

Platform for Liberty

Bill Packet

This document contains the current (as of 1-1-10) collection of model legislation included as components of the Platform for Liberty. It is distributed free of charge for educational purposes among activists and elected officials at the state and local levels by the National Veterans Committee on Constitutional Affairs (NVCCA).

"Issue Briefs" expounding on the need for the various legislation herein are available under separate cover from the "Document" container at www.nvcca.net

Platform for Liberty

An Agenda for Legislative Action

Prepared for the 2010 (and beyond) State Legislative Season
as a cooperative effort between Restore the Republic, the National Veterans Committee on Constitutional Affairs, and others.

We, the People of the United States, over-burdened, over-regulated and over-taxed by both state and federal governments, hereby offer to our respective state legislative Assemblies and local officials a plan we have developed for the restoration of liberty within these States of our American Union. We expect public servants to, in fact, represent us. These are our wishes. All other business of our respective States and communities notwithstanding, this **Platform for Liberty** is to receive top priority. This platform may be adopted, and/or endorsed, by both existing elected officials, and candidates for elective office in upcoming local, state and national political campaigns. The expectation is that those sworn to uphold the respective state and federal constitutions will act accordingly. Those who do not appropriately represent both the people and their respective constitutions will be replaced, at our first electoral opportunity, with someone who will. Please initial those planks listed below on which you will introduce (or at least co-sponsor) corrective legislation.

(Init.) State Sovereignty. Assorted resolutions in various states have, over the years, attempted to re-assert the limits on the federal government delineated by the 9th and 10th Amendments to the Federal Constitution. It is high time that more than mere “memorial resolutions” be considered by our state assemblies to achieve this goal. All areas of legislation not *specifically relinquished* by the states to the federal government are off limits for federal encroachment. Furthermore, all those things *expected and required* of the federal government which are not being properly performed (protection from invasion, honest money system, etc.) must come to fruition. Appropriate legislation in these areas has been, and will continue to be, developed.

(Init.) Paper Ballots - As used in state and federal constitutions, the word “ballot” means a “paper ticket” on which votes are recorded, and likewise both the Constitutions and laws of our states require that ballots be counted in public. No representative of the people sees the counting of electronic ballots, and there is no appropriate paper trail left behind to verify the accuracy of any election taken via electronic means. As confidence in the electoral system is the cornerstone of our republic, all actions required to restore accountability in our elections must be attended to immediately. We must return to paper ballots counted in public.

(Init.) On the Record Voting (Roll Call) - The constitutions and laws of our states have historically required that all votes of our Assemblies be recorded, yet modern practices have circumvented the ability of the public to be aware of how their representatives actually use their Assembly suffrage. Therefore, Assembly practices or rules must be abolished that preclude roll call tabulation

on all bills, amendments, and other pertinent activities of our Representatives and Senators.

(Init.) Legal Money - Our U.S. Constitution only authorizes Congress to “coin” (used as a verb Art. 1 § 8) money. It also declares that “No state shall make anything but gold and silver coin a tender in payment of debts” (Art. 1 § 10). It is time to hold our states, and the federal government, to this mandate.

Model legislation has been drafted to prevent the acceptance of any “federal money” not tendered in gold and silver coin. Other models have been drafted to begin collecting silver and gold under the taxation powers of the State. These actions would begin the flow of wealth toward our state treasuries, prevent total bankruptcy of our states, and stabilize the economies of our states generally.

A full-spectrum audit of all the Federal Reserve *Corporation's* activities, assets, etc. is also warranted.

(Init.) Intrastate Commerce Freedom - Legislation from this angle would affirm federal limits on commerce done completely within the borders of the individual states. This would move the Federal Government back into the confines outlined by U. S. Constitution, and curtail abuses from the ICC, FTC, DOC, and other federal agencies.

(Init.) U.S. Senate Accountability - Model legislation has been drafted to require that the U.S. Senators must report to the General Assembly each year to receive directives from the State on their voice in the Federal legislature, and also provides a method for them to be removed from office when they do not represent the wishes of the Assembly.

Asserting State sovereignty means reigning in the U.S. Senate.

(Init.) RELIGIOUS LIBERTY. Many Americans with “non-main-stream” religious beliefs are currently being denied the basic rights, privileges and immunities enjoyed by other citizens, or are compelled to choose between their faith & “rules of society” (compulsory vaccinations, photos on licenses, etc.) The model “Common Rights of Man” legislation addresses these abuses of state power in a manner non-offensive to all citizens, regardless of theological leaning. A second model touches on subjects of taxation where theology and public policy collide.

(Init.) FAMILY FARM PROTECTION. The basic ability of any person to grow their own food is being increasingly encroached upon by corporate and federal interests. Model state legislation denying any federal or corporate requirements on family farms (mandatory chipping/identification of farm animals, etc.) is ready for introduction. It is called the “No Chippin’ Chickens Act.”

(Init.) PERSONAL PRIVACY. A collection of model legislation has been drafted to address the combined federal/corporate attacks on individual privacy. Considerations such as “biometric data collection” by assorted agencies, inserting RFID or GPS tracking “chips” into human bodies or ID cards, corporate capturing and use of data, and related privacy concerns are addressed in several model bills * known as the “People’s Privacy Package.” These bills are endorsed across the left-to-right political spectrum. May I see your papers, please? NOT IN MY LIFETIME in America!

- * Prohibiting the use of SSN’s on state forms.
- * Prohibiting the implantation of any RFID devices under the skin of a human being.
- * Prohibiting any business from capturing data stored on driving licenses, etc.
- * Stopping the collection of biometric data, photos, etc. by state agencies.

(Init.) PARENTAL RIGHTS. The abuse of powers currently being practiced by such state agencies as “Child Services” or “Social Services” (or as they may be named in assorted jurisdictions) is beyond anything a tyrant European king could have mustered. It is time to reign in these abuses with a state constitutional amendment prohibiting “kidnaping” under color of law.

(Init.) STATE LICENSING. The American Revolution was largely fought over the “licensing” of assorted occupations and other gratuities, franchises & corporations by kings of England. Today, the “nanny state” even licenses teen aged children who wish to baby-sit. The situation is

beyond ridiculous. The entire scope of licensing occupations and other inalienable rights, while desirable to tyrants, has no place in America. Dramatically restructuring the licensing powers of our states will have a salutary influence on our states’ economies, and provide incentive for creativity in the pursuit of happiness. Where “proficiency” testing is desirable (such as operating equipment, etc.), it would be preferable for the private sector to “self regulate” and certify proficiency.

