

Bill as
Introduced

HB 408 - AS INTRODUCED

2013 SESSION

13-0399

10/03

HOUSE BILL

408

AN ACT

establishing approved titles for articles of the New Hampshire Constitution.

SPONSORS:

Rep. Itse, Rock 10

COMMITTEE:

Judiciary

ANALYSIS

This bill provides the titles for the article of the New Hampshire Constitution as approved by the legislature for titles of articles which were not explicitly approved by voters at a state election.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing approved titles for articles of the New Hampshire Constitution.

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

1 1 New Hampshire Constitution; Titles for Articles. Pursuant to RSA 17-A:8, the general court
2 hereby establishes and approves the following titles for the Articles of the New Hampshire
3 Constitution according to the conventional numbering as follows:

4 PART FIRST --

5 BILL OF RIGHTS

6 1. Equality of Men; Origin and Object of Government.

7 2. Recognition of Natural Rights.

8 2-a. The Bearing of Arms

9 3. Surrender and Protection of Natural Rights.

10 4. Rights of Conscience Unalienable.

11 5. Religious Freedom Recognized.

12 6. Necessity for Inculcation of Morality and Piety to Maintain Free Government.

13 7. State Sovereignty and Limits of the Government of the United States of America.

14 8. Origin of All Power in Government and Accountability of Magistrates and Officers; Public's Right
15 to Know.

16 9. No Heredity for Office or Place.

17 10. The Purpose of Government, Redistribution of Wealth Prohibited and Obligation of Revolution.

18 11. Elections and Elective Franchises.

19 12. Protection and Taxation Reciprocal; When Laws are Binding.

20 13. Conscientious Objectors Not Compelled to Bear Arms.

21 14. Legal Remedies to be Free, Complete, and Prompt.

22 15. Rights of Accused.

23 16. Former Jeopardy; Jury Trial in Capital Cases.

24 17. Venue of Criminal Prosecution.

25 18. Penalties to be Proportioned to Offenses; True Design of Punishment.

26 19. Searches and Seizures Regulated.

27 20. Jury Trial in Civil Causes.

28 21. Jurors to be Carefully Selected and Fully Compensated.

29 22. Free Speech; Liberty of the Press.

30 23. Retrospective Laws Prohibited.

31 24. Importance of the Militia.

HB 408 - AS INTRODUCED
- Page 2 -

- 1 25. Standing Armies Dangerous.
- 2 26. Military, Subject to Civil Power.
- 3 27. Quartering of Soldiers.
- 4 28. Taxes Levied Only by the Legislature.
- 5 28-a. Mandated Programs.
- 6 29. Suspension and Execution of the of Laws Only by the Legislature.
- 7 30. Freedom of Speech in the Legislature.
- 8 31. Duties of the Legislature.
- 9 32. Rights of Assembly, Instruction of Representatives, and Petition for Redress of Grievances.
- 10 33. Excessive Bail, Fines, and Punishments Prohibited.
- 11 34. Martial Law Limited.
- 12 35. The Purpose of the Judiciary; and Their Tenure of Office, etc.
- 13 36. Limitations on pensions.
- 14 36-a. Use of Retirement Funds.
- 15 37. Separation of Powers and Limits thereto, and the Self-consistency of the Constitution.
- 16 38. The People must study the Constitution, Use it as the Measure of Candidates for Office and Have
- 17 the Right to Enforce it on All of the Members of Government.
- 18 39. Changes in Town and City Charters; Referendum Required.
- 19 PART SECOND --
- 20 FORM OF GOVERNMENT
- 21 1. Declaration of Sovereignty and Establishment of the State.
- 22 2. Legislative Power Vested Senate and House of Representatives, the General Court Only.
- 23 3. General Court, When to Meet and Dissolve.
- 24 4. Power of General Court to Establish Judicial Courts.
- 25 5. The Legislature's Power to Make Laws, Establish Officers and Their Powers and Duties, Impose
- 26 Fines, and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.
- 27 5-a. Continuity of Government in Case of Enemy Attack.
- 28 5-b. Power to Provide for Tax Valuations Based on Use.
- 29 6. Permitted Methods of Taxation and Frequency of Valuation.
- 30 6-a. Use of Certain Revenues Restricted to Highways.
- 31 7. Members of Legislature Not to Take Fees for the Introduction of legislation or Act as Counsel in
- 32 Matters that are Before the Legislature.
- 33 8. Doors of the Gallery to be Open.
- 34 HOUSE OF REPRESENTATIVES
- 35 9. Representatives Elected Every Second Year; Apportionment of Representatives.
- 36 9-a. Legislative Adjustments of Census with Reference to Non-residents.
- 37 10. Representation of Small Towns [Repealed, 1889 and incorporated in 11.]

