

Bill as Introduced

HB 1580 - AS INTRODUCED

2012 SESSION

12-2335

08/03

HOUSE BILL

1580

AN ACT

requiring a reference to the Magna Carta on certain legislation.

SPONSORS:

Rep. Kingsbury, Belk 4; Rep. Twombly, Hills 25; Rep. L. Vita, Straf 3

COMMITTEE:

Constitutional Review and Statutory Recodification

ANALYSIS

This bill requires a reference to the Magna Carta on certain legislation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring a reference to the Magna Carta on certain legislation.

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

1 1 New Section; Magna Carta References. Amend RSA 14 by inserting after section 39-a the
2 following new section:

3 14:39-b Magna Carta Reference. All members of the general court proposing bills and
4 resolutions addressing individual rights or liberties shall include a direct quote from the
5 Magna Carta which sets forth the article from which the individual right or liberty is derived.

6 2 Effective Date. This act shall take effect November 1, 2012.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON
CONSTITUTION REVIEW AND STATUTORY RECODIFICATION

PUBLIC HEARING ON HB 1580

BILL TITLE: requiring a reference to the Magna Carta on certain legislation.
DATE: January 24, 2012
LOB ROOM: 206 **Time Public Hearing Called to Order:** 11:40 am
Time Adjourned: 12:00 pm

(please circle if present)

Committee Members: Reps. Itse, Cebrowski, Cartwright, Cohn, Davenport, P. Brown, Krasucki, Luther, Peckham, Reichard, Weeden, Serlin, Katsiantonis, Richardson, Coulombe and A. Schmidt.

Bill Sponsors: Rep. Kingsbury, Belk 4; Rep. Twombly, Hills 25; Rep. L. Vita, Straf 3

TESTIMONY

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

Rep. Kingsbury – Sponsor – Magna Carta, 800 years ago, first time our liberties were written down – Baron's support English freedoms. Motivating pringle: Extent of taxation by muscle, without permission. Chapter 39 on juries included in NH Constitution. King John so made he had to sign he threw a fit. No penalty in Bill.

Rep. Cebrowski: items in NH Constitution from Magna Carta, so why do we need to do this? Ans: awareness.

Rep. Cartwright: Doesn't this highlight usurpations ? Ans: Yes.

Rep. Cohn: 54: No one should be arrested, women. Isn't that outdated: Isn't it possible bills could come forward without corresponding Magna Carta entry? Ans: Optimal.

Rep. Cohn: Why does it say "shall" ? Ans: Drafting process mistake.

Rep. Cebrowski: Couldn't you use unanimous consent? Ans: I didn't intend as statute.

Rep. Shawn Jasper: Opposed – Steven Colbert making fun of this – This is not appropriate to address in law – We should be looking to our own constitution, if need be – But we want to avoid extra verbiage – Too much law already – Let's not clutter them up – Be respectful of history – Sponsor did not intend to be law.

Rep. Richardson : Shouldn't we support this for comparison issue (joke)? Ans: (laugh)

Rep. Horrigan: As written, could be used to mandate legislation if didn't contain quote: U.S. is different from England – We are a democratic republic with no king – people are the sovereign – Magna Carta should not be quoted in legislation.

Rep. Twombly: Magna Carta is an important document – 800th birthday in 3 years – British nobleman fought king John to a stand still and signed Magna Carta as delay tactic. Magna Carta pulled power away from king.

1. Church free

2. Large taxes were excessive.

3. Freeman only subject to common law. This is precursor to modern constitutions – Ideas of Magna Carta culminated in U.S. Constitution.

Kingsbury: Final comments: Magna Carta source of ideas of freedom –(trial by jury, Taxes by approval of people being taxed, Queen still takes oath from this time.)

Respectfully submitted,


Rep. Joshua Davenport
Clerk

HOUSE COMMITTEE ON
CONSTITUTION REVIEW AND STATUTORY RECODIFICATION

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Time Public Hearing Called to Order:

Time Adjourned:

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Committee Members: Reps. Itse, ~~Cebrowski~~, ~~Cartwright~~, ~~Cohn~~, ~~Davenport~~, ~~P. Brown~~, ~~Krasucki~~,
~~Luther~~, ~~Peckham~~, ~~Reichard~~, Weeden, ~~Sachin~~, Katsiantonis, ~~Richardson~~, Coulombe and A. ~~Schmidt~~.

