

Bill as
Introduced

HB 613-FN – AS INTRODUCED

2013 SESSION

13-0184

10/04

HOUSE BILL

613-FN

AN ACT

relative to procedures and authority for the redress of grievances.

SPONSORS:

Rep. Tremblay, Rock 4

COMMITTEE:

Legislative Administration

ANALYSIS

This bill establishes the statutory procedures and authority for the legislative committee responsible for the redress of grievances.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 613-FN - AS INTRODUCED

- Page 2 -

1 the committee, the governor is authorized to draw a warrant for the necessary sum required for
2 restitution of financial losses out of any money in the treasury not otherwise appropriated.

3 III. Undertake proceedings to remove from office judges or attorneys that do not uphold their
4 oaths of office; that oppress, distort truths, extort fines, fees, and implement burdensome
5 regulations causing harm to those that come before them in a court of law; who act under the color of
6 law for their illegal activities and judgments; who do not use wisdom, mercy, and justice to follow
7 the intent of laws passed by the general court. Financial damages incurred by citizens appearing
8 before or represented by any such judge or attorney shall be reimbursed. The committee shall
9 instruct such judge or attorney in the reimbursement of aggrieved citizens. Furthermore, the
10 committee may direct that a judge or attorney shall be unable to secure employment with the state of
11 New Hampshire. A statement of removal will be kept on file and made available to all who request
12 the information.

13 IV. Force state agencies, departments, and non-governmental organizations or non-profit
14 entities in partnership with government to change their policies to reflect an understanding that
15 government works for the citizens and to set their goals to reflect such an understanding.

16 V. Swear witnesses under oath that appear to testify before the committee. Perjury and
17 false swearing shall be prosecuted fully against any state official and any employees.

18 VI. Subpoena individuals to appear and be sworn under oath for hearings before the
19 legislative committee for the redress of grievances.

20 VII. Subpoena records, recordings, and documents, in order to obtain truthful information
21 in order to come to a conclusive finding.

22 VIII. Recommend the dissolution of any state agency or department, or the severance of ties
23 with non-governmental organizations and non-profits, should findings justify this action.

24 IX. Recommend the immediate change to state laws upon a vote of the general court to
25 remedy the problems.

26 16-A:4 Rules for Proceedings. The legislative committee for the redress of grievances shall adopt
27 rules governing its proceedings and procedures for citizens to petition for the redress of grievances.

28 16-A:5 Application. This act shall apply to natural persons, meaning individuals having natural
29 rights, and not to corporations, in providing redress of grievances concerning any statute, code, rule,
30 regulation, or policy.

31 2 Effective Date. This act shall take effect 60 days after its passage.

HB 613-FN – FISCAL NOTE

AN ACT relative to procedures and authority for the redress of grievances.

FISCAL IMPACT:

The Office of Legislative Budget Assistant states this bill, **as introduced**, may increase state general fund expenditures by an indeterminable amount in FY 2013 and each year thereafter. There will be no impact on state revenues, or county and local revenues and expenditures.

METHODOLOGY:

This bill establishes statutory procedures and authority for the legislative committee responsible for the redress of grievances. This bill authorizes the Governor, upon certification of the committee, to draw a warrant from money not otherwise appropriated for the purpose of paying restitution of financial losses to citizens found to have incurred certain financial losses caused by government, including state agencies, departments, and non-governmental organizations or non-profit entities in partnership with government. The Office is unable to predict this bill's impact on state expenditures.

HB 613-FN – AS INTRODUCED

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HOUSE BILL 613-FN

AN ACT relative to procedures and authority for the redress of grievances.

SPONSORS: Rep. Tremblay, Rock 4

COMMITTEE: Legislative Administration

ANALYSIS

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13-0184

10/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to procedures and authority for the redress of grievances.

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

1 New Chapter; Redress of Grievances. Amend RSA by inserting after chapter 16 the following new chapter:

CHAPTER 16-A

REDRESS OF GRIEVANCES

16-A:1 Constitutional Purpose. Our constitutional republic form of government derives its power from the people and is accountable to the people. The New Hampshire Constitution's Bill of Rights addresses the problems and solutions of a tyrannical and oppressive government, including the state agencies, as well as other non-governmental organizations and non-profit entities as partners with government, by providing for the redress of grievances under Articles 31 and 32. Judicial branch and executive branch interpretation of laws passed by the general court may be twisted and implement policies enforced under color of law which are initiated in order to subvert the rights of natural persons and to deprive citizens of their freedom, liberty, and property. The original intent of the provision for the redress of public grievances was to extend a venue for a citizen to present wrong-doing by government, including state agencies, departments, and non-governmental organizations or non-profit entities in partnership with government and to obtain redress for the wrongs done.

