

Committee Report

CONSENT CALENDAR

January 15, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred

HB 193,

AN ACT relative to unalienable rights of inhabitants.

Having considered the same, report the same with the

following resolution: RESOLVED, that it is

INEXPEDIENT TO LEGISLATE.

Rep. Cam Kenney

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 193
Title:	relative to unalienable rights of inhabitants.
Date:	January 15, 2019
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The majority of the committee believes the legislation overreaches in its charge to demand action from the county attorneys and has multiple consequences regarding actions and fees that one addresses in the bill as written.

Vote 17-2.

Rep. Cam Kenney
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 193, relative to unalienable rights of inhabitants. **INEXPEDIENT TO LEGISLATE.**

Rep. Cam Kenney for Judiciary. The majority of the committee believes the legislation overreaches in its charge to demand action from the county attorneys and has multiple consequences regarding actions and fees that one addresses in the bill as written. **Vote 17-2.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

CC

COMMITTEE: Judiciary

BILL NUMBER: HB 195

TITLE: _____

DATE: 1-15-2019 CONSENT CALENDAR: YES ^{WKS} 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:

The sponsor attempts to construct a mechanism whereby an inhabitant of New Hampshire may get redress for a violation of his/her rights without recourse to state government. The bill fails to provide any realistic or workable pathway to achieve this goal. There is no provision for an independent fact finder or for any independent assessment of damages. To the extent those pathways are defused, the bill relies on the Secretary of State and Superior Court which are themselves components of the "corporate state" the bill seeks to avoid.

David Woodbury
OK mks

COMMITTEE VOTE: 18-1

RESPECTFULLY SUBMITTED,

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

Rep. David Woodbury
For the Committee

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 195

BILL TITLE: relative to the process for inhabitants of the state to effectuate the protections of Article 14.

DATE: May 15, 2019

LOB ROOM: 208

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Woodbury

Seconded by Rep. Kenney

Vote: 18-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kurt Wuelper".

Rep Kurt Wuelper, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 195

BILL TITLE: relative to the process for inhabitants of the state to effectuate the protections of Article 14.

DATE: 1-15-2019

LOB ROOM: 208

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Woodbury Seconded by Rep. Kewney Vote: 18-1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Kurt Wuelper
Rep Kurt Wuelper, Clerk



2019 SESSION

JUDICIARY

Bill #: HB 195 Title: _____

PH Date: 1/1/

Exec Session Date: 1/15/2019

Motion: ITL

Amendment #: _____

MEMBER YEAS NAYS

Smith, Marjorie K. Chairman	18	
Keans, Sandra B. Vice Chairman	1	
Berch, Paul S.	2	
Horrigan, Timothy O.	3	
Woodbury, David	4	
Altschiller, Debra	5	
DiLorenzo, Charlotte I.	6 XXXXXXXX	
Burroughs, Anita D.	7	
Chase, Wendy	8	
Kenney, Cam E.	9	
Langley, Diane M.	10	
Stevens, Deb	11	
Hopper, Gary S.	12	
Sylvia, Michael J.		1
Wuelper, Kurt F. Clerk	13	
Gordon, Edward M.	14	
Janvrin, Jason A.	_____	_____
Griffin, Barbara J.	15	
McLean, Mark	16	
Alexander, Joe H.	17	
TOTAL VOTE:		

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 195

BILL TITLE: relative to the process for inhabitants of the state to effectuate the protections of Article 14.