- 1 11-a. Division of Town, Ward, or Place into Representative Districts.
- 2 12. Biennial Election of Representatives in November.
- 3 13. Qualification of Voters [Repealed, 1976. and incorporates in Part First, Article 11]
- 4 14. Election, and Qualifications of Representatives.
- 5 15. Compensation of the Legislature.
- 6 16. Vacancies in the House of Representatives, How Filled.
- 7 17. House of Representatives is the Grand Inquest of the State and Impeaches Before the Senate.
- 8 18. Money bills to Originate in House of Representatives.
- 9 18-a. Budget Bills Not to Affect Statutory Law.
- 10 19. Adjournment of the House of Representatives.
- 11 20. Quorum of the House of Representatives.
- 12 21. Diplomatic privileges of Members of the Legislature.
- 13 22. House of Representatives to Elect Speaker and Officers, Settle Rules of Their Proceedings, and
- 14 Punish Contempt of the House.
- 15 23. Senate, Governor and Council Have Like Powers to Punish Contempt but Imprisonment Is
- 16 Limited.
- 17 24. Journals and Laws to be Published Including Yeas and Nays, and Protests.
- 18 SENATE
- 19 25. Senate; How Constituted.
- 20 26. Senatorial Districts, How Constituted.
- 21 26-a. Division of Town, Ward or Place for Senatorial Districts.
- 22 27. Election of Senators.
- 23 28. [Repealed, 1976, incorporated into 29 and Part First, Article 11]
- 24 29. Qualifications of Senators.
- 25 30. Inhabitant Defined for Voting.
- 26 31. Inhabitants of Unincorporated Places; Their Rights, etc. [Repealed, 1976, Incorporated into Part
- 27 First, Article 11]
- 28 32. Biennial Meetings, How Noticed, Governed, and Conducted; Return of Votes, for Governor,
- 29 Council, and Senators,
- 30 33. Secretary of State to Count Votes for Senators and Representatives and Notification and Seating
- 31 of Persons Elected.
- 32 34. Vacancies in Senate, How Filled.
- 33 35. Senate, Judges of Their Own Elections.
- 34 36. Senate Adjournment.
- 35 37. Senate to Elect Their Own Officers; Quorum.
- 36 38. Senate a Court to Try Impeachments; Mode of Proceeding.
- 37 39. Judgment on Impeachment.

- 1 40. Chief Justice to Preside on Impeachment of Governor.
- 2 EXECUTIVE POWER- GOVERNOR
- 3 41. Governor, Supreme Executive Magistrate, to Execute Laws and Enforce Constitutional and
- 4 Legislative Mandates.
- 5 42. Election of Governor, Return of Votes the same as Senators; Election by a Plurality, If No
- 6 Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor.
- 7 43. In Cases of Disagreement between Houses of the Legislature, Governor to Adjourn or Prorogue
- 8 Legislature; if Causes Exist, may Convene them Elsewhere.
- 9 44. Governor's Power to Veto to Bills.
- 10 45. Resolves to be Treated like Bills.
- 11 46. Nominations and Appointment of Officers.
- 12 47. Governor and Council have Negative on Each Other.
- 13 48. Appointment of Militia Company Officers [Repealed, 1976.]
- 14 49. Order of Succession to the Office of Governor
- 15 49-a. Vacancy in Office of Governor Due to Physical or Mental Incapacity and Prolonged Failure to
- 16 Qualify, etc.
- 17 50. Governor to Prorogue or Adjourn Legislature, and Call Extra Sessions.
- 18 51. Powers and Duties of Governor as Commander-in-Chief.
- 19 52. Governor's Pardoning Power.
- 20 53. Removal of Militia Officers[Repealed, 1976.]
- 21 54. Appointment of Staff and Non-commissioned Officers [Repealed, 1976.]
- 22 55. Division of the Militia into Brigades, Regiments and Companies [Repealed, 1976.]
- 23 56. Disbursements from Treasury.
- 24 57. Accounts of Military Stores[Repealed, 1950.]
- 25 58. Compensation of Governor and Council.
- 26 59. Salaries of Superior Court Judges.
- 27 COUNCIL
- 28 60. Election of Councilors.
- 29 61. Selection of Councilor if Tied; Qualification of Councilors.
- 30 62. Council Vacancies after Election; Governor to Convene Council.
- 31 63. Impeachment of Councilors.
- 32 64. Secretary to Record Proceedings of Council.
- 33 65. Councilor Districts.
- 34 66. Regulation of Election of Officers by the Legislature.
- 35 SECRETARY, TREASURER, ETC.
- 36 67. Election of Secretary and Treasurer by the Legislature.
- 37 68. Duties of the Secretary of State.

