

Bill as Introduced

HB 346 - AS INTRODUCED

2011 SESSION

11-0130
03/05

HOUSE BILL **346**

AN ACT to incorporate the bar association of the state of New Hampshire.

SPONSORS: Rep. L. Christiansen, Hills 27

COMMITTEE: Judiciary

ANALYSIS

This bill incorporates the bar association of the state of New Hampshire.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT to incorporate the bar association of the state of New Hampshire.

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

1 1 Corporation Constituted; Its Purpose. That the governor, the executive councilors, the
2 chairman and vice-chairman of the house judiciary committee, the chairman and vice-chairman of
3 the senate judiciary committee, and senior minority party members of the house and senate judiciary
4 committees, their associates and successors, are hereby made a body corporate by the name of The
5 Bar Association of the State of New Hampshire, for the purpose of maintaining the honor and
6 dignity of the profession of the law, and cultivating social relations among its members, and
7 increasing its usefulness in promoting the due administration of justice.

8 2 Its Powers, and Limitation as to Real Estate. Said association by that name may sue and be
9 sued, prosecute and defend, to final judgment and execution, and shall have full power to take and
10 acquire and hold real and personal estate to an amount not exceeding \$500,000, by lease, purchase,
11 donation, or otherwise, for the purpose of establishing in said state a library, buildings with
12 furniture therefor, for the use and benefit of said association. Said corporation may borrow money
13 for such purposes, and issue bonds therefor, and secure the same by mortgage or otherwise; and may
14 sell and convey or otherwise dispose of such real and personal estate as shall be necessary for
15 obtaining the objects and carrying into effect the purposes of such association.

16 3 Constitution, By-laws, Etc. Such corporation may make and adopt a constitution, by-laws,
17 rules, and regulations for the admission, government, suspension, or expulsion of its members, the
18 collection of fees and dues, the number and election of its officers, to define their duties, provide for
19 the safe keeping of its property and the management of its affairs, and may from time to time alter
20 and amend the same.

21 4 Members Ceasing to be Such. All interest of any member in the property of said corporation
22 shall terminate and vest in such corporation upon his or her ceasing to be a member thereof by
23 death, resignation, expulsion, or otherwise.

24 5 First Meeting; How Called. Any 3 of the grantees specially named in this charter may call the
25 first meeting of said corporation, by giving at least 10 days' notice, printed or written, to the rest of
26 such grantees, through the mail or otherwise.

27 6 Subject to Legislative Control. The legislature may at any time alter, amend, or repeal this act.

28 7 Effective Date. This act shall take effect upon its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON HOUSE BILL 346

BILL TITLE: to incorporate the bar association of the state of New Hampshire.
DATE: February 8 , 2011
LOB ROOM: 208 **Time Public Hearing Called to Order:** 2:50 pm
Time Adjourned: 3:12 pm

(please circle if present)

Committee Members: Rep. Rowe, Sora, Souza, Hagan, Silva, Andolina, Giuda, LaCasse,
McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Walk, Potter, Weber and Watrous.

Bill Sponsors: Rep. L. Christiansen, Hills 27

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Rep. Lars Christiansen, sponsor, introduced the bill.

John McIntosh, New Hampshire Bar Association – opposes

Reps. Wheaton and Potter -- Questions.

Howard Zibel, Judicial Branch - opposes

Rep. Wheaton - question

Nina Gardner, Executive Director, New Hampshire Judicial Council - opposes

Respectfully submitted,


Rep. Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY
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Bill Sponsors: Rep. L. Christiansen, Hills 27

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* Rep. Christiansen (Sponsor)
* John McIntosh (NHBA) (Op-
posed)
- Wheaton (Q)
- Potter (Q)
Howard Zibel (Jud Branch)
- Wheaton (Q)
Nina Hardner (Exec Dir NH
Jud Council)

Respectfully Submitted,

Rep. Lenette M. Peterson

Sub-Committee Actions

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON HB 346

BILL TITLE: to incorporate the bar association of the state of New Hampshire.

DATE: February 8, 2011

Subcommittee Members: Reps. Silva, Peterson, Giuda, LaCasse, McClarren, Wheaton, Souza, Weber and Watrous

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. L. Weber

Seconded by Rep. B. Giuda

Vote: 8-1

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,



Rep. Lucy M. Weber, Subcommittee Clerk

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON HB 346

BILL TITLE: to incorporate the bar association of the state of New Hampshire.

DATE: {Type DATE} 8 Feb 2011

Subcommittee Members: Reps. Silva, Peterson, Giuda, LaCasse, McClarren, Wheaton, Souza, Weber and Watrous

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. ~~Weber~~ *Giuda*

Seconded by Rep. *Giuda*

Vote: 8 - 1

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}
Subcommittee Chairman/Clerk



Testimony

PUBLIC CORPORATIONS

Public corporations. An artificial person (e.g. municipality or a government corporation) created for the administration of public affairs. Unlike a private corporation it has no protection against legislative acts altering or even repealing its charter. Instrumentalities created by state, formed and owned by it in public interest, supported in whole or part by public funds, and governed by managers deriving their authority from state. A public corporation is an instrumentality of the state, founded and owned in the public interest, supported by public funds and governed by those deriving their authority from the state.

Term is also commonly used to distinguish a corporation whose stock is owned and traded by the public from a corporation with closely held shares (i.e. close or private corporation).