(Init.) DOWNSIZING GOVERNMENT. In an era of personal “belt tightening” it is only logical that an extensive reduction in the size of both federal and state governments are warranted. Most federal agencies, boards, commissions, and executive departments *established after 1820* are prime targets for elimination. State agencies should be similarly reviewed by *independent citizen boards* appointed for the task. The boards would examine agencies for conformity to state constitutional requirements. Those not passing muster should be eliminated as soon as practical.

(Init.) 2nd Amendment Issues. Passage of a collection of model legislation pertaining to the right to keep and bear arms is a high priority. Several of these breach the opening into the law enforcement powers of both states and county sheriffs, and are in conformity to the original intent of the Constitutions (state and federal) where militia and posse powers are involved. No “grants” from the U.S. Department of Justice need to be accepted by our states to provide adequate police protection to our people. Furthermore, model legislation protecting firearms *manufactured within a state* from federal regulation is necessary, and has been drafted.

OTHER. While extensive, this list is by no means to be considered all inclusive. Other areas of legislative interest to the people, designed to protect individual liberties from encroachment by various levels of government, should be considered when proposed by your constituency.

I, _____, representing
 House Senate District # _____ of the State of _____
 _____ hereby acknowledge receipt of this document, and, to the best of my ability, agree to introduce or co-sponsor such legislation as indicated by my initials affixed to the appropriate subject lines contained herein.

 Signature _____
 Date

Please return the signed pages (intent to sponsor) to the person (constituent) who presented it to you. Copies of newer model legislation not included herein, and “Issue Briefs” on the subjects covered, may be obtained from the “documents” page of www.nvcca.net

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Model United States Senate Accountability Act

WHEREAS, the Constitution for the United States of America, at Amendment Seventeen, specifies that United States Senators are "elected by the People" (Clause 1). Said Constitution, in Article V, further states that "no State, without its Consent, shall be deprived of its equal suffrage in the Senate;" and

WHEREAS, Nothing has altered the constitutional responsibility of the United States Senate to be the voice of the states in the federal government. Even though popularly elected following the enactment of the 17th Amendment, United States Senators are, in fact Representatives of the State Legislature of the State from which they are elected, and as such, accountable to the same for their conduct. The will of this General Assembly is to be expressed in the federal government by and through the two United States Senators elected by the People thereof.

BE IT THEREFORE ENACTED by the General Assembly of the State of (X) that the two United States Senators from the State of (X) are forever hereafter summoned to appear before a joint session of this General Assembly each year on the (insert date and time); and be it further

ENACTED, that the purpose of this joint session is to exchange information by and between the State of (X) and the United States Congress through its duly elected United States Senators; and be it further

ENACTED, that a joint standing committee is hereby established consisting of 10 members of the House of Representatives and 6 members of the State Senate, and the presiding officer of each House. Such committee shall be styled the "Joint Standing Committee Pertaining to the United States Senate." Upon convening, the members of the said Committee shall appoint two co-chairs, one from each House of this General Assembly; and be it further

ENACTED, that not later than thirty calendar days prior to this annual meeting the United States Senators shall provide to this Committee certified copies of their most recent calendar year voting record on all bills and resolutions on which they voted while serving in the United States Senate, certified copies of the said bills and resolutions, and copies of each bill and resolution known to be under consideration in the Congress of the United States in the immediate upcoming calendar year; and be it further

ENACTED, that each United States Senator shall be eligible to speak to the Assembly to discuss the actions of the Congress of the United States as they pertain to the relationship of the several States to the Federal system, to discuss pending legislation of the United States Congress as it pertains to the same, to justify their actions and voting record as they pertain to the State of (X) and the General Assembly and citizens thereof, and to discuss other matters the Senators wish to convey to the General Assembly; and be it further

ENACTED, that the Presiding Officers of both Houses of this State's General Assembly shall convey to the United States Senators copies of any and all resolutions passed by this General

Assembly expressing the ideas, senses or desires of this General Assembly for introduction into the Congress of the United States. The presiding officers of both Houses of the General Assembly shall direct said United States Senators to introduce and support any such measures to benefit the General Assembly and People of the State of (X); and be it further

ENACTED, that the first occasion of this annual meeting will occur not more than 90 days following the passage of this act (said date to be provided for by a subsequent resolution), and will then occur on the date and time herein provided for each year forever hereafter; and be it further

ENACTED, that forever hereafter the Senior United States Senator shall maintain routine contact with the co-chairs of the Special Joint Committee Pertaining to the United States Senate for the purpose of ascertaining the sense of this General Assembly as it relates to legislation pending before the Congress Assembled, and treaties and appointments before the United States Senate. To the end that the General Assembly's wishes be represented in the United States Senate, the Special Joint Committee shall, from time to time, poll the members of this General Assembly to ascertain their position on pending considerations before the United States Senate, and convey the results of such polls to the Senior United States Senator from the State of (X) ; and be it further

ENACTED, that failure to comply with the directives of this Act by any United States Senator shall constitute nonfeasance of office by the offending United States Senator, and upon conviction thereof in the Circuit Court located in the State Capitol of Harrisburg, said United States Senator shall immediately vacate his/her said office in the United States Senate, and such position shall be filled according to the terms and conditions of Clause 2 of the 17th Amendment to the Constitution for the United States of America; and be it further

ENACTED, that the Joint State Standing Committee Pertaining to the United States Senate be directed to review the performance of each member of the United States Senate from the State of (X) , and to evaluate such performance and voting records to ascertain the member's compliance to his or her Oath of Office and to the terms and conditions of the Constitution for the United States of America. When the record indicates a member has introduced or voted in favor of a bill or bills determined by the committee not in conformity to the Constitution for the United States of America, the Committee shall issue a report to the General Assembly of this State signifying the same. Upon a concurrence of a majority of the members of both Houses of this State's General Assembly, the presiding officers of the Pennsylvania House and Senate shall direct the Attorney General for the State of (X) to bring quo warranto proceedings against said United States Senator. In the absence of a valid response to quo warranto, the Senator shall vacate his seat in the United States Senate, and the Attorney General shall bring criminal charges of Violation of Oath as provided for in the _____ Annotated Code, Article __, Section ____ Any position created by removal from office shall be filled according to the terms and conditions of Clause 2 of the 17th Amendment to the Constitution for the United States of America.