16-A:2 Penalty for Noncompliance. Any elected or appointed state official that ignores or fails to comply with the procedures and authority for the redress of grievances under Articles 31 and 32 of the New Hampshire Constitution shall be removed from office for violation of their oath of office.

16-A:3 Legislative Committee for the Redress of Grievances; Authority. There shall be during each biennial session of the general court a committee established for the purpose of the hearing and redress of public grievances. Members of the committee shall be appointed pursuant to rules of the general court. The committee shall be authorized to:

I. Overturn any illegal actions taken by state government, including state agencies, departments, and non-governmental organizations or non-profit entities in partnership with government, such as illegal adoptions, children forcefully taken from parents and placed in foster care, and unlawful incarceration.

II. Remedy any action by government, including state agencies, departments, and non-governmental organizations or non-profit entities in partnership with government that has caused the loss of property of, or excessive prolonged litigation or frivolous lawsuits against, a natural citizen of this state, by making restitution of financial losses to that citizen. Upon certification by the committee, the governor is authorized to draw a warrant for the necessary sum required for restitution of financial losses out of any money in the treasury not otherwise appropriated.

III. Undertake proceedings to remove from office judges or attorneys that do not uphold their oaths of office; that oppress, distort truths, extort fines, fees, and implement burdensome regulations causing harm to those that come before them in a court of law; who act under the color of law for their illegal activities and judgments; who do not use wisdom, mercy, and justice to follow the intent of laws passed by the general court. Financial damages incurred by citizens appearing before or represented by any such judge or attorney shall be reimbursed. The committee shall instruct such judge or attorney in the reimbursement of aggrieved citizens. Furthermore, the committee may direct that a judge or attorney shall be unable to secure employment with the state of New Hampshire. A statement of removal will be kept on file and made available to all who request the

information.

IV. Force state agencies, departments, and non-governmental organizations or non-profit entities in partnership with government to change their policies to reflect an understanding that government works for the citizens and to set their goals to reflect such an understanding.

V. Swear witnesses under oath that appear to testify before the committee. Perjury and false swearing shall be prosecuted fully against any state official and any employees.

VI. Subpoena individuals to appear and be sworn under oath for hearings before the legislative committee for the redress of grievances.

VII. Subpoena records, recordings, and documents, in order to obtain truthful information in order to come to a conclusive finding.

VIII. Recommend the dissolution of any state agency or department, or the severance of ties with non-governmental organizations and non-profits, should findings justify this action.

IX. Recommend the immediate change to state laws upon a vote of the general court to remedy the problems.

16-A:4 Rules for Proceedings. The legislative committee for the redress of grievances shall adopt rules governing its proceedings and procedures for citizens to petition for the redress of grievances.

16-A:5 Application. This act shall apply to natural persons, meaning individuals having natural rights, and not to corporations, in providing redress of grievances concerning any statute, code, rule, regulation, or policy.

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

LBAO

13-0184

Revised 01/02/13

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METHODOLOGY:

This bill establishes statutory procedures and authority for the legislative committee responsible for the redress of grievances. This bill authorizes the Governor, upon certification of the committee, to draw a warrant from money not otherwise appropriated for the purpose of paying restitution of financial losses to citizens found to have incurred certain financial losses caused by government, including state agencies, departments, and non-governmental organizations or non-profit entities in partnership with government. The Office is unable to predict this bill's impact on state expenditures.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB613-FN

BILL TITLE: relative to procedures and authority for the redress of grievances.

DATE: February 12, 2013

LOB ROOM: 104 **Time Public Hearing Called to Order:** 3:45 pm

Time Adjourned: 3:50 pm

(please circle if present)

Committee Members: Reps. G. Richardson, C. Rice, Winters, Pelletier, Shurtleff, Emerson-Brown, Henle, Briden, T. Katsiantonis, Fink, Bailey, Lambert, Hayes, A. Perkins, K. Perkins and Grace.

Bill Sponsors: Rep. Tremblay, Rock 4


TESTIMONY

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

Rep. Stella Tremblay – the redress of grievances is really, really important – This deals with serious grievances.