DATE: January 9, 2019

LOB ROOM: 208

Time Public Hearing Called to Order: 2:30 pm

Time Adjourned: 2:50 pm

Committee Members: Reps. M. Smith, Keans, Wuelper, Horrigan, Woodbury, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Langley, Hopper, Sylvia, Gordon, B. Griffin and McLean

Bill Sponsors:

Rep. Marple

Rep. Burt

Rep. Spillane

Rep. Howard

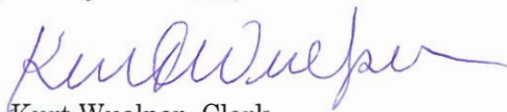
TESTIMONY

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

Rep. Dick Marple, prime sponsor - support

- Part 1 and Article 14 guaranties justice without payment. Today we have no lawful money
- This bill provides a "common law" means of filing a complaint against a state entity without filing charges in court
- The harmed party must file an affidavit of truth, including monetary damage to the offending agency and Secretary of State
- If not rebutted within 30 days, said affidavit shall be entered into Superior Court as a judgment against the agency.
- If rebutted, the new case will automatically be entered into Superior Court.

Respectfully submitted,


Rep. Kurt Wuelper, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 195

BILL TITLE: relative to the process for inhabitants of the state to effectuate the protections of Article 14.

DATE: January 9, 2019

ROOM: 208

Time Public Hearing Called to Order: 2:30 p.m.

Time Adjourned: ~~3:30~~
2:50 PM

(please circle if present)

Committee Members: Reps. M. Smith, Keans, Wuelper, Berch, Horrigan, Woodbury, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Langley, Stevens, Hopper, Sylvia, Gordon, Janvrin, B. Griffin, McLean and Alexander Jr.

Bill Sponsors:

Rep. Marple

Rep. Burt

Rep. Spillane

Rep. Howard

TESTIMONY

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

Rep Marple: Prime Sponsor Part + ART XIV 94A^{Antels}
Justice w/out payment. Today we have no lawful money
this bill provides a "common law" means of filing a
complaint against a state entity w/out filing charges
in court. The harmed party must file an affidavit of
Truth, including monetary damages, to the offending
agency and Secretary of State and, if not rebutted w/in
30 days, said affidavit shall be entered into Superior
Court as a judgement ~~against~~ ^{against} the agency. If
rebutted, the new case, will automatically be
entered into Superior Court.

MIKE BRAWSTER *

Kurt Wuehler

Bill as
Introduced

HB 195 - AS INTRODUCED

2019 SESSION

19-0171
08/04

HOUSE BILL

195

AN ACT

relative to the process for inhabitants of the state to effectuate the protections of Article 14.

SPONSORS:

Rep. Marple, Merr. 24; Rep. Burt, Hills. 39; Rep. Spillane, Rock. 2; Rep. Howard, Belk. 8

COMMITTEE:

Judiciary

ANALYSIS

This bill creates a process for inhabitants of the state to effectuate the protections of Article 14.

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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 Nineteen

AN ACT relative to the process for inhabitants of the state to effectuate the protections of Article 14.

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

1 1 New Section; Article 14 Rights of Inhabitants. Amend RSA 643 by inserting after section 2
2 the following new section:

3 643:3 Article 14 Rights of Inhabitants; Process. Whenever an inhabitant of the state of
4 New Hampshire's rights are violated, including acts by public servants and agencies of the
5 corporate state, he or she shall have a means of address that does not require a contract with a
6 third party. Such an aggrieved inhabitant of the state of New Hampshire may effectuate his or her
7 guaranteed protection enumerated in Part I, Article 14 of the New Hampshire Bill of Rights by
8 using a commercial affidavit of truth and filing the same with the government entity which has
9 violated his or her rights as well as the secretary of state. The government entity shall have 30
10 days to read such affidavit and respond, filing such response with the secretary of state. If the
11 government entity does not file a response with the secretary of state within the allotted 30 days,
12 the secretary of state shall record the response as "Nihil dicet." The aggrieved affiant shall deliver
13 the un rebutted affidavit and the secretary of state's notice affirming the silence to the superior
14 court clerk to act in confirmation with Federal Rule of Civil Procedure 55 and the docket for
15 summary judgment and order for execution to be delivered to the sheriff for recovery of damages.

16 2 Effective Date. This act shall take effect 60 days after its passage.