NON-PARTICIPATION IN FEDERAL GRANTS

WHEREAS, the United States Constitution created the federal government to be one of limited powers and scope; and

WHEREAS, the Congress of the United States has, over the years, attempted to expand its duties beyond the limited framework of the Constitution of the United States, and further delegated some of its reserved powers to others in violation of these limits; and

WHEREAS, the Congress has created a myriad of special programs that purport to be beneficial to the states, but which are in reality detrimental to the states – as the said programs place restrictions on the states in violation of the United States Constitution, and/or compel the states to use the grants in ways specified by the federal government; and

WHEREAS, the constitutional formula for distribution of surplus federal monies (when such surplus exists) is being circumvented by the grant-making process and violate the “apportionment” formula of the said Constitution; and

WHEREAS the said Constitution also forbids the states from making any thing other than silver and gold coin a tender in payment of debts (Art. I § 10), and these grants are being borrowed and sent in other currency forms in violation of this constitutional stricture.

BE IT THEREFORE ENACTED BY THE LEGISLATURE OF THE STATE OF (???) , that effective immediately, the State of (???) hereby rejects the receipt of any federal monies, or participation in any federal programs, that are not both in conformity to the correct formula for the distribution of surplus monies, and that the media of exchange be constitutionally proper for our state’s use; and be it further

ENACTED that the Congress of the United States is hereby served notice by the State of (???) that we shall cease the sending of any and all taxes collected from or within the State of (???) until such time as Congress coins constitutionally-proper money for circulation in this and our Sister States; and be it further

ENACTED, that any federal revenue agent purporting to collect monies from citizens of the State of (???) in violation of the provisions of the Constitution of the United States relating to the powers of direct taxation found at Article I, Section 9, Clause 4 of said Constitution of the United States shall be guilty of a felony, and on conviction thereof shall be fined not less than \$25,000, nor more than \$100,000, or imprisoned in the state penitentiary not less than 1 year, nor more than 5 years, or both fined and imprisoned in the discretion of the court; and be it further

ENACTED, that copies of this bill be forwarded to the two United States Senators representing the State of (???) in the Congress Assembled, and who are hereby admonished by this Assembly to introduce legislation in the United States Senate to coin silver and gold coin for our people.

BINDING RESOLUTION FOR AN AUDIT OF THE FEDERAL RESERVE SYSTEM

WHEREAS, the Federal Reserve system was established by law in 1913, yet since its establishment the said corporation has never been financially audited, despite its assumption of a critical public power reserved to Congress; and

WHEREAS, at the time the Federal Reserve system was created, constitutionally-prescribed (gold and silver) money was in full circulation, yet since then the Federal Reserve system has substituted a paper medium of exchange for the prescribed money of these United States, to the extreme financial detriment of this and our Sister States; and

WHEREAS, the United States Senate consists of two persons sent by each state included within this Union, and the Senate performs all the duties that are essential to a harmonious relationship in commerce, treaties, and otherwise of our states with the great community of nations in the world, and between the states themselves; and

WHEREAS, the framers of the Constitution established a federal system of government among and between our several states, and positioned the United States Senate as that body directly representing the states of our Union in the federal legislature; and WHEREAS, it is the duty of our state legislatures to direct the actions of the United States Senators for the protection of our states' mutual interests; and

WHEREAS, our money system and financial health is of the utmost importance to the security of our individual states, and our collective security as a nation, and

WHEREAS, the current financial crisis is a direct result of the debasement of the money of account for our United States, and the actions of the Federal Reserve system with respect thereto, and

WHEREAS, our states are duty-bound by the said Constitution to correct such problems; and

WHEREAS, the United States Senate is the proper body by which this (state/commonwealth) may exert its influence within the federal government.

BE IT THEREFORE RESOLVED by the (General Assembly/Legislature) of the (State/Commonwealth) of (name of state) that the two United States Senators of this (state/commonwealth) are hereby directed and instructed to represent the will of this (legislature/assembly) on federal economic subjects by virtue of their office in this manner; to wit

That the two United States Senators sent by the people of the State of (name of state) are hereby directed to introduce and/or sponsor a bill in the Congress of the United States that will immediately cause to be conducted, and the results made fully public, a full and complete audit of Federal Reserve system, including but not limited to the Federal Reserve Board, federal reserve member banks, Federal Open Market Committee, Federal Deposit Insurance Corporation, & the Office of Thrift Supervisors, and including but not limited to all books and records pertaining to their roles in the monetary policy & economic systems of these United States, transactions with foreign central banks, nonprivate international financing organizations, and governments of various nations; a full and complete cataloging of the assets, liabilities, reserves, stocks, bonds, securities credit, interest on deposits, and debentures of the governing and member banks thereof, a full and complete accounting of the weights of precious metals,

bullion, coin and money, regardless of the nation of the world from which derived, that is in their possession or under their control, as well as a full and complete accounting for the locations of all such assets; a full and complete accounting of the assets & liabilities of all corporate directors & first and second class shareholders, their salaries, holdings, benefits, dividends and other emoluments for the past seven years; and

BE IT FURTHER RESOLVED that being duty-bound by oath of office to support the Constitution, and to function in their proper role on behalf of this state in the federal legislature, that if either United States Senator from the (state/commonwealth) of (name of state) neglect or refuse to act according to the will of the (assembly/legislature) of this (state/commonwealth) on this subject, that this omission or refusal will constitute nonfeasance in their respective office(s), and subject them to removal from their position according to the laws of this (state/commonwealth); and

BE IT FURTHER RESOLVED that upon passage by this (assembly/legislature), that copies of this BINDING RESOLUTION be immediately transmitted to the Honorable (name) and the Honorable (name), United States Senators for the (state/commonwealth) of (name of state).

An Act Relating To Legal Tender

Author: Ed Vieira, Jr. L.L.D., J.D

Submitted by: Committee for Monetary Research & Education; 10004 Greenwood Court; Charlotte, NC 28215

Applicability: (State) To require the use of lawful coin in the transaction of business with the state.

AN ACT relating to legal tender.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF (?)

Section 1. The Legislature of the State of (?) finds and declares that the State is experiencing an economic crisis of severe magnitude caused in large part by the unconstitutional substitution of Federal Reserve Notes for silver and gold coin as legal tender in this State. The Legislature also finds and declares that immediate exercise of the power of the State of (?) reserved under Article I Section 10, Clause 1 of the United States Constitution and by the Tenth Amendment thereto, is necessary to protect the safety, health and welfare of the people of this State, by guaranteeing to them a constitutional and economically sound monetary system.

Section 2. For the purposes of this Act

(a) the term "State" shall include the State of _____ and all executive and administrative departments and agencies, courts, instrumentalities, and political subdivisions thereof and all elected and appointed officials, employees, and agents thereof acting in their official capacities; and

(b) the term "silver and gold coin" shall include

(1) the silver and gold coins of the United States coined or minted, or such silver and gold coins of any foreign nation adopted as money of the United States, by authority of Congress pursuant to Article I Section 8, Clause 5 of the United States Constitution; and

(2) all new certificates of the United States issued by authority of Congress pursuant to Article I Section 8, Clause 5 of the United States Constitution which certificates are in law and in fact redeemable on demand in silver and gold coin at their face values; but

(3) in no case whatsoever any note, obligation security, bill of credit, or other form or species of paper currency or other instrument or document intended to circulate as money emitted or issued

(A) by the United States or any department, agency, or officer thereof or

(B) by the Federal Reserve System or any board, committee, member bank instrumentality, official or agent thereof.

