

Committee Report

REGULAR CALENDAR

February 16, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on State-Federal Relations and Veterans Affairs to which was referred HR 9,

AN ACT supporting the principles of federalism.

Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. David Binford

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	State-Federal Relations and Veterans Affairs
Bill Number:	HR 9
Title:	supporting the principles of federalism.
Date:	February 16, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

A House Resolution for New Hampshire's commitment to all citizens' unalienable rights and all constitutional civil authority for New Hampshire. We here in New Hampshire have a long history recognizing our citizens and our unalienable rights, let us resolve to continue this just tradition. This resolution supports and recognizes both state and federal authority and the relationship between the two with the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Vote 11-10.

Rep. David Binford
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

State-Federal Relations and Veterans Affairs

HR 9, supporting the principles of federalism. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Binford for the **Majority** of State-Federal Relations and Veterans Affairs. A House Resolution for New Hampshire's commitment to all citizen's unalienable rights and all constitutional civil authority for the State of New Hampshire. We here in New Hampshire have a long history recognizing our citizens and our unalienable rights, let us resolve to continue this just tradition. This resolution supports and recognizes both state and federal authority and the relationship between the two with the powers not delegated to the united states by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. **Vote 11-10.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on State-Federal Relations and Veterans Affairs to which was referred HR 9,

AN ACT supporting the principles of federalism.

Having considered the same, and being unable to agree with the Majority, report with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Lawrence Welkowitz

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	State-Federal Relations and Veterans Affairs
Bill Number:	HR 9
Title:	supporting the principles of federalism.
Date:	February 17, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The Constitution of the United States makes clear the separation of powers between the states and the Federal Government. As members of a state government, we continue to work hard for the interests of our state. We do not deem it necessary to pass a resolution in support of the principles of federalism since these matters are to be resolved elsewhere. Blindly supporting “principles of federalism” neglects the importance of both state and federal powers. There are times when national policy and actions are of the utmost importance, as in times of war and other crises. It also neglects to acknowledge amendments that followed the Civil War (13th, 14th, and 15th amendments) which freed the slaves and provided voting rights for Blacks. Need we remind our colleagues that “we” (The North) won the Civil War which preserved the Union and freed the slaves.

Rep. Lawrence Welkowitz
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

State-Federal Relations and Veterans Affairs

HR 9, supporting the principles of federalism. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence Welkowitz for the **Minority** of State-Federal Relations and Veterans Affairs. The Constitution of the United States makes clear the separation of powers between the states and the federal government. And as members of a state government, we continue to work hard for the interests of our state. We do not deem it necessary to pass a resolution in support of the principles of federalism since these matters are to be resolved elsewhere. Blindly supporting “principles of federalism” neglects the importance of both state and federal powers. There are times when national policy and actions are of the utmost importance, as in times of war and other crises. It also neglects to acknowledge amendments that followed the Civil War (13th, 14th, and 15th amendments) which freed the slaves and provided voting rights for Blacks. Need we remind our colleagues that “we” (The North) won the Civil War which preserved the Union and freed the slaves.

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HR 9

BILL TITLE: supporting the principles of federalism.

DATE: February 12, 2021

LOB ROOM: 206/208

MOTIONS: OUGHT TO PASS

Moved by Rep. Binford

Seconded by Rep. Leavitt

Vote: 11-10

Respectfully submitted,

Rep Susan DeLemus, Clerk



2021 SESSION

State-Federal Relations and Veterans Affairs

Bill #: HR 9 Motion: OTP AM #: 9:50 Exec Session Date: 2/12/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Baldasaro, Al P. Chairman	✓		
Moffett, Michael Vice Chairman	✓		
Lundgren, David C. <i>Dennis Acton</i>	✓		
Katsakiores, Phyllis M.	✓		
Rollins, Skip A.	✓		
DeLemus, Susan C. Clerk	✓		
Binford, David W.	✓		
Foster, William S.	✓		
Deshaies, Brodie S.	✓		
Harley, Tina L.	✓		
Leavitt, John A.	✓		
Massimilla, Linda A.		✓	
Piedra, Israel F.		✓	
Booras, Efstathia C.		✓	
Wilhelm, Matthew B.		✓	
Espitia, Manny		✓	
Griffith, Willis T. <i>Art Ellison</i>		✓	
Toll, Amanda Elizabeth		✓	
Labranche, Tony		✓	
Laughton, Stacie-Marie		✓	
Welkowitz, Lawrence		✓	

Public Hearing

House Remote Testify

State-Federal Relations and Veterans Affairs Committee Testify List for Bill HR9 on 2021-01-29

Support: 2 Oppose: 2 Neutral: 0 Total to Testify: 0

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Frost, Sherry	sherry.frost@leg.nh.state.us	978.255.3924	An Elected Official	Myself	Oppose	No	1/28/2021 11:39 AM
Gorski, Ted	ted@getyouredge.com	603.472.3821	An Elected Official	Myself	Support	No	1/28/2021 5:27 PM
See, Alvin	absee@4Liberty.net	7380656	A Member of the Public	Myself	Support	No	1/28/2021 11:10 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Oppose	No	1/29/2021 12:25 AM

Testimony

Bill as
Introduced

HR 9 - AS INTRODUCED

2021 SESSION

21-0679

05/04

HOUSE RESOLUTION

9

A RESOLUTION supporting the principles of federalism.