Bill Sponsors: Rep. Kingsbury, Belk 4; Rep. Twombly, Hills 25; Rep. L. Vita, Straf 3

TESTIMONY

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Open 11:40 HB1580

(A) Kingsbury: Magna Carta, 800 years ago, 1st time our liberties written down. Barons supports English freedoms. Motivating principle: extent of taxation by muscle, without permission.
Chgbr 39 on Jones included in NH Constitution
King John so mad, he had to sign he threw a fit.
No penalty in Bill.

Cebrowski - items in NH Const. from Magna Carta, so why do we need to do this

Kingsbury - awareness

Curtwright: Doesn't this highlight usurpations.

Kingsbury: Yes

Cohn: 54: No one should be arrested... woman.

Isn't that outdated? Isn't it possible bills could come forward without a corresponding Magna Carta entry.

Kingsbury: Optimal

Cohn: why does it say "shall"

Kingsbury: Drafting process mistake.

Cebrowski: Couldn't you use unanimous consent.

Kingsbury: I draft instead as statute.

(B) Jasper: Steven Colbert making fun of this. This is not appropriate to address in law. We should be looking to our own Constitution, if need be. But we want to avoid extra verbiage. Too much law already. Lets not clutter them up. Be respectful of history.
Sponsor did not intend to be law

Reichelderfer: Shouldn't we support this for comparison issue (Joke)
Jasper: laugh.

Rep
② Honigan: ~~As~~ As written could be used to invalidate legislation if didn't contain quote:

U.S. is different from England. We are a democratic republic with no king. People are the sovereign.

Magna Carta should not be quoted in legislation.

① Rep Twombly: Magna Carta is an important document,

800th birthday in 3 years. ~~It was~~ British Noblemen fought King John to a stand still and signed Magna Carta as a ~~strategy~~ delay tactic ~~to~~ ~~3 things came of signing~~

~~→ church~~ Magna Carta pulled power away from King.

1) church free

2) Large taxes were excessive

3) Freeman only subject to common law

This is a precursor to modern constitutions.

Ideas of ~~modern~~ Magna Carta culminated in U.S. Constitution.

① Kingsbury: Final comments:

Magna Carta
Source of ideas of
freedom.

{ Trial by Jury

{ Taxes by approval of people being taxed

{ Queen still takes oath from this time.

close. 12:00

Testimony

Complete Document

Can Be Viewed

In Bill Folder

A

PART FOUR
THE MAGNA CARTA
63 CHAPTERS

Copyright

Part Four
(the Magna Carta)

Chapter 63

“63. This, we wish and we firmly ordain that the English church shall be free, and that men in our kingdom shall have and keep all these previously determined liberties, rights, and concessions, well and in peace, freely and quietly, in their fullness and integrity, for themselves and their heirs, for us and our heirs, in all things and all places for ever, as is previously described here.

“As oath had been sworn, on the one hand by us and on the other by the barons, that all the aforesaid provisions shall be observed in good faith and without evil intent.

“Given under our hand – the above named and many others being witnesses - in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.”

(Applies to all, not just to barons)

(Windsor and Staines are still on the maps of England. The river Thames flows between them, so it is possible that some of the Barons and others arrived at Runnymede by boat. To do so they would have had to travel all through the City of London from one end to the other by boat to get to Runnymede.)

June 15, 1215

General Eisenhower put the 10th Armored in Theater Reserve, and we saw them only rarely.

The M-4's 75 mm gun was technically a gun (the barrel of a "gun" is a barrel that is more than 30 calibers long) but it was a low powered gun. The three different kinds of TD's had three different kinds of guns, some TD's had a 76mm gun, others had the very similar 3" Naval gun, and still other TD's had a 90 mm anti aircraft gun (our 90 mm gun was essentially identical to the German "88"). The guns on the TD's were much more effective against German armor than the 75 mm gun on our tanks.

On two occasions we were ready to put a bazooka round into one of our own M4 tanks. On the first occasion, the tank crew refused to help us make a counterattack to rescue some of our own men. One of our Squad Leaders was on the external phone of the tank. When he was told that the tank crew would not help make the counter attack, he used words that made the tank crew change their minds and to do exactly as he told them to do. Had they not "obeyed" our squad leader, they and their tank would have had a bazooka round right up their tail pipe. The squad leader walked and talked the tank crew through the battle using the same kind of counterattack tactics that the Panzers of the 11th Panzer Division had previously used against us.

Due to the success of his (unauthorized) counterattack, that 'sergeant' ("Tech 5" Ramsey) was awarded the Distinguished Service Cross. At that time we were up against very excellent mountain troops who were fresh from occupation duty in Norway, and who were running all over us. They had no tanks and we had one tank. Our counterattack succeeded enough for us to successfully rescue our troops from the trap they were in and get them and us off the battlefield. So for that day the German Mountain Troops won the battle. (the Mountain Troops were the Second Mountain Division and Sixth SS Mountain Division).

