

LEGISLATIVE COMMITTEE MINUTES

# **HB1218**

Bill as  
Introduced

HB 1218 - AS INTRODUCED

2016 SESSION

16-2099  
05/09

HOUSE BILL            **1218**

AN ACT                relative to levy of executions on shares in any corporation.

SPONSORS:            Rep. Brewster, Merr. 21

COMMITTEE:          Judiciary

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ANALYSIS

This bill establishes a penalty for failure to provide notice of a levy of execution on the shares of a corporation.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Sixteen*

AN ACT                   relative to levy of executions on shares in any corporation.

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

1           1 Levy of Execution on Corporate Shares; Notice of Sale; Penalty. Amend RSA 528:16 to read  
2 as follows:

3           528:16 Notice of Sale.

4           I. Notice in writing of the time and place of sale of such shares or interest shall be given by  
5 the officer to the debtor, or shall be left at his *or her* abode, and shall be posted at one or more  
6 public places in the town where the sale is to be, and in [~~two~~] 2 adjoining towns, [~~thirty~~] 30 days  
7 before the sale.

8           II. *Any officer who fails to provide the notice required under paragraph I shall be*  
9 *guilty of a violation and subject to a fine equal to the value of such shares or interest.*

10          2 Effective Date. This act shall take effect January 1, 2017.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1218

**BILL TITLE:** relative to levy of executions on shares in any corporation.

**DATE:** February 14, 2016

**LOB ROOM:** 208

**Time Public Hearing Called to Order:** 3:00 P.M.

**Time Adjourned:** 3:18 p.m.

**Committee Members:** Reps. Rowe, Hopper, Sylvia, Takesian, McLean, Rouillard, Wuelper, Graham; R, Horrigan, Berch, Phillips, Woodbury, Wheeler, Kenison and Wall

**Bill Sponsors:**  
Rep. Brewster

TESTIMONY

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

Rep. Wheeler introduced the bill on behalf of Rep. Brewster, prime sponsor who was not present.

**\*Joe Haas, Concord, NH, representing self - support**

Submitted written testimony.

- he did a levy on a piece of real estate; things went wrong
- notice of hearing was sent to his former address
- when he no longer lived in that town so he did not receive the notice
- he was one of five incorporators in a corporation
- he knows of two cases like his
- believes this bill is much needed

Respectfully submitted,



Rep. Janet G. Wall, Clerk



HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1218

BILL TITLE: relative to levy of executions on shares in any corporation.

DATE: January 19, 2016

ROOM: 208

Time Public Hearing Called to Order: 3 pm.

Time Adjourned: 3:18 pm.

(please circle if present)

Committee Members: Reps. Rowe, Hagan, Hopper, Sylvia, Takesian, Palmer, Estevez, Hull, McLean, Rouillard, Wuelper, Graham, R. Horrigan, Berch, Heffron, Phillips, Woodbury, Wheeler, Kenison and Wall

**Bill Sponsors:**

Rep. Brewster *- absent*

TESTIMONY

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

*Introduced by Rep. Wheeler -*

*\* Joe Haas - supports - written*

*- he did a levy on a piece of real estate; things went wrong*

*- notice of hearing was sent to his former address, when he no longer lived in that town, so he did not receive the notice*

*- he was one of five incorporators in a corporation*

*- he knows of 2 cases like his*

*- believes this bill is much needed -*

# Testimony

*(Comm. etc.)*

Print

Close

**Paperwork for HB1218 "levy of shares"  
Tue., Jan. 19 @ 3:00 p.m.**

*The.  
19 Jan. 2016  
@ 3:00 PM*

From: Joseph S. Haas (josephshaas@hotmail.com)

Sent: Fri 1/15/16 3:25 PM

To: housejudiciarycommittee@leg.state.nh.us (housejudiciarycommittee@leg.state.nh.us)

Cc: brhowardjr@yahoo.com (brhowardjr@yahoo.com); Peter Varney (pvarney@atsnh.com); Rep. David Russell (russells@metrocast.net); Dick Marple (armlaw@hotmail.com); Dan Itse (itsenh@comcast.net); sam.cataldo@leg.state.nh.us (sam.cataldo@leg.state.nh.us)