SPONSORS: Rep. Folsom, Graf. 11; Rep. Blasek, Hills. 21; Rep. Layon, Rock. 6; Rep. Gorski, Hills. 7; Rep. Ankarberg, Straf. 10; Rep. Prudhomme-O'Brien, Rock. 6; Rep. Spilsbury, Sull. 8

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This resolution supports the principles of federalism.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

A RESOLUTION supporting the principles of federalism.

1 Whereas, our nation was organized by the Constitution with a clear division of civil authority
2 between the federal government and the individual states; and

3 Whereas, the Constitution contains several provisions intended to establish and preserve that
4 proper balance of civil authority between the federal government and the individual states; and

5 Whereas, those provisions in the original Constitution include, in Article I, a Senate with equal
6 suffrage for all states, equal suffrage for the House of Representatives when selecting a President,
7 and a specific limitation of federal authority with the enumerated powers of Congress. In Article III
8 there is a specific list of original jurisdictional authorities for the Supreme Court and Congressional
9 control of appellate jurisdictional authority for the Supreme Court. In Article V equal suffrage is
10 required for all states when proposing and ratifying constitutional amendments; and

11 Whereas, in the Bill of Rights certain rights of the people are enumerated in the first 8
12 amendments and the Ninth Amendment reserves all unremunerated rights for the people; and

13 Whereas, the Tenth Amendment clearly states: “The powers not delegated to the United States
14 by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to
15 the people;” and

16 Whereas, James Madison said in Federalist #45 ““The powers delegated [that is, enumerated] by
17 the proposed Constitution to the federal government are few and defined. Those which are to
18 remain in the state governments are numerous and indefinite. The former [federal powers] will be
19 exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with
20 which last the power of taxation will, for the most part, be connected. The powers reserved to the
21 several states will extend to all the objects which in the ordinary course of affairs concern the lives,
22 liberties, and properties of the people, and the internal order, improvement, and prosperity of the
23 state;” and

24 Whereas, James Madison warned in 1792: “If Congress can apply money indefinitely to the
25 ‘general welfare,’ and are the sole and supreme judges of the ‘general welfare,’ they may take the
26 care of religion into their own hands; they may establish teachers in every state, county, and parish,
27 and pay them out of the public treasury; they may take into their own hands the education of
28 children, establishing in like manner schools throughout the Union; they may undertake the
29 regulation of all roads other than post roads. In short, everything, from the highest object of state
30 legislation down to the most minute object of police would be thrown under the power of
31 Congress...”; and

HR 9 - AS INTRODUCED

- Page 2 -

1 Whereas, in 1791 Thomas Jefferson wrote: “I consider the foundation of the Constitution as laid
2 on this ground that ‘all powers not delegated to the United States, by the Constitution, nor
3 prohibited by it to the states, are reserved to the states or to the people.’ To take a single step beyond
4 the boundaries thus specially drawn around the powers of Congress is to take possession of a
5 boundless field of power, no longer susceptible of any definition;” and

6 Whereas, in 1800 Thomas Jefferson wrote: “What an augmentation [growth] of the field for
7 jobbing, speculating, plundering, office-building, and office-hunting would be produced by an
8 assumption of all the state powers into the hands of the [federal] government. The true theory of our
9 Constitution is surely the wisest and best: that the States are independent as to everything within
10 themselves, and united as to everything respecting foreign nations;” and

11 Whereas, Richard Henry Lee, in 1788 wrote: “In forming a federal constitution, which ex vi
12 termini, supposes state governments existing, and which is only to manage a few great national
13 concerns, we often find it easier to enumerate particularly the powers to be delegated to the federal
14 head than to enumerate particularly the individual rights to be reserved;” and

15 Whereas, Supreme Court Justice Joseph Story wrote in 1833: “Let us never forget that our
16 constitutions of government are solemn instruments, addressed to the common sense of the people
17 and designed to fix and perpetuate their rights and their liberties. They are not to be frittered away
18 to please the demagogues of the day. They are not to be violated to gratify the ambition of political
19 leaders. They are to speak in the same voice now and forever. They are of no man's private
20 interpretation. They are ordained by the will of the people and can be changed only by the sovereign
21 command of the people”; now, therefore, be it

22 Resolved by the House of Representatives:

23 That the state of New Hampshire, on behalf of all the citizens of this individual state, renews its
24 commitment to all of the unalienable rights of its citizens and all of the constitutional civil authority
25 reserved for the individual state of New Hampshire; and

26 That the clerk of the New Hampshire house of representatives transmit a copy of this resolution
27 to the President of the United States, the President of the United States Senate, and the Speaker
28 and the Clerk of the United States House of Representatives.