(In later days I met one of the men who had been in that SS Mountain Division. He bragged to me that he had knocked out 4 of our tanks using Panzerfausts. A Panzerfaust was a sort of German copy of our bazooka. It was a much more effective weapon than our bazooka in that it was much larger diameter and would explode no matter what angle it hit the tank at. In my meeting with that German SS veteran I came

Voting Sheets

HOUSE COMMITTEE ON
CONSTITUTION REVIEW AND STATUTORY RECODIFICATION

EXECUTIVE SESSION on HB 1580

BILL TITLE: requiring a reference to the Magna Carta on certain legislation.

DATE: January 24, 2012

LOB ROOM: 206

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. Peckham

Seconded by Rep. Schmidt

Vote: 11-1 (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 (Please circle one)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Josh Davenport, Clerk

HOUSE COMMITTEE ON
CONSTITUTION REVIEW AND STATUTORY RECODIFICATION

EXECUTIVE SESSION on HB 1580

BILL TITLE: requiring a reference to the Magna Carta on certain legislation.

DATE: 1/24/2012 12:05 ~ 12:10

LOB ROOM: 206

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. Peckham

Seconded by Rep. Smith

Vote: (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 (Please circle one)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Josh Davenport, Clerk

CONSTITUTIONAL REVIEW & STATUTORY RECODIFICATION

Bill #: HB1580 Title: Maya Cota

PH Date: 1/24/2012

Exec Session Date: 1/24/2012

Motion: Peckham - ITL *Second by Schmidt*

Amendment #: _____

MEMBER	YEAS	NAYS
Itse, Daniel C, Chairman		
Cebrowski, John W, V Chairman	✓	
Brown, Paul E	✓	
Cartwright, Anne S	✓	
Cohn, Seth	✓	
Davenport, Joshua C, Clerk	✓	
Krasucki, Joseph F		✓
Luther, Robert A	✓	
Peckham, Michele S	✓	
Reichard, Kevin E	✓	
Weeden, Michael W	—	
Serlin, Christopher W	✓	
Katsiantonis, Thomas	—	
Richardson, Gary B	✓	
Coulombe, Gary M	—	
Schmidt, Andrew R	✓	
TOTAL VOTE:	11	1

Committee Report

CONSENT CALENDAR

January 25, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CONSTITUTIONAL REVIEW &
STATUTORY RECODIFICATION to which was referred
HB1580,

AN ACT requiring a reference to the Magna Carta on
certain legislation. Having considered the same, report
the same with the following Resolution: **RESOLVED,**
That it is **INEXPEDIENT TO LEGISLATE.**

Rep. Michele S Peckham

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CONSTITUTIONAL REVIEW & STATUTORY RECODIFICATION
Bill Number:	HB1580
Title:	requiring a reference to the Magna Carta on certain legislation.
Date:	January 25, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

While the majority of the committee agreed that the Magna Carter is an important document that has influenced the U.S. Constitution and the state of NH Constitution, the committee felt referencing to this important English document was unnecessary. The committee also felt that such a requirement would be burdensome on law makers and given that very few original clauses are in force today in England – reference to a provision in the Magna Carter could be impossible.

Vote 11-1.

Rep. Michele S Peckham
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CONSTITUTIONAL REVIEW & STATUTORY RECODIFICATION

HB1580, requiring a reference to the Magna Carta on certain legislation. **INEXPEDIENT TO LEGISLATE.**

Rep. Michele S Peckham for CONSTITUTIONAL REVIEW & STATUTORY RECODIFICATION.

While the majority of the committee agreed that the Magna Carter is an important document that has influenced the U.S. Constitution and the state of NH Constitution, the committee felt referencing to this important English document was unnecessary. The committee also felt that such a requirement would be burdensome on law makers and given that very few original clauses are in force today in England – reference to a provision in the Magna Carter could be impossible. **Vote 11-1.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Const. Review

BILL NUMBER: HB 1580

TITLE: referencing Magna Carta

DATE: 2-24-12 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

While the majority of the committee agreed that the Magna Carta is an important document that has influenced the U.S. Constitution and the State of N.H. Constitution, the committee felt referencing to this important English document was un-necessary. The committee also felt that such a requirement would be burdensome on law makers and given that very few original clauses are in force today in England - reference to a provision in the Magna Carta could be impossible.

COMMITTEE VOTE: 11 in favor of FTL, 1 against

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED

Rep. Michelle S. Peckham *WC*
For the Committee
Peckham