Question: Rep. Briden – Would the bill allow to fire judges? Ans: It would make them do their job.

Respectfully submitted,


Rep. Stephen Shurtleff
Committee Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

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Bill Sponsors: Rep. Tremblay, Rock 4

TESTIMONY

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

Rep. Stella Tremblay - The redress of ^{grievances} ~~grievances~~ is really, really important. This deals with serious grievances.

Q. Rep Briden - would the bill allow to fire judges

A. It would make them do ~~their~~ their job.

Testimony



State of New Hampshire

DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 33 HAZEN DR.
CONCORD, N.H. 03305
603/271-2559

JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

EARL M. SWEENEY
ASSISTANT COMMISSIONER

LEGISLATIVE POSITION

NH DEPARTMENT OF SAFETY

HB 613 Relative to Procedures and Authority for the Redress of Grievances

POSITION: Opposed

Dear Honorable Members of the Committee:

This legislature has decommissioned the legislative committee for the redress of grievances. The bill attempts to resurrect it by statute by creating a statutory authorization for the legislative committee for the redress of grievances; and, delegating to the committee the adoption of rules for its proceedings. The purpose of the legislative committee for the redress of grievances is to allow citizens a new forum to vent their grievance against government, including public officers and employees of the executive and judicial branch. The proposed bill provides the legislative committee with extensive authority to overturn department actions such as adoptions and incarcerations; the removal of judges and attorneys, including banning them from any employment within the state; changing policy for departments and their agents; and, provide restitution for citizens found to be "wronged" by the state agencies.

This bill, as it reads, upsets the separation of balance between the three branches of government: legislative, judicial and executive; and, it dissolves the checks and balances between the three branches. This bill would give a legislative committee the authority to interject in matters that ought to properly appear, or may already be working its way, before the judicial branch.

Executive agencies, and their officers and employees, are responsible for enforcing and carrying out the laws enacted by the legislature. Citizens already have the ability to challenge the wrongful action of an executive agency by filing appeals and suits with the judicial branch, which is charged with interpreting the laws and their enforcement. If the legislature decides that the judicial branch's interpretation of the laws previously enacted by the legislature is incorrect, it can change the law in the next legislative session to reflect the policy of the legislature.

If this bill passes, it would create a new forum for a citizen's challenge of a department action. This would result in the unenviable position for the department to potentially defend itself not only in the judicial system, but also in front of the legislative committee for the redress of

grievances. Such a result would create an unnecessary, duplicative and costly expenditure of resources, as well as potentially jeopardize a department's ability to defend itself in either forum. The potential results of defending oneself in two forums create the possibility of generating two conflicting and irreconcilable decisions; that is, one from the legislative committee for the redress of grievances and another from a Court of competent jurisdiction.

For all the above reasons, the Department is OPPOSED to this bill.

POSITION PAPER APPROVED:

A handwritten signature in black ink, appearing to be a stylized 'M' or 'D' followed by a horizontal line extending to the right.

ASSISTANT COMMISSIONER

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB613-FN

BILL TITLE: relative to procedures and authority for the redress of grievances.

DATE: February 14, 2013

LOB ROOM: 104

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. Winters

Seconded by Rep. Irwin

Vote: 12-0 (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 NO (Please Circle One)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stephen J. Shurtleff, Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB613-FN

BILL TITLE: relative to procedures and authority for the redress of grievances.

DATE:

LOB ROOM: 104

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. Winters

Seconded by Rep. Irwin

Vote: 2-0 (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 NO (Please Circle One)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stephen J. Shurtleff, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/7/2013 3:56:49 PM
Roll Call Committee Registers
Report

2013 SESSION

ITC

LEGISLATIVE ADMINISTRATION

Bill #: HB 613 Title: relative to redress of Grievance

PH Date: 2/12/2013 Exec Session Date: 2/14/2013

Motion: ITC Amendment #: _____

MEMBER

YEAS

NAYS

Richardson, Gary B, Chairman	10	
Rice, Chip L, V Chairman	1 ✓	
Pelletier, Marsha L	2 ✓	
Shurtleff, Stephen J <i>Mann</i>	3 ✓	
Katsiantonis, Thomas <i>Smith</i>	4 ✓	
Winters, Joel F	5 ✓	
Briden, Steven J <i>Frown</i>	6 ✓	
Emerson-Brown, Rebecca <i>Whitmore</i>	7 ✓	
Henle, Paul J	8 ✓	
Fink, Charles R		
Perkins, Amy S <i>Mann</i>	✓	
Perkins, Lawrence B		
Lambert, George A <i>Taspen</i>	9 ✓	
Bailey, Brad		
Grace, Curtis W	12	
Hayes, Jack		
TOTAL VOTE:	12	<i>6</i>