See also Municipal corporation.

re·dress (rĭ-drĕs') *vt.* -dressed, -dress·ing, -dress·es [ME *redressen* < OFr. *redresser* : *re-*, back (< Lat.) + *dresser*, to arrange. —see DRESS.] **1.** To remedy or rectify. **2.** To make amends to. **3.** To make amends for. **4.** To adjust (e.g., a balance). —*n.* (also *rĕ'drĕs*) **1.** Satisfaction or amends for wrong done. **2.** Correction or reformation. —**re·dress'er**, **re·dres'sor** *n.*

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50 West Kellogg Boulevard
P.O. Box 64526
St. Paul, Mn 55164-0526

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Library of Congress Cataloging-in-Publication Data

Black, Henry Campbell, 1850-1927.

[Law dictionary]

Black's law dictionary with pronunciations : definitions of the terms and phrases of American and English jurisprudence, ancient and modern / by Henry Campbell Black. — Abridged 6th ed. / by the publisher's editorial staff ; coauthors, Joseph R. Nolan and Jacqueline M. Nolan-Haley ; contributing authors, M.J. Connolly, Stephen C. Hicks, Martina N. Alibrandi.

p. cm.

ISBN 0-314-88536-6

1. Law—United States—Dictionaries. 2. Law—Dictionaries.
I. Nolan, Joseph R. II. Nolan-Haley, Jacqueline M. III. West Publishing Company. IV. Title. V. Title: Law dictionary.

KF158.B532 1991

340'.03—dc20

91-18715
CIP

ISBN 0-314-88536-6

Black's Law Dictionary Abridged 6th Ed.

19.68

1972

Mina Gardner

State of New Hampshire
Department of State

CERTIFICATE

I, William M. Gardner, Secretary of State of the State of New Hampshire, do hereby certify that THE NEW HAMPSHIRE BAR ASSOCIATION is a New Hampshire nonprofit corporation formed July 2, 1873. I further certify that it is in good standing as far as this office is concerned, having filed the return(s) and paid the fees required by law.



In TESTIMONY WHEREOF, I hereto
set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 22nd day of May A.D. 2009

A handwritten signature in cursive script, appearing to read "Wm Gardner".

William M. Gardner
Secretary of State

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on HOUSE BILL 346

BILL TITLE: to incorporate the bar association of the state of New Hampshire.
DATE: February 15, 2011
LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. L. Weber

Seconded by Rep. B. Giuda

Vote: 13-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

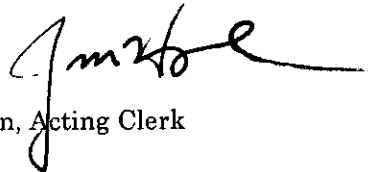
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Joseph M. Hagan, Acting Clerk

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on HB 346

Full Committee
~~Interim Study~~

BILL TITLE: to incorporate the bar association of the state of New Hampshire.

DATE: {Type DATE} 2/15/11

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. WEBER

Seconded by Rep. GIUPA

Vote: 13-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lenette Peterson, Clerk

Just for LP

13/1

JUDICIARY

Bill #: XB346 Title: Incorporate the Bar Association of NH

PH Date: / / Exec Session Date: 2, 15, 11

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
BS Souza, Kathleen F		
Hagan, Joseph M	✓	
Silva, Peter L	✓	
AM Andolina, Donald C		
Giuda, J. Brandon	✓	
LaCasse, Paul D	✓	
McClarren, Donald B	✓	
Murphy, Brian JX	✓	
Palmer, Barry J	✓	
BS Peterson, Lenette M		
Tregenza, Norman A	✓	
Wheaton, Gary W		✓
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
BS Watrous, Rick H		

13/1
 Comment 014

Committee Report

CONSENT CALENDAR

February 16, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred HB346,
AN ACT to incorporate the bar association of the state of New
Hampshire. Having considered the same, report the same
with the following Resolution: **RESOLVED**, That it is
INEXPEDIENT TO LEGISLATE.

Rep. Lucy M Weber

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB346
Title:	to incorporate the bar association of the state of New Hampshire.
Date:	February 16, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The stated purpose of this bill is to incorporate the bar association of the state of New Hampshire. The language proposed in the bill to accomplish the incorporation is the same as that which was actually used to charter the Bar Association of the State of New Hampshire in 1873, although the name of the organization was changed in 1967 to the New Hampshire Bar Association. Today, the bar association exists as a private not-for-profit corporation. Passage of this bill would, because of the name change, create a new and parallel bar association. The committee was not persuaded that there is any need for this duplication of effort.

Vote 13-1.

Rep. Lucy M Weber
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

HB346, to incorporate the bar association of the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for JUDICIARY. The stated purpose of this bill is to incorporate the bar association of the state of New Hampshire. The language proposed in the bill to accomplish the incorporation is the same as that which was actually used to charter the Bar Association of the State of New Hampshire in 1873, although the name of the organization was changed in 1967 to the New Hampshire Bar Association. Today, the bar association exists as a private not-for-profit corporation. Passage of this bill would, because of the name change, create a new and parallel bar association. The committee was not persuaded that there is any need for this duplication of effort. **Vote 13-1.**

Original: House Clerk
Cc: Committee Bill File

HB 346—to incorporate the bar association of the state of New Hampshire.

15 Feb 2011

ITL_____ to _____

Consent Calendar

(Need to check committee vote in the file. I have it noted as 14-0 on my tally, but then wrote in 13-1. Thanks)

The stated purpose of this bill is to incorporate the bar association of the state of New Hampshire. The language proposed in the bill to accomplish the incorporation is the same as that which was actually used to charter the Bar Association of the State of New Hampshire in 1873, although the name of the organization was changed in 1967 to the New Hampshire Bar Association. Today, the bar association exists as a private not-for-profit corporation. Passage of this bill would, because of the name change, create a new and parallel bar association. The committee was not persuaded that there is any need for this duplication of effort.

Lucy Weber

A handwritten signature in black ink, appearing to be 'RJL' or similar, written in a cursive style.