To: The House Judiciary Committee

<http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H10>

RE: Title: relative to levy of executions on shares in any corporation. "  
Judiciary on 1/19/2016 3:00 PM at LOB Room 208"

&  
Vol. 38 HOUSE RECORD No. 2 for today = Fri., Jan. 15th '16 @ page 8  
[http://www.gencourt.state.nh.us/house/caljournals/calendars/2016/HC\\_2.pdf](http://www.gencourt.state.nh.us/house/caljournals/calendars/2016/HC_2.pdf)  
also of interest: \* (see below)

Dear Legislators:

In preparation for next Tuesday's Public Hearing on this HB1218 of mine thanks to Mike Brewster of Pittsfield,

<http://www.gencourt.state.nh.us/house/members/member.aspx?member=377208>

here is the copy & paste by forward of my original e-mail to my three local Legislators and State Senator

<http://www.gencourt.state.nh.us/house/members/wmlresults.aspx?town=gilmanton>

that went by their default to Mike and now you to please amend the statute accordingly:

"From: josephshaas@hotmail.com

To: brhowardjr@yahoo.com; russells@metrocast.net; pvarney@atsnh.com

CC: sam.cataldo@leg.state.nh.us

Subject: LSR # \_\_\_\_\_ to Amend RSA Ch. 528 for Sale of Security to provide a "Penalty Clause".

Date: Fri, 4 Sep 2015 16:05:12 -0400

Reference the " [ \*\* ] " two star or asterisk footnote in the brackets of my e-mail to you of exactly a fortnight ago:

This being here by the copy & paste, with more as indicated: \*

[ \*\* ] more: + 3.) LSR # \_\_\_\_\_ to put in a penalty clause in RSA Ch. 528:16

<http://www.gencourt.state.nh.us/rsa/html/LIV/528/528-16.htm> " 528:16 Notice of Sale. – Notice in writing of the time and place of sale of such shares or interest shall be given by the officer to the debtor, or

*JS P  
Pn.*

2015 e-mail ↓

shall be left at his abode, and shall be posted at one or more public places in the town where the sale is to be, and in two adjoining towns, thirty days before the sale. " to read paragraph (a) in the existing sentence, and add a new paragraph (b) to read of this penalty clause in that: Failure to post ALL notices per this corporate sale, rather than for the RSA 529 real estate in both with-in and with-out the town as pre-scribed shall be a wrong upon the County \*\*\*\* from where this Deputy be dispatched from the Sheriff's Office to accomplish such tasks and that of an additional wrong if the RSA 528:18 corporate officer be un-served too, of that two wrongs do not make a right! and that any and all rents received by the sheriff sale bidder by a presumed to be RSA 528:19 enTITLE-ment be added together of all the rents that were and could have been obtained to present at a required RSA Ch. 421-B:22 Investigation hearing before a designee of The Secretary of State, or by such an RSA 421-B:28-a Advisory Council or Commission for the seller of such a supposed security to show cause why he should not be found guilty of: THEFT!

\*\*\*\* The counties in this state, as presumed by me, of after checking with two of the ten for Grafton (in North Haverhill - county seat), and Sullivan (county seat in Newport) is: a five (\$5,000,000) million dollar insurance policy for each; of see also RSA Ch.

93-B:1-5 <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-VI-93-B.htm> for the faithful performance bonds established by statute to cover wrongs by state officials at: \$100,000 each by rule ought to be increased to at least sevenfold the value of the theft of somebody's real estate too in that as spelled out in RSA Ch. 651:63 for

Restitution <http://www.gencourt.state.nh.us/rsa/html/LXII/651/651-63.htm> with the annotation of the State v. Fleming case of 1984 that cites a case to a case that cites "Blackstone's Commentaries" of he cites the Holy Bible and in particular of chapter and verse of Proverbs 6:30-31 for the thief to repay sevenfold, or seven times ( x 7 ) the \$amount stolen (in both principle plus interest) [ or in other words: building and rents.]

