Bill as Introduced

HB 373 – AS INTRODUCED

2003 SESSION

03-0185
10/09

HOUSE BILL ***373***

AN ACT establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.

SPONSORS: Rep. L. Christiansen, Hills 66; Rep. Marple, Merr 37

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 373 – AS INTRODUCED

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.

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

1 Committee Established. There is established a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority. The committee shall also study the benefit of establishing a requirement for a preamble for all proposed legislation which would state precise legislative intent and which would be written in the precise self-executing language of Latin.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 373 Date ~~2/18/03~~ 3/3/03

Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Fred Davidait	PO Box 12 Hillsboro	478-3516	JAIL 4 JUDGES	X	
Claire Ebel	18 Low Av Concord	225-3080	NHCLU		X

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 373

BILL TITLE: establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.

DATE: Mar. 3, 2003

LOB ROOM: 208 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:30 a.m.

(please circle if present)

Committee Members: Reps. Mock, Rowe, Jacobson, Ford, Dudley, Soltani, Woods, Rice, Souza, Desmarais, Haytayan, Mooney, Morris, Sorg, J. Wheeler, Wall, J. Pratt, Craig, Lasky, Potter and Franklin.

Bill Sponsors: Rep. L. Christiansen, Rep. Marple

TESTIMONY

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

Rep. James E. Wheeler, District 47, Milford- Introduced bill in absence of sponsors.

Howard Wilson, Andover- Opposes.

**Written testimony in file*

Opposes legislation, especially Paragraph 3 requirement for Latin.

Howard Zibel, NH Supreme Court Judicial Branch, Concord- Opposes. Discussed statutory construction. Sutherland on statutory construction- all tenets of construction collected- 8 volumes. Don't need study committee; enormous task for committee.

Rep. Richard Marple, District 37, Hooksett, Co-sponsor- Supports. Latin is a precise language. Physicians and pharmacists use Latin, lawyers use Latin. The preamble would be in Latin, not the entire statute.

Rep. Lars Christiansen, District 66, Hudson, Prime Sponsor- Latin makes meaning of legislation clear for all those who have to use it. Took questions concerning benefits of Latin when no one understands it.

Respectfully Submitted,

Rep. James W. Craig for Rep. Terri C. Dudley, Clerk

Testimony

March 3, 2007

Howard L. Wilson
POBox 91
Andover,NH 03216
603-735-5427
stoneanarch@tds.net

Judiciary Committee
208 LOB [redacted] 10AM

Re: HB 373

I find a problem in section 3: the requirement that pre-amble to proposed legislation be written in the precise language of Latin. I don't read Latin. Whether as sovereign citizen, or as potential legislator, I will need some "honest" individual to translate from Latin to "english". And the "honesty" of any translator may be problematic,depending on the issue to be considered in each possible piece of legislation. It were better,if HB 373 is to become Law,that all inputs be in English,whether as preamble or specific text. It were better to include people,rather than to exclude,when legislation is to be considered.

HB 373 should be found wanting,in its intents,and found as Inexpedient to Legislate.

For Liberty,

Howard L. Wilson

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 373

BILL TITLE: **establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.**

DATE: Mar. 5, 2003

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, (ITL) Interim Study (Please circle one.)

Moved by Rep. Bette R. Lasky

Seconded by Rep. James E. Wheeler

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Terri C. Dudley, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

JUDICIARY

Bill #: HB373 Title: _____

PH Date: 02/18/03 Exec Session Date: 03/05/03

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Rowe, Robert H, V Chairman	✓	
Jacobson, Alf E	—	
Ford, Nancy M	✓	
Dudley, Terri C, Clerk	✓	
Soltani, Tony F	—	
Woods, Phyllis L	✓	
Rice, Thomas E P	—	
Souza, Kathleen F	✓	
Desmarais, Vivian J	✓	
Haytayan, Harry M	—	
Mooney, Maureen C	—	
Morris, Richard W	—	
Sorg, Gregory M	✓	
Wheeler, James E	✓	
Wall, Janet G	✓	
Pratt, John	✓	
Craig, James W	—	
Lasky, Bette R	✓	
Potter, Frances D	✓	
Franklin, Peter E	—	
TOTAL VOTE:	13	0

Printed: 1/23/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 373**

TITLE: establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority.

DATE: Mar. 5, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would have put into place a committee to study the intent of legislative language and the canons of statutory construction and their conformity with Constitutional authority. In addition, the duties of this committee would have involved looking into the benefit of putting a preamble on all proposed legislation to unequivocally state precise legislative intent by being written in the "precise self-executing language of Latin." The committee heard testimony that there is already an RSA that spells out various tenets of statutory construction and there is a large body of law on this issue. The committee felt that to study this would be extremely cumbersome and redundant because of the many volumes already written by scholars on the subject and the involvement of Latin would also be at cross purposes to the sponsor's intent of making legislation easily understood by all.

Vote 13-0.

Rep. Bette R. Lasky
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary

HB 373, establishing a committee to study the intent of legislative language and the canons of statutory construction and their conformity with constitutional authority. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill would have put into place a committee to study the intent of legislative language and the canons of statutory construction and their conformity with Constitutional authority. In addition, the duties of this committee would have involved looking into the benefit of putting a preamble on all proposed legislation to unequivocally state precise legislative intent by being written in the "precise self-executing language of Latin." The committee heard testimony that there is already an RSA that spells out various tenets of statutory construction and there is a large body of law on this issue. The committee felt that to study this would be extremely cumbersome and redundant because of the many volumes already written by scholars on the subject and the involvement of Latin would also be at cross purposes to the sponsor's intent of making legislation easily understood by all. **Vote 13-0.**