Section 3. On and after the effective date of this Act this State shall not recognize, employ, or compel any person or entity to recognize or employ any thing other than silver and gold coin as a legal tender in payment of any debt arising out of

(a) taxation by the State, where the applicable authority for the tax shall mandate the calculation and payment thereof in silver and gold coin

(b) expropriation of private property pursuant to exercise of the power of eminent domain by the State or by any entity privileged by the laws thereof to exercise such power

(c) judgments, decrees, or orders of any court or administrative agency of this State in civil or criminal actions or proceedings, except where and only to the extent that the court or agency granting such award shall find, on the basis of clear and convincing evidence, that payment of silver and gold coin shall not constitute just compensation for the damages suffered by the prevailing party, and therefore shall mandate

- (1) specific performance of a contract or agreement by other than the payment of money,
- (2) specific restitution of identifiable property other than money, or
- (3) other like relief, and
- (4) contracts or agreements for the payment of wages, salaries, fees, or other monetary compensation to any person, corporation or other entity who or which shall provide goods or services to the State in aid of performance of its governmental functions.

Section 4. The unit and measure for determining what shall constitute legal tender in payment of any debt specified in Section 3 hereof shall be the standard silver dollar, containing 371.25 grains (troy) fine silver, as coined or minted by authority of Congress from time to time pursuant to Article I Section 8, Clause 5 of the United States Constitution.

Section 5. The value of any silver and gold coin as a legal tender in payment of any debt specified in Section 3 hereof shall be denominated in "dollars" (\$), such denomination to be calculated as follows:

- (a) the value of any silver coin shall be calculated by dividing the weight of fine silver in grains (troy) that the said coin shall contain by 371.25 grains, and expressing the quotient in "dollars";
- (b) the value of any gold coin shall be calculated by multiplying the weight of fine gold in grains (troy) that the said coin shall contain by the proportion by weight between silver and gold as determined by the Treasurer of the State of _____ as provided herein dividing the product of such multiplication by 371.25 grains, and expressing the quotient in "dollars"; and
- (c) at the beginning of each business day, the Treasurer of the State of (?) shall determine the average proportion by weight by which gold exchanges against silver in the major precious metals market or markets in the State of (?), and
 - (1) shall immediately make available such determination to any person upon request without charge; and
 - (2) shall permanently certify and record such determination.

Section 6. On and after the effective date of this Act the State shall denominate all public accounts, and record, the value of all public assets and liabilities, in standard silver dollars.

Section 7. If any provision of this act or its application to any person or circumstance is held invalid the remaining provisions of the Act or their applications to other persons or circumstances shall not be affected.

**MODEL STATE ACT FOR THE MONETIZATION OF SILVER AND GOLD COIN
WITH RESPECT TO ESSENTIAL SOVEREIGN FUNCTIONS**

AN ACT relating to the designation and use of silver and gold coin as media of exchange and legal tender with respect to essential sovereign functions in the State of _____. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____:

SECTION 1. The Legislature of the State of _____ finds and declares that—

(a) The substitution of Federal Reserve Notes and coinage composed of base metals for silver and gold coin as the media of exchange and legal tender between this State and its citizens, in the exercise of the State's essential sovereign functions, powers, privileges, and duties, abridges, infringes on, and interferes with the sovereignty and independence of this State and its citizens, and their rights, powers, privileges, immunities, and prerogatives as a political community, as well as exposing them to serious economic problems.

(b) In order to preserve the sovereignty and independence of this State and its citizens, and their rights, powers, privileges, immunities, and prerogatives as a political community, as well as to protect and promote the people's safety, health, welfare, and economic prosperity, it is imperatively necessary and proper for the Legislature to guarantee to this State and its citizens constitutional and economically sound media of exchange and legal tender by exercising

(1) this State's power, privilege, and duty to "make * * * gold and silver Coin a Tender in Payment of Debts", as reserved to and required of each State under Article I, Section 10, Clause 1 of the Constitution of the United States, and confirmed by the Tenth Amendment thereto, and

(2) other powers, reserved to this and every State by the Tenth Amendment, which relate to this State's choice of media of exchange and legal tender for the fulfillment of its essential sovereign functions.

SECTION 2. For the purposes of this Act—

(a) The term "State" shall include the State of _____, and all legislative, executive, judicial, and administrative branches, departments, tribunals, and agencies, political subdivisions, and instrumentalities thereof, and all elected and appointed officials, employees, agents, and independent contractors thereof acting in their official capacities or under color of law or contract.

(b) The term "domestic silver and gold coin" shall include the silver and gold coins of the United States whenever coined or minted, and such silver and gold coins of any foreign nation that, at the time of any use pursuant to this Act, shall have been adopted as "Money" of the United States, by authority of Congress pursuant to Article I, Section 8, Clause 5 of the Constitution of the United States.

(c) The term "foreign silver and gold coin" shall include the following coins:

(1) gold coin — Austrian 100 coronas, 20 coronas, 4 ducats, 1 ducat; British sovereign; Canadian 1, 1/2, 1/4, 1/10 maple leaf; French 20 francs; Swiss 20 francs; Mexican 50, 20, 10, 5, 2-1/2, 2 peso; South African 2, 1, 1/2, 1/4, 1/10 Krugerrand;

(2) silver coin — Canadian 1 maple leaf. Provided, however, that this Act shall not apply to any domestic or foreign silver or gold coin the numismatic or collectors' character of which renders its economic value (expressed in "dollars")

in the market for numismatic or collectors' coins greater by at least _(x)_ per centum than the "value" calculated simply on the basis of the coin's content of silver or gold, pursuant to SECTIONS 3 and 4 of this Act.

SECTION 3. For all purposes of this Act, the unit and measure of "value" shall be the constitutional, or standard, silver "dollar" of the United States of America, containing 371.25 grains (troy) fine silver, as originally adopted in Article I, Section 9, Clause 1 of the Constitution of the United States, and the Seventh Amendment thereto; historically determined in Section 9 of the Coinage Act of 2 April 1792, chapter 16, 1 Statutes at Large 246, 248; and coined or minted in the aforesaid weight of silver by authority of Congress from time to time pursuant to Article I, Section 8, Clause 5 of the Constitution of the United States.