"

\* See: <http://www.gencourt.state.nh.us/rsa/html/vii/104/104-31.htm>

" **104:31 Fees of Sheriffs and Deputy Sheriffs.** – At the time of the initial request for any of the following services, the required fees and mileage may be paid. The fees of sheriffs and deputy sheriffs shall be as follows:

I. For service of every . . . , process, . . . \$25;

to compare with: <http://www.gencourt.state.nh.us/rsa/html/LIV/528/528-18.htm>

" **528:18 Recording Return.** – The officer shall cause an attested copy of the execution and of his return thereon to be filed with the clerk, treasurer, assistant-treasurer or cashier of the corporation, and shall pay for the recording thereof.

Source. RS 194:19. CS 207:19. GS 217:18. GL 236:18. PS 232:18. PL 344:18. RL 400:18. "

"

From: Yours truly, ----- Joseph S. Haas, P. O. Box 3842, Concord, N.H. 03302, Tel. 413: 4389-3820 (cell phone)

\* Also of interest: John Tholl's HB 1574 FN-A @ [10:00 a.m.] for chain-gang / work release \$pay to Info Tech part of the p.a.; and P.Long's HB1611 @ [1:00 p.m.] = " allowing a public body or agency to charge a fee for costs of retrieving public records under the right-to-know law. " to compare with

A.

B.

Mike's HB1593 " restricting fees for obtaining copies of public records .... " that's been assigned to The " HOUSE Legislative Administration " in LOB 104

http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H12 but yet post in The House Record for a day and time for a Public Hearing. Plus 2:00 p.m. = " Rep. Edelblut, Hills. 38 " 's HB 1115: " 1 Laws Governing the Citizens of New Hampshire. The citizens of this state shall be bound only by the laws passed by the New Hampshire general court and the United States Congress. Legislative powers of the New Hampshire general court and the United States Congress shall not be delegated to unelected officials. Nothing in this section shall prevent a citizen from voluntarily agreeing to be bound by the laws of another state through a valid and enforceable contract, agreement, or other action.

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

" 99 Badger Farm Road Wilton, NH 03086-5935 Phone: (603)661-7730 Email: frank.edelblut@leg.state.nh.us

" http://www.gencourt.state.nh.us/house/members/member.aspx?member=377222 of this is already within Article 12 to some degree, http://www.nh.gov/constitution/billofrights.html + " Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent. " as like I've already told The House Finance about in HJR6 for Ed Brown in that 28USC636(c)(1) requires the "consent" of BOTH parties: Plaintiff & Defendant BEFORE a CIVIL case can be removed FROM a state court to the Federal court! Lest it be THEFT by the Clerk and Judge who allowed such over-ride of an AUSA "Order" that be illegal! Of I see that Finance Division I in 212 is to look onto this and HJR4 + 5 plus HB1228 at from 10:30-11:00 a.m. next Thu., Jan. 21st (page 10). So getting only about 30 divided by 4 = 7 minutes each.

Onto the 2:30 p.m. of founded petitions and 3:00 p.m. for this here, of to see you Tuesday morning AND afternoon.

Tue. Jan. 26th  
ED&A

Ombudsmen

P.S. Mention is made to page 12 too for Dan Itse's HB1433 of a S of S Ombudsman, scheduled for a Public Hearing the following Tuesday, Jan. 26th @ 10:15 a.m. in ED&A LOB 306 http://www.gencourt.state.nh.us/house/members/member.aspx?member=376357 I.)

& http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H07 and;

P.S. #2 See also page 14 for HB1424 for gov't accountability there too at 10:45 a.m. http://www.gencourt.state.nh.us/bill\_status/ of to read all that later;

ED&A

[Print](#)

[Close](#)

**HB1218 levy of shares ITL / solution in HB1111 SofS Council?**

From: **Joseph S. Haas** (josephshaas@hotmail.com)  
 Sent: Thu 2/18/16 12:15 PM  
 To: [housecommercecommittee@leg.state.nh.us](mailto:housecommercecommittee@leg.state.nh.us) (housecommercecommittee@leg.state.nh.us)  
 Cc: [housejudiciarycommittee@leg.state.nh.us](mailto:housejudiciarycommittee@leg.state.nh.us) (housejudiciarycommittee@leg.state.nh.us)

[http://www.gencourt.state.nh.us/bill\\_status/](http://www.gencourt.state.nh.us/bill_status/)

**HB1218 text**

" relative to levy of executions on shares in any corporation. "

Judiciary

Date	Body	Description
2/10/2016	H	<b>Introduced</b> 01/06/2016 and referred to Judiciary <b>HJ</b> P. 6
1/13/2016	H	Public Hearing: 01/19/2016 03:00 PM LOB208
1/20/2016	H	Executive Session: 01/27/2016 01:00 PM LOB 208
2/17/2016	H	Committee Report: Inexpedient to Legislate for 03/09/2016 (Vote 15-0; CC)

"

so to: ?

