made either to them and their successors, or to their respective churches, or to the poor of  
4 their churches.

5 5 Joint Donees. Amend RSA 306:5 to read as follows:

6 306:5 Joint Donees. If the ~~[ministers, elders or vestry]~~ **clergy** of a church shall, in the grants  
7 and donations mentioned in RSA 306:4, have been joined with the deacons or church wardens as  
8 donees or grantees, such officers and their successors, together with the deacons or church wardens,  
9 shall be deemed the corporation for the purposes of the grants and donations.

10 6 Parsonage Land. Amend RSA 306:6 to read as follows:

11 306:6 Parsonage Land. The ~~[minister]~~ **clergy** of a church or religious society, of whatever  
12 denomination, ~~[if a citizen of the United States,]~~ shall be capable of taking in succession parsonage  
13 land granted to the ~~[minister]~~ **clergy** and his *or her* successors, or to the use of the ~~[ministers]~~  
14 **clergy**, or granted by any words of the like import, and may prosecute and defend in all actions  
15 relating to the land.

16 7 Sale of Meeting Houses by Proprietors. Amend RSA 307:1 to read as follows:

17 307:1 By Proprietors. The proprietors of a meetinghouse~~[, other than a religious society subject~~  
18 ~~to the provisions of RSA 308,]~~ may sell the same and divide the proceeds as provided in this chapter  
19 when it has ceased to be occupied as a place of public worship for the space of 2 years.

20 8 Sale of Meeting Houses; Procedure. Amend RSA 307:4 to read as follows:

21 307:4 Procedure. At the meeting called as provided in RSA 307:3, the proprietors may vote to  
22 sell the meetinghouse and appurtenances, and appoint all necessary agents to carry their votes into  
23 effect. ~~[If the interest of the proprietors consists of the ownership of pews, each one shall have the~~  
24 ~~right to cast one vote for each pew owned by him, and a majority vote shall bind the proprietors.]~~

25 9 Repeal. The following are repealed:

26 I. RSA 306:2, relative to taxes.

27 II. RSA 306:7 through RSA 306:11, relative to general provisions regarding religious  
28 societies.

29 III. RSA 307:10 through RSA 307:20, relative to repairs, alterations, and removals of  
30 meetinghouses.

31 IV. RSA 308, relative to dissolutions of religious societies.

32 10 Effective Date. This act shall take effect 60 days after its passage.