SECTION 4. For all purposes of this Act, the "value" of any silver and gold coin shall be denominated in "dollars" (\$), such denomination to be calculated as follows:

- (a) the value of any silver coin shall be determined by dividing the weight in grains (troy) of fine silver that the said coin shall contain by 371.25 grains, and expressing the quotient in "dollars"; and
- (b) the value of any gold coin shall be determined by multiplying the weight in grains (troy) of fine gold that the said coin contains by the proportion by weight by which silver exchanges against gold in the markets for precious metals, as determined by the Treasurer of this State as provided in SECTION 5 of this Act, dividing the product of such multiplication by 371.25 grains, and expressing the quotient in "dollars".

Provided, however, that if in the market for numismatic or collectors' coins any domestic or foreign silver or gold coin shall have a value (expressed in "dollars") greater by at least _(x)_ per centum than its "value" calculated simply on the basis of that coin's content of silver or gold, pursuant to SECTION 3 and SUBSECTIONS (a) and (b) of this SECTION of this Act, then the "value" for such coin shall be its numismatic or collectors' value (expressed in "dollars").

SECTION 5. At the beginning, midpoint, and end of each business day, the Treasurer of this State shall determine both (i) the average proportion by weight by which silver exchanges against gold in the major markets for precious metals, and (ii) the "value" in silver "dollars" of each coin identified in SECTION 2 of this Act, pursuant to the formulae set out in SUBSECTIONS (a) and (b) of SECTION 4 of this Act, and

- (a) shall immediately publish such determinations in such media, including but not necessarily limited to the Internet, as shall make the said determinations readily available on a timely basis to all interested persons;
- (b) if the Treasurer shall find it technically feasible, shall make and publish the determinations required in this SECTION of this Act at intervals more frequent than heretofore mandated;
- (c) shall certify, record, and archive all such determinations in the Treasury; and
- (d) shall make available any and all archived determinations to any person upon request therefor, without charge.

SECTION 6. Any certified determination made under SECTION 5 of this Act shall be conclusive evidence in all the courts, administrative agencies, and other tribunals of this State as between any and all private persons or parties, as well as between this State and any and all other parties, the rights, powers, privileges, immunities, or other legal or equitable interests of which such determination shall or may affect. Provided, however, that any person aggrieved by a false certification may bring an action in the (?) Courts of this State against the Treasurer for any and all forms of appropriate relief.

SECTION 7. On and after the effective date of this Act, this State shall neither itself, nor compel or require any person or entity to, recognize, receive, pay out, deliver, promise to pay, or otherwise use or employ any thing but domestic or foreign silver and gold coin as media of exchange and legal tender with respect to

- (a) the calculation and payment of any tax or other involuntary contribution, public due, charge, or fee, or fine or other monetary penalty imposed by the State, unless the authority imposing the same shall, for lawful reason, mandate calculation and payment in something other than domestic or foreign silver and gold coin;
- (b) the principal and interest of any loans (howsoever denominated or evidenced) made to and on the credit of the State;
- (c) any monetary award or agreement in respect of expropriation of private property pursuant to the exercise of the power of eminent domain by the State or by any entity or person authorized by the laws thereof to exercise such power;
- (d) any judgment, decree, or order of any court, administrative agency, or other tribunal of the State, except where and only to the extent that the court, agency, or tribunal shall find, on the basis of clear and convincing evidence, that payment of such silver and gold coin shall not constitute just compensation for the damages or harm suffered by the prevailing party, and therefore shall mandate
 - (1) specific performance of a contract by other than the payment of money; or
 - (2) specific restitution of property other than money; or
 - (3) payment of some medium of exchange other than silver or gold coin, pursuant to a requirement for such payment in a contract or other agreement then sub judice; or
 - (4) other like relief; and
- (e) contracts, agreements, or other arrangements for the payment of wages, salaries, fees, or other monetary compensation to any person, corporation, partnership, or other entity who or which shall have provided or shall provide goods or services to, or otherwise be entitled to payment from, the State, either as officers, employees, agents, or contractors of the State or in any other capacity.

Provided, however, that with respect to any tax, loan, award in eminent domain, judgment, or contract that was imposed, was made, or became payable in, or that designated explicitly or implicitly a specific medium of payment other than silver or gold coin before the effective date of this Act, the medium of exchange for the payment or other satisfaction thereof and legal tender therefor shall be the medium designated, required, specified, or contemplated at the time the tax was imposed, the loan or contract was made or became payable, or the award or judgment was handed down.

SECTION 8. On and after the effective date of this Act, this State shall denominate all public accounts, and record the value of all public assets and liabilities, in constitutional (standard) silver dollars of 371.25 grains (troy) fine silver. Provided, however, that with respect to any tax, loan, award in eminent domain, judgment, or contract that was imposed, was made, or became payable in, or that designated explicitly or implicitly a specific medium of payment other than silver or gold coin before the effective date of this Act, the State may also denominate all relevant public accounts, and record the value of all relevant public assets and liabilities, in the medium of exchange designated, required, or contemplated at the time the tax was imposed, the loan or contract was made or became payable, or the award or judgment was handed down.

SECTION 9. Except as may be consistent with SECTION 7 of this Act, this State hereby withdraws any and all consent, whether explicit or implicit, which it may have given for the assertion against it

- (a) in the State's own name or in the name of any of the State's officers, agents, agencies, instrumentalities, employees, or contractors,
- (b) in any proceeding, whether by way of suit, countersuit, set-off, recoupment, or other affirmative action or defense, at law or in equity, brought after the effective date of this Act,
- (c) of any right, privilege, power, immunity, or other interest of any kind whatsoever, whether legal or equitable, with respect to the payment to or receipt from the State by any claimant (whether a party to the proceeding or not) of Federal Reserve Notes or coinage composed of base metals, in lieu of the domestic or foreign silver and gold coin specified in this Act.

(The following was prepared specifically for the State of New Hampshire, so therefore must be modified accordingly to conform to other state code construction, and related considerations.)

New Chapter; Gold and Silver Coin and Electronic Currency.

Amend RSA by inserting after Chapter 6-C the following new Chapter:

CHAPTER 6-D GOLD AND SILVER COIN AND ELECTRONIC CURRENCY

6-D:1 Findings.

The General Court of New Hampshire finds and declares that:

I. The absence of gold and silver coin (in that form or in the form of an Electronic Gold Currency defined as and absolutely payable in a specified weight of that metal, and convertible on demand into gold and silver coin) as media of exchange between the State of New Hampshire and her citizens, inhabitants, and businesses, in the exercise of the State's essential sovereign prerogatives, functions, rights, powers, privileges, and duties:

(a) Abridges, infringes on, and interferes with the sovereignty and independence of this State and her citizens, inhabitants, and businesses, and their rights, powers, privileges, immunities, and prerogatives as a political community, recognized and guaranteed to them by Part First, Article 7, of the

Constitution of New Hampshire;

(b) Exposes this State and her citizens, inhabitants, and businesses to chronic problems and potentially serious crises that may arise from the economic and political instability of the present domestic and international systems of coinage, currency, banking, and credit in which gold and silver have no effective role;

(c) Exposes this State and her citizens, inhabitants, and businesses to the chronic depreciation of media of exchange other than gold and silver, which losses in purchasing power amount to the incremental confiscation of their property without just compensation, in violation of Article I, Section 10,

Clause 1 of the Constitution of the United States, and the Due Process Clause of the Fifth Amendment thereto; and

(d) Restricts the ability of this State and her citizens, inhabitants, and businesses to fulfill and enjoy the mandates and guarantees of Part First, Articles 1, 2, 3, 12, and 28, of the Constitution of New Hampshire, to secure a sound economy, and to maintain a firm fiscal foundation for a policy and program of maintaining security within this State's boundaries and participating effectively in a national program of "homeland security".

II. In order to preserve the sovereignty and independence of this State and her citizens, inhabitants, and businesses, and their rights, powers, privileges, immunities, and prerogatives as a political community, as well as to protect, provide for, and promote the people's safety, health, welfare, security, and economic prosperity, it is imperatively necessary and proper for the General Court to guarantee to and provide for this State constitutional and economically sound media of exchange by exercising:

(a) This State's power, privilege, and duty to "make * * * gold and silver Coin a Tender in Payment of Debts", as reserved to and required of each State under Article I, Section 10, Clause 1 of the Constitution of the United States, and confirmed by the Tenth Amendment thereto and by Part First, Article 7, of the Constitution of New Hampshire; and

(b) Other powers, reserved to this and every State by the Tenth Amendment, and to this State by Part First, Article 7, of the Constitution of New Hampshire, which relate to this State's choice of media of exchange for the fulfillment of her essential sovereign functions.

6-D:2 Definitions and Exclusions.

For the purposes of this Chapter:

- I. "Check" means checks, drafts, bills of exchange, wire transfers, and other like instruments.
- II. "Electronic Gold Currency" means a specifically defined amount of gold, measured in an Electronic Gold Currency Unit, that an Electronic Gold Currency Payment Provider makes available to its customers as a medium of exchange.
- III. "Electronic Gold Currency Account" means an account with an Electronic Gold Currency Payment Provider, in which such Provider receives and maintains, and from which such Provider transfers, Electronic Gold Currency Units on behalf of a customer.
- IV. "Electronic Gold Currency Payment Provider" means a person who or which:
 - (a) Deals in an Electronic Gold Currency; and
 - (b) Provides all the services, performs all the functions, and meets all the standards set out in this Chapter.
- V. "Electronic Gold Currency Unit" means a unit of monetary account that represents a customer's claim of title and ownership to a specifically defined, fixed weight of gold, which claim may be transferred among customers' accounts maintained by an Electronic Gold Currency Payment Provider.
- VI. "Financial institution" means any bank, trust company, credit union, depository institution, and other like business and enterprise. A financial institution may function as an Electronic Gold Currency Payment Provider, an Independent Specie Vault, or a Specie Exchange, if it meets all the requirements therefore.
- VII. "First operational day of this Chapter" means the date upon which the Treasurer shall certify to the General Court and to the Governor that the Treasury is ready to operate in conformity with this Chapter, and shall begin such operations, but in any event no later than ___ days after the enactment of this Chapter into law.
- VIII. "Fiscal officer" means the Treasurer of the State of New Hampshire, and any official or employee of any county, municipality, or township, incorporated or unincorporated, who exercises functionally equivalent authority in any such jurisdiction.
- IX. "Gold and silver coin" means:
 - (a) Gold coins:
 - (1) United States "American Eagle" coins, of all denominations, minted pursuant to the Act of 17 December 1985, Public Law 99-185, 99 Statutes at Large 1177;
 - (2) Austrian 100 and 20 corona, and 4 and 1 ducat;
 - (3) British sovereign;
 - (4) Canadian 1 and 1/10 maple leaf;
 - (5) French 20 franc;
 - (6) Mexican 50, 20, 10, 5, and 2.5 peso;
 - (7) South African 1, 1/2, 1/4, and 1/10 krugerrand; and
 - (8) Swiss 20 franc;
 - (b) Silver coins:
 - (1) United States dollars, so denominated and whenever minted, that were or are required by the statutes authorizing their coinage to contain 371.25 grains (Troy) of fine silver per dollar, thereby being examples of the "dollars" to which the Constitution of the United States refers in Article I, Section 9, Clause 1 and the Seventh Amendment, the "value" of which was determined in the Act of 2 April 1792, ch. 16, § 9, 1 Statutes at Large 246, 248;
 - (2) United States half dollars, quarter dollars, and dimes, so denominated, whenever minted, that were or are required by the statutes authorizing their coinage to contain fine

silver in amounts proportionate to the constitutional silver dollar of 371.25 grains (Troy) of fine silver per dollar;

(3) United States "American Eagle" or "Liberty" coins minted pursuant to the Act of 9 July 1985, Public Law 99-61, Title II, 99 Statutes at Large 113, 115; and

(4) Canadian maple leaf;

(c) In this Chapter, "gold and silver coin" shall include gold or silver coin, or any combination of gold and silver coin, or of gold coin alone, or of silver coin alone, as the context may require, indicate, or allow.

X. "Independent Specie Vault" means a corporation, partnership, trust, trust company, or other legal entity that is not affiliated with an Electronic Gold Currency Payment Provider by common ownership, control, or operation, but which pursuant to a contractual arrangement performs for such Provider the functions described in Section 6-D:5 of this Chapter. For all the purposes of this Chapter, an Independent Specie Vault may also provide the services of a Specie Exchange, if it meets all of the requirements for each operation set out in this Chapter.

XI. "Legal tender of the United States" means:

(a) All coins of the United States, whenever minted, that were or are required by the statutes authorizing their issuance to be composed of fine silver or fine gold to the extent of less than eighty-five percent or more, by weight;

(b) All coins of the United States, whenever minted, that were or are required by the statutes authorizing their issuance to be composed solely of base metals; and

(c) All paper currencies emitted by the United States, or by any individual, person, corporation, or other legally recognized entity acting under color of the laws of the United States, whenever issued, that are not in law guaranteed redeemable and in fact being redeemed, "dollar for dollar", in silver and gold coin of the United States that were or are required by the statutes authorizing their issuance to be composed of fine silver or fine gold to the extent of eighty-five percent or more, by weight; but

(d) Shall not include any "silver and gold coin" defined in Subsection XV of this Section, notwithstanding that any such coins may have been or are designated "legal tender" under the laws of the United States.