- 1 69. Deputy Secretary of State.
- 2 70. Secretary of State to Give Bond.
- 3 COUNTY TREASURER, ETC.
- 4 71. County Treasurers, Registers of Probate, County Attorneys, Sheriffs, and Registers of Deeds
- 5 Elected.
- 6 72. Counties may be Divided into Districts for Registering Deeds.
- 7 JUDICIARY POWER
- 8 72-a. Judicial Courts of the State of New Hampshire.
- 9 73. Tenure of Office of Commissioned Officers, Removal from Office.
- 10 73-a. Administrative Duties of the Supreme court.
- 11 74. Judges to Give Opinions to Legislature and Governor and Council.
- 12 75. Justices of Peace Commissioned for Five Years.
- 13 76. Issues of Marriage Divorce, and Alimony and Probate Appeals, Where Tried.
- 14 77. Jurisdiction of Justices of the Peace in Civil Causes, and Police Courts in Criminal Causes.
- 15 78. Judges and Sheriffs Age Qualification.
- 16 79. Judges and Justices Not to Act as Counsel in Cases Before Their Court .
- 17 80. Regulation of Probate Courts by the Legislature.
- 18 81. Judges and Registers of Probate Not to Act as Counsel in the Counties where They Serve.
- 19 CLERKS OF COURTS
- 20 82. Judges, other than Probate shall appoint their Clerks of Courts; Clerks Not to Act as Attorney or
- 21 Counsel in the Court they serve.
- 22 ENCOURAGEMENT OF LITERATURE, TRADE, ETC.
- 23 83. Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.
- 24 OATHS AND SUBSCRIPTIONS EXCLUSION FROM OFFICES, ETC.
- 25 84. Oath of Office for Civil Officers.
- 26 85. Administration of Oaths of Office.
- 27 86. Form of Commissions.
- 28 87. Form of Writs.
- 29 88. Form of Indictments.
- 30 89. Suicides and Deodands.
- 31 90. Existing Laws Continued if Not Repugnant to the Constitution.
- 32 91. Habeas corpus shall only be Suspended by the Legislature and not more than Three Months.
- 33 92. Enacting style of statutes.
- 34 93. Governor and Judges Prohibited from Holding Other Offices.
- 35 94. Incompatibility of County Offices; No more than Two Offices of Profit to be Held at One Time.
- 36 95. Incompatibility of State and Federal Offices.
- 37 96. Bribery and Corruption in Obtaining Office Disqualify for Office.

- 1 97. [Valuation of Money, Repealed, 1950.]
- 2 98. Enrollment of Amendments to the Constitution of the State of New Hampshire Regulated by the
- 3 Legislature.
- 4 99. [Constitutional Amendments, Repealed, 1980, Incorporated into Article 100]
- 5 100. Alternate Methods of Proposing Amendments to the Constitution of the State of
- 6 New Hampshire.
- 7 101. Enrollment of the Constitution of the State of New Hampshire.
- 8 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Fill in **ONLY** if **SPEAKING** on Bill

Bill # HB408 Date 2/7/03

Committee Judiciary

I support the bill

I oppose the bill

I have written testimony

(Number of copies)

Time needed to speak: 15M

Name Rep Dan Iltis

Address _____

Phone _____

Representing Rock

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 408

BILL TITLE: establishing approved titles for articles of the New Hampshire Constitution.

DATE: January 31, 2013

LOB ROOM: 208 **Time Public Hearing Called to Order:** 1:40 pm

Time Adjourned: 2:05 pm

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, D. Thompson, Kappler and Hagan.

Bill Sponsor: Rep. Itse, Rock 10

TESTIMONY

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

***Rep. Joel Winter**, prime sponsor
Introduced the bill to the committee.

***Nick Norman**, Director of Legislative Affairs, Rental Property Owners Association (ROPA) -
oppose
He is opposed to the bill as written; believes bill lacks specificity as to: how much rent? payable to whom? when payable? Is willing to work with bill sponsor to craft possible amendment.

Larry Guarald, New Hampshire Property Owners Association - oppose
Did not appear.

Dan Feltes, Attorney, New Hampshire Legal Assistance - oppose
Draft amendment offered if not recommended for Inexpedient to Legislate. Willing to work With sponsor and others to craft possible amendment.

Respectfully submitted,



Rep. Sylvia E. Gale, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 408

BILL TITLE: establishing approved titles for articles of the New Hampshire Constitution.

DATE: {Type HEARING DATE here} 2-7-13

LOB ROOM: 208 **Time Public Hearing Called to Order:** {Time} 1:23 P.

