

CA CR 10 - AS INTRODUCED

2021 SESSION

21-0689

06/04

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **10**

RELATING TO: powers of the legislature.

PROVIDING THAT: the legislature may overturn any decision of a state court concerning the interpretation of a state law..

SPONSORS: Rep. Lewicke, Hills. 26

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurrent resolution provides that the general court may overturn a decision of a state court that concerns the interpretation of a state law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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

CONCURRENT RESOLUTION PROPOSING CONSITUTIONAL AMENDMENT

RELATING TO: powers of the legislature.

PROVIDING THAT: the legislature may overturn any decision of a state court concerning the interpretation of a state law.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That article 4 of the second part of the constitution be amended to read as follows:

2 [Art.] 4. [Power of General Court to Establish Courts.] The General Court (except as otherwise
3 provided by Article 72 a of Part 2) shall forever have full power and authority to erect and constitute
4 judicatories and courts of record, or other courts, to beholden, in the name of the State, for the
5 hearing, trying, and determining, all manner of crimes, offenses, pleas, processes, complaints, action,
6 causes, matters and things whatsoever arising or happening within this State, or between or
7 concerning persons inhabiting or residing, or brought, within the same, whether the same be
8 criminal or civil, or whether the crimes be capital, or not capital, and whether the said pleas be real,
9 personal or mixed, and for the awarding and issuing execution thereon. To which courts and
10 judicatories, are hereby given and granted, full power and authority, from time to time, to
11 administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or
12 depending before them. ***The General Court shall have the power to overturn any decision of a
13 State Court concerning the interpretation of State statute by a simple majority vote of both
14 houses of the Legislature.***

15 II. That the above amendment proposed to the constitution be submitted to the qualified
16 voters of the state at the state general election to be held in November, 2022.

17 III. That the selectmen of all towns, cities, wards and places in the state are directed to
18 insert in their warrants for the said 2022 election an article to the following effect: To decide
19 whether the amendments of the constitution proposed by the 2021 session of the general court shall
20 be approved.

21 IV. That the wording of the question put to the qualified voters shall be:

22 “Are you in favor of amending article 4 of the second part of the constitution to read as follows:

23 [Art.] 4. [Power of General Court to Establish Courts.] The General Court (except as otherwise
24 provided by Article 72 a of Part 2) shall forever have full power and authority to erect and constitute
25 judicatories and courts of record, or other courts, to beholden, in the name of the State, for the
26 hearing, trying, and determining, all manner of crimes, offenses, pleas, processes, complaints, action,
27 causes, matters and things whatsoever arising or happening within this State, or between or

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2 criminal or civil, or whether the crimes be capital, or not capital, and whether the said pleas be real,
3 personal or mixed, and for the awarding and issuing execution thereon. To which courts and
4 judicatories, are hereby given and granted, full power and authority, from time to time, to
5 administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or
6 depending before them. The General Court shall have the power to overturn any decision of a State
7 Court concerning the interpretation of State statute by a simple majority vote of both houses of the
8 Legislature."

9 V. That the secretary of state shall print the question to be submitted on a separate ballot or
10 on the same ballot with other constitutional questions. The ballot containing the question shall
11 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in
12 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall
13 be the same as the regular official ballot except that the words "Questions Relating to Constitutional
14 Amendments proposed by the 2021 General Court" shall be printed in bold type at the top of the
15 ballot.

16 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
17 becomes effective when the governor proclaims its adoption.

18 VII. Voters' Guide.

19 AT THE PRESENT TIME, Decisions of state courts that interpret state statutes are
20 final and set the precedent for future determinations.

21 IF THE AMENDMENT IS ADOPTED, the legislature would have the authority, by
22 simple majority vote, to overturn a decision of the court that interprets a state statute, thereby
23 setting a new precedent.