**HB1111 text**

" relative to securities advisory councils and committees. "


Commerce

"

Date	Body	Description
2/10/2016	H	<b>Introduced</b> 01/06/2016 and referred to Commerce and Consumer Affairs <b>HJ</b> P. 2
1/27/2016	H	Public Hearing: 02/03/2016 01:15 PM LOB 302
2/10/2016	H	Subcommittee Work Session: 02/18/2016 01:15 PM LOB 303

" You heard the testimony of that the Director of Securities Division man within the Office of Secretary of State (Bill Gardner) gets about 50 cases of "fraud" reported to them each year [over at The State House Annex] (of like an average of one per week), but that they have never had to deal with a "Trover" case of wrongful conversion of personal property regarding a redemption of shares bought from an RSA Ch. 528 Sheriff's Sale (but wrongly posted as an RSA Ch. 529 real estate sale, as missing the RSA Ch. 528:16 two additional posters and NO RSA 528:18 service upon the corporate clerk to :19 there-upon of THEN of AFTER-wards be en-TITLE-D to the rents for within a 3-month redemption time rather than a year for real estate as there has been ONLY mine of EVER

having been conducted, of just another one that was going to be of a sale but that the "debtor" paid up at the last minute BEFORE the sale. And that their former advisory councils were made up of volunteers. And that they/ the current Director and for his subordinates said that he does not know what to do about this, of thus the PERFECT reason PLEASE to set-up this and these advisory councils and/or committees to go into more detail of what the current workers there REFUSE to do to issue a written Report rather than just their verbal say-so of that they throw up their hands to not being a check-and-balance of thus not fulfilling their job description for to be Article 14 "complete". So PLEASE vote that this continue onto what was used \_\_\_% in # \_\_\_ cases in the past (as that number was never given to you) and that helped all parties.

Thank you, -  - - - - - Joseph S. Haas, P. O. Box 3842, Concord, N.H. 03302, Tel. 413: 438-3820 (cell phone)

P.S. As the **HB1217 text** " relative to the duties of and meeting requirements for the judicial council. " was I.T.L.'ed too for them in the judiciary to correct their own mis- or mal-administrations of injustice! of thus preferring to be checked by others and so let it be.

# Voting Sheets



HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1218

**BILL TITLE:** relative to levy of executions on shares in any corporation.

**DATE:** January 27, 2016

**LOB ROOM:** 208

**MOTIONS:** INEXPEDIENT TO LEGISLATE

Moved by Rep. Rouillard

Seconded by Rep. Wheeler

Vote: 15-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,



Rep Charlene Takesian, Acting Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1218

BILL TITLE: relative to levy of executions on shares in any corporation.

DATE: 1-27-16

LOB ROOM: 208

MOTIONS: OTP, OTP/A, (ITL) Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. Randline Seconded by Rep. Wheeler ~~AM~~ Vote: 15-0

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

CONSENT CALENDAR:  YES  NO  
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. [Signature]  
Committee Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/4/2016 1:24:56 PM  
Roll Call Committee Registers  
Report