Time Adjourned: {Time} 1:36 P.

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, D. Thompson, Kappler and Hagan.

Bill Sponsor: Rep. Itse, Rock 10

TESTIMONY

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

Rep. Dan Itse - Bill Sponsor -
presented bill to Cmte.

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 408

BILL TITLE: establishing approved titles for articles of the New Hampshire Constitution.

DATE: February 12, 2013

LOB ROOM: 208

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. Woodbury

Seconded by Rep. Heffron

Vote: 19-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

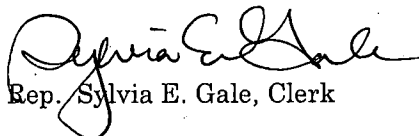
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Sylvia E. Gale, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 408

BILL TITLE: establishing approved titles for articles of the New Hampshire Constitution.

DATE: {Type DATE} 2-12-13

LOB ROOM: 208

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. Woodbury

Seconded by Rep. Hebron

Vote: (Please attach record of roll call vote.) 19-0

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: {Type VOTE} Yes

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 11:55:21 AM
Roll Call Committee Registers
Report

2013 SESSION

JUDICIARY

Bill #: 4098 Title: Establishing approved titles
PH Date: 2, 7, 13 Exec Session Date: 2, 12, 13
Motion: _____ Amendment #: _____

MEMBER	YEAS	NAYS
Smith, Marjorie K, Chairman	19	
Wall, Janet G, V Chairman	1	
Hackel, Paul Pastor, Beatriz	2	
Watrous, Rick H	3	
Sullivan, Peter M		
Horrigan, Timothy O	4	
Berch, Paul S Rogers, Rose Marie	5	
Gale, Sylvia E, Clerk	6	
Heffron, Frank H	7	
Phillips, Larry R	8	
Woodbury, David	9	
Rowe, Robert H,	10	
Hagan, Joseph M	11	
Peterson, Lenette M,	12	
Hopper, Gary S	13	
Kappler, Lawrence M	14	
Luther, Robert A	15	
Sylvia, Michael J	16	
Takesian, Charlene F	17	
Thompson, David H Baldassaro, A	18	
TOTAL VOTE:	19	0

Committee Report

CONSENT CALENDAR

February 14, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on JUDICIARY to which was referred
HB 408,**

**AN ACT establishing approved titles for articles of the
New Hampshire Constitution. Having considered the
same, report the same with the following Resolution:**

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. David Woodbury

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB 408
Title:	establishing approved titles for articles of the New Hampshire Constitution.
Date:	February 14, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The New Hampshire Constitution as originally enrolled did not contain titles for the various articles. This bill seeks to supply those missing titles even though, over the years, printers and publishers have supplied their own titles.

The Committee did not feel that the legislature had the authority to effectively amend the New Hampshire Constitution through legislation as opposed to a constitutional amendment.

Vote 19-0.

Rep. David Woodbury
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

HB 408, establishing approved titles for articles of the New Hampshire Constitution.

INEXPEDIENT TO LEGISLATE.

Rep. David Woodbury for JUDICIARY. The New Hampshire Constitution as originally enrolled did not contain titles for the various articles. This bill seeks to supply those missing titles even though, over the years, printers and publishers have supplied their own titles.

The Committee did not feel that the legislature had the authority to effectively amend the New Hampshire Constitution through legislation as opposed to a constitutional amendment.

Vote 19-0.

Original: House Clerk

Cc: Committee Bill File

Woodbury
CC

COMMITTEE REPORT

COMMITTEE:

Judiciary

BILL NUMBER:

408

TITLE:

establishing approved titles

DATE:

2/12/13

CONSENT CALENDAR:

YES

NO

The New Hampshire Constitution as originally enrolled did not contain titles for the various articles. This bill seeks to supply those missing titles even though, over the years, printers and publishers have supplied their own titles.

The Committee did not feel that the legislature had the authority to effectively amend the New Hampshire Constitution through legislation as opposed to a constitutional amendment.

OK
MKS

COMMITTEE VOTE:

19-0

RESPECTFULLY SUBMITTED,

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

Rep.

For the Committee

CONSENT CALENDAR

JUDICIARY

MAJORITY REPORT

HB 408, establishing approved titles for articles of the New Hampshire Constitution.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

VOTE: 19-0

The New Hampshire Constitution as originally enrolled did not contain titles for the various articles. This bill seeks to supply those missing titles even though, over the years, printers and publishers have supplied their own titles.

The Committee did not feel that the legislature had the authority to effectively amend the New Hampshire Constitution through legislation as opposed to a constitutional amendment.

Rep. David Woodbury

OK
mks