XII. "Person" includes all individuals, joint ventures, partnerships, corporations, firms, businesses, trusts, trust companies, fiduciaries, labor unions, and other legally recognized entities and associations, howsoever organized or formed.

XIII. "Specie Exchange" means any person who or which conducts the business of exchanging, in any combination, gold and silver coin, legal tender of the United States, and the Electronic Gold Currency of an Electronic Gold Currency Payment Provider for persons within the State of New Hampshire, irrespective of where such Exchange may be legally organized, domiciled, or maintain its principal place of business. For all the purposes of this Chapter, the same person may provide the services of both an Electronic Gold Currency Payment Provider and a Specie Exchange, if that person meets all of the requirements for each operation set out in this Chapter.

XIV. In reference to the State of New Hampshire, "State" means the State of New Hampshire and all counties, municipalities, and townships, whether incorporated or unincorporated, including all of their political subdivisions, and all legislative, executive, judicial, and administrative branches, departments, tribunals, offices, agencies, and instrumentalities, and all elected and appointed officials, employees, agents, and independent contractors thereof, acting in their official capacities or under color of law or public contract.

XV. This Chapter shall not apply to any gold and silver coin, or to any legal

tender of the United States, that has a recognized numismatic or collectors' character and value above its face or nominal value.

6-D:3 Duties of the Treasurer and Other Fiscal Officers

Under This Chapter.

I. Duties of the Treasurer. In addition to other powers and duties granted and imposed by law, the Treasurer shall:

(a) Designate as the State of New Hampshire's Electronic Gold Currency Payment Providers one or more Electronic Gold Currency Payment Providers, as may be deemed necessary and proper for implementation of this Chapter. No fiscal officer shall employ any Electronic Gold Currency Payment Provider not so designated;

(b) Maintain one or more Electronic Gold Currency Accounts with such designated Electronic Gold Currency Payment Providers, as may be deemed necessary and proper for implementation of this Chapter;

(c) Conduct all monetary transactions of this State involving gold and silver in any form by the agency of such designated Electronic Gold Currency Payment Providers, and through such Electronic Gold Currency Accounts;

(d) Require all persons who deal with the State in monetary transactions involving gold and silver in any form to maintain at least one account with a designated Electronic Gold Currency Payment Providers:

(e) Promulgate such rules and regulations as may be necessary and proper to implement this Chapter;

(f) Prepare and distribute all necessary and appropriate forms, instructions, and other informational materials to educate persons as to their rights, duties, and options, and to enable them to pay to and receive from this State gold and silver in any form, as required or allowed under this Chapter;

(g) Report quarterly, or more often if required, to the General Court and the Governor with respect to receipts, deposits, disbursements, and other relevant information pertaining to monetary transactions involving gold and silver in any form;

(h) Propose to the General Court such regulations, other than and in addition to those provided in this Chapter, as the Treasurer may deem necessary and proper for implementation of this Chapter, and otherwise in conformity to law; and

(i) Advise fiscal officers for counties, municipalities, and townships within the State of New Hampshire who request information or assistance with respect to their implementation of this Chapter within such jurisdictions, and in particular Subsections II, III, and IV of this Section.

II. Duties of Other Fiscal Officers. In addition to other powers and duties granted and imposed by law, fiscal officers of counties, municipalities, and townships within the State of New Hampshire shall:

(a) Maintain one or more Electronic Gold Currency Accounts with designated Electronic Gold Currency Payment Providers as may be deemed necessary and proper for implementation of this Chapter;

(b) Conduct all monetary transactions within their jurisdictions involving gold and silver in any form by the agency of such designated Electronic Gold Currency Payment Providers, and through such Electronic Gold Currency Accounts;

(c) Require all persons who deal with such counties, municipalities, and townships in monetary transactions involving gold and silver in any form to maintain at least one account with a designated Electronic Gold Currency Payment Provider;

(d) Prepare and distribute all necessary and appropriate forms, instructions, and other informational materials to educate persons as to their rights, duties, and options, and to enable them to pay to and receive from such counties, municipalities, and townships gold and silver in any form, as required or allowed under this Chapter; and

(e) Consult with the Treasurer on the most effective and efficient manner of implementing this Chapter within their jurisdictions.

6-D:4 Electronic Gold Currency Payment Providers; Qualifications.

In order to qualify for designation by the Treasurer under Section 6-D:3(I)(a) of this Chapter, an Electronic Gold Currency Payment Provider must:

I. Employ an Electronic Gold Currency Unit that constitutes a monetary unit of account, and represents a claim of title to and ownership of a specifically defined, fixed weight of gold held in allocated storage for customers in and by an Independent Specie Vault.

II. Designate receipts and holdings of gold in, and transfer gold among, such Provider's customers' accounts only in such Provider's Electronic Gold Currency Unit.

III. Provide, accessible through the Internet, separate accounts for each customer, each with the capability to add Electronic Gold Currency Units thereto and to transfer such Units among other customers' accounts, or to Specie Exchanges or financial institutions that associate or maintain accounts with such Provider, as customers may direct.

IV. Maintain a secure electronic database that records and makes available for each customer's review each and every activity in such customer's account upon the completion thereof, and the number of Electronic Gold Currency Units credited to and available for such customer's use in such account following such activity; such database to be managed by a person who or which is not affiliated by common ownership, control, or operation with such Provider, but which pursuant to a contractual arrangement performs for such Provider data-processing services, included among which must be a report, delivered no less frequently than at the end of each calendar quarter, specifying the number of Electronic Gold Currency Units in each customer's account, and the total number of Units in all customers' accounts.

V. Act as agent on behalf of such Provider's customers to arrange and maintain safekeeping of the gold, represented by the Electronic Gold Currency Units recorded in such customers' accounts, in specifically allocated storage in and by an Independent Specie Vault, on principles of bailment, such that the Provider's customers always retain title to and ownership of all such gold as may be recorded and maintained in their accounts, subject only to claims that the Electronic Gold Currency Payment Provider, the Independent Specie Vault, or both may bring against customers for fees owed but not paid.