2016 SESSION

JUDICIARY

Bill #: 1218

Title: relating to levy of execution on shares in any corporation

PH Date: 1 / 1 /

Exec Session Date: 1 / 27 / 16

Motion: FTL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Rowe, Robert H., Chairman <i>absent</i>		
Hagan, Joseph M., V Chairman	15	
Hopper, Gary S.	1	
Sylvia, Michael J.	2	
Takesian, Charlene F.	3	
Palmer, Barry J. <i>absent</i>		
Estevez, Eric P.	4	
Hull, Robert <i>absent</i>		
McLean, Mark	5	
Rouillard, Claire A.	6	
Wuelper, Kurt F.	7	
Graham, Robert V.	8	
Wall, Janet G., Clerk	9	
Horrigan, Timothy O.	10	
Berch, Paul S.	11	
Heffron, Frank H. <i>absent</i>		
Phillips, Larry R. <i>absent</i>		
Woodbury, David	12	
Wheeler, Deborah H.	13	
Kenison, Linda B.	14	
<b>TOTAL VOTE:</b>	<b>15</b>	<b>0</b>

*OK*

# Committee Report

**CONSENT CALENDAR**

**February 2, 2016**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Judiciary to which was referred**

**HB 1218,**

**AN ACT relative to levy of executions on shares in any corporation. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Claire Rouillard**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 1218
Title:	relative to levy of executions on shares in any corporation.
Date:	February 2, 2016
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

This bill attempts to add a criminal penalty to civil litigation. The language of the bill is directed to "officers" of a corporation who fail to give appropriate notice of the sale in two adjoining towns, 30 days prior to the sale. Failure to provide this notice would result in a "penalty" and find an "officer" guilty of a "violation" and subject to a "fine" equal to the value of such shares or interest. This is inconsistent and contrary to the civil law in New Hampshire.

Vote 15-0.

Rep. Claire Rouillard  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Judiciary

**HB 1218**, relative to levy of executions on shares in any corporation. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This bill attempts to add a criminal penalty to civil litigation. The language of the bill is directed to "officers" of a corporation who fail to give appropriate notice of the sale in two adjoining towns, 30 days prior to the sale. Failure to provide this notice would result in a "penalty" and find an "officer" guilty of a "violation" and subject to a "fine" equal to the value of such shares or interest. This is inconsistent and contrary to the civil law in New Hampshire. **Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

cc

**CONSENT CALENDAR**

**HB 1218, relative to levy of executions on shares on any corporation.**

**Rep. Claire Rouillard**

**ITL**

**Vote: 15-0**

This bill attempts to add a criminal penalty to civil litigation. The language of the bill is directed to "officers" of a corporation who fail to give appropriate notice of the sale in two adjoining towns, 30 days prior to the sale. Failure to provide this notice would result in a "penalty" and find an "officer" guilty of a "violation" and subject to a "fine" equal to the value of such shares or interest. This is inconsistent and contrary to the civil law in New Hampshire.



COMMITTEE REPORT

cc

COMMITTEE: Judiciary

BILL NUMBER: HB/218

TITLE: Relative to levy of executions on shares in any corporation

DATE: 1-27-2016 CONSENT CALENDAR: YES  NO

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

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

*This bill attempts to add a criminal penalty to civil litigation, the language of the bill is directed to "officers" of a corporation who fail to give appropriate notice of the sale of shares to shareholders. It requires written notice of sale in 2 adjoining towns, 30 days prior to the sale. Failure to provide this notice would result in a "penalty" and find an "officer" guilty of a "violation" and subject to a "fine" equal to the value of such shares or interest. This is inconsistent and contrary to the civil law in New Hampshire*

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

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

Rep. Claire Rouille  
For the Committee

**CONSENT CALENDAR**

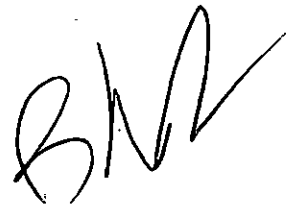
**HB 1218, relative to levy of executions on shares on any corporation.**

**Rep. Claire Rouillard**

**ITL**

**Vote: 15-0**

This bill attempts to add a criminal penalty to civil litigation. The language of the bill is directed to "officers" of a corporation who fail to give appropriate notice of the sale in two adjoining towns, 30 days prior to the sale. Failure to provide this notice would result in a "penalty" and find an "officer" guilty of a "violation" and subject to a "fine" equal to the value of such shares or interest. This is inconsistent and contrary to the civil law in New Hampshire.

A large, stylized handwritten signature in black ink, appearing to be 'BMR', is located on the right side of the page.

*[Faint handwritten notes]*

*[Faint handwritten notes]*