Copied

Committee Report

CONSENT CALENDAR

February 21, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on LEGISLATIVE ADMINISTRATION to
which was referred HB613-FN,**

**AN ACT relative to procedures and authority for the
redress of grievances. Having considered the same,
report the same with the following Resolution:**

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Joel F Winters

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	LEGISLATIVE ADMINISTRATION
Bill Number:	HB613-FN
Title:	relative to procedures and authority for the redress of grievances.
Date:	February 21, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would statutorily create a redress of grievances committee in the legislature with a wide range of powers, including overturning actions by government agencies, awarding restitution from the treasury, initiating removal proceedings against judges and attorneys, and forcing state agencies to change their policies or even recommending their dissolution. The committee felt this amount of power in the hands of a legislative committee was inappropriate and recommended Inexpedient To Legislate.

Vote 12-0.

Rep. Joel F Winters
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

LEGISLATIVE ADMINISTRATION

HB613-FN, relative to procedures and authority for the redress of grievances. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for LEGISLATIVE ADMINISTRATION. This bill would statutorily create a redress of grievances committee in the legislature with a wide range of powers, including overturning actions by government agencies, awarding restitution from the treasury, initiating removal proceedings against judges and attorneys, and forcing state agencies to change their policies or even recommending their dissolution. The committee felt this amount of power in the hands of a legislative committee was inappropriate and recommended Inexpedient To Legislate. **Vote 12-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Leg Admin

BILL NUMBER: HB613

TITLE: Address of grievance

DATE: 2-14-13 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.

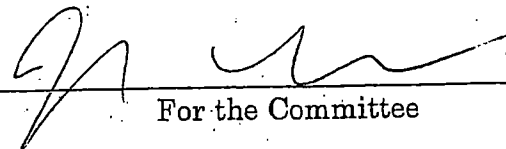
STATEMENT OF INTENT:

COMMITTEE VOTE: 12-0

RESPECTFULLY SUBMITTED,

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

Rep. _____



For the Committee

From: Gary B. Richardson [grichardson@uptonhatfield.com]
Sent: Wednesday, February 20, 2013 9:24 PM
To: Rafeal, Linda
Subject: Fwd: Blurbs
These blurbs are okay. Thank you.

Gary

Begin forwarded message:

From: "Rep. Joel Winters" <joel@joelwinters.org>
Subject: Blurbs
Date: February 20, 2013 3:19:50 PM EST
To: Gary B. <grichardson@uptonhatfield.com>
Reply-To: <joel@joelwinters.org>

HB613 - ITL

This bill would statutorily create a redress of grievances committee in the legislature with a wide range of powers, including overturning actions by government agencies, awarding restitution from the treasury, initiating removal proceedings against judges and attorneys, and forcing state agencies to change their policies or even recommending their dissolution. The committee felt this amount of power in the hands of a legislative committee was inappropriate and recommended Inexpedient To Legislate.

HB555 - ITL

This bill would require the Legislative Budget Assistant to prepare expanded fiscal notes, analyzing the legislation's costs and benefits, effects on businesses, and other economic impacts. While the committee appreciated the sponsors' intent in seeking more information for legislation and considered scaled back versions, we ultimately felt it would not be practical to put the additional analysis together in a timely manner.

Gary B. Richardson, Esq.
Upton & Hatfield, LLP
PO Box 1090
Concord, NH 03302-1090
grichardson@uptonhatfield.com
603-224-7791

New Hampshire General Court - Bill Status System

Docket of HB613

Docket Abbreviations

Bill Title: relative to procedures and authority for the redress of grievances..*Official Docket of HB613:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Legislative Administration; HJ 12 , PG.202
2/5/2013	H	Public Hearing: 2/12/2013 3:30 PM LOB 104
2/5/2013	H	Executive Session: 2/14/2013 1:30 PM LOB 104
2/21/2013	H	Committee Report: Inexpedient to Legislate for Mar 6 (Vote 12-0; CC); HC 20 , PG.413
3/6/2013	H	Inexpedient to Legislate: MA VV; HJ 24 , PG.661

NH House

NH Senate