VI. Have a mutual, explicit, and contractually enforceable policy and agreement with the Independent Specie Vault with which such Provider associates:

(a) reserving to such Provider a right, through such auditors, accountants, or others as it may designate, at any reasonable time, with or without prior notice, to inspect such Vault in order to verify that the Vault in fact maintains in its possession and subject to its control all of the gold represented by the Electronic Gold Currency Units recorded in all of the accounts of such

Provider's customers; and

(b) requiring return by the Vault, should such Provider for any reason cease operations, of the full free-market value of all the gold of such Provider's customers, in bars of good-delivery gold of designated weights, in legal tender of the United States where the weight of gold to be delivered does not reach such designated amount, or in both, as the case may be.

VII. Associate with, or itself provide the services of, a Specie Exchange, so that such Provider's customers may, on demand, convert gold and silver coin into Electronic Gold Currency Units, and such Units into gold and silver coin; gold and silver coin into legal tender of the United States, and legal tender of the United States into such coin; and legal tender of the United States into Electronic Gold Currency Units, and such Units into

legal tender of the United States.

VIII. Annually subject all of such Producer's policies, systems, and operations to an independent third-party systems audit, or equivalent review, providing a certified copy of the report thereof to the Treasurer.

IX. Certify to the Treasurer that none of such Provider's directors, officers, partners, trustees, or chief executive and operating personnel have ever been convicted of a felony or crime of moral turpitude, have ever been subject to a civil judgment for fraud or deceit, or have ever taken personal bankruptcy; the employment of such an individual in any such capacity, or a materially false representation in any of the said particulars, being grounds for automatic disqualification of such Provider as one of the State of New Hampshire's Electronic Gold Currency Payment Providers.

6-D:5 Independent Specie Vaults; Qualifications.

In order to qualify to perform safekeeping services for an Electronic Gold Currency Payment Provider designed by the Treasurer under Section 6-D:3(I) of this Chapter, an Independent Specie Vault must:

I. Hold all gold for each customer of such Provider in specifically allocated storage in a vault or other secure facility.

II. Be adequately insured.

III. Not be affiliated through common ownership, control, or operation with any Provider for which it performs the function of safekeeping and storing gold for such Provider's customers.

IV. For the purpose of increasing or decreasing the amounts of physical gold held in and by such Vault, pursuant to transfers made to or on behalf of customers of such Providers for which such Vault performs the function of safekeeping and storing gold, associate with a Specie Exchange or other corporation, partnership, trust company, or other legal entity that:

(a) regularly deals in the physical transfer of gold among private businesses or governmental agencies;

(b) is itself suitably insured; and

(c) is not affiliated through common ownership, control, or operation with such Vault or any Provider for which such Vault performs the function of safekeeping and storing gold for such Provider's customers.

V. Report at least quarterly to each Provider for which such Vault performs the function of safekeeping and storing gold for such Provider's customers, certifying:

(a) the weights of gold, and numbers of Electronic Gold Currency Units, held in and by such Vault on behalf of each customer of each such Provider; and

(b) that the total weight of gold held in and by such Vault on behalf of all the customers of each such Provider is at least equal to the total weight of gold represented by each such Provider's Electronic Gold Currency Units in circulation as media of exchange in all such customer's accounts at the time the report is prepared.

VI. Have a mutual, explicit, and contractually enforceable policy and agreement with each Provider for which such Vault performs the function of safekeeping and storing gold in bailment on behalf of such Provider's customers, for return of the full free-market value of such customers' gold held in and by such Vault, in bars of good-delivery gold of designated weights, in legal tender of the United States where the weight of gold to be delivered does not reach such designated amount, or in both, as the case may be, should the customers' Provider for any reason cease operations.

6-D:6 Specie Exchanges; Qualifications.

In order to enable an Electronic Gold Currency Payment Provider to qualify for designation by the Treasurer under Section 6-D:3(I) of this Chapter, a Specie Exchange with which such Provider associates must conduct the business of exchanging, in any

combination, and for fees mutually agreed upon by such Exchange and its customers, gold and silver coin, legal tender of the United States, and the Electronic Gold Currency of an Electronic Gold Currency Payment Provider, such that any person who chooses to deal in gold and silver with the State of New Hampshire pursuant to this Chapter may, at such person's option, begin the process by bringing gold and silver coin to such Exchange, for the purpose of obtaining the free-market value thereof in an Electronic Gold Currency, and may terminate the process by bringing Electronic Gold Currency to such Exchange, for the purpose of obtaining the free-market value thereof in gold and silver coin, as well as performing such transactions in legal tender of the United States. 6-D:7 Use of Gold and Silver; in General.

Except as otherwise provided in this Chapter, on and after the first operational day of this Chapter the State of New Hampshire shall neither compel nor require any person to recognize, receive, pay out, deliver, promise to pay, or otherwise use or employ any thing but gold and silver coin (in that form or in the form of a designated Electronic Gold Currency defined as and absolutely payable in a specified weight of that metal, and convertible on demand into gold and silver coin through a Specie Exchange) as media of exchange with respect to

I. The calculation and payment of any tax or other involuntary contribution, public due, charge, assessment, or fee, or fine or other monetary penalty, imposed by this State.

II. The principal and interest of any loan, howsoever denominated or evidenced, made to and on the credit of this State.

III. The purchase or sale by this State of any lands, real estate, buildings, tangible personal property, or any other assets, property, or things of value, or of any legal or equitable rights, easements, or other interests, of whatsoever types or descriptions.

IV. Any monetary award or agreement in respect of expropriation of private property pursuant to the exercise of the power of eminent domain by this State or by any person authorized by the laws thereof to exercise such power

V. Any judgment, decree, or order of any court, administrative agency, or other tribunal of this State, except where and only to the extent that the same shall find, on the basis of clear and convincing evidence, that payment of gold and silver coin (in that form or in the form of Electronic Gold Currency absolutely payable in that metal and redeemable in gold and silver coin) shall not constitute just compensation for the damages or harm suffered by the prevailing party, and therefore shall mandate (a) specific performance of a contract or other agreement then sub judice by other than the payment of money; or

(b) specific restitution of property other than money; or

(c) payment of some medium of exchange other than gold and silver coin, pursuant to a requirement for such payment in a contract or other agreement then sub judice; or

(d) other like relief.

VI. Contracts, agreements, or other arrangements for the payment of wages, salaries, fees, or other monetary compensation to any person who or which shall have provided or shall provide goods or services to, or otherwise be entitled to payment from, this State, either as officers, employees, agents, or contractors of this State or in any other capacity.

VII. Provided, however, that with respect to any tax, loan, sale or purchase, award in eminent domain, judgment, or contract or other agreement that was imposed, was made, or became payable in, or that designated explicitly or implicitly a specific medium of payment other than, gold and silver coin (in that form or in the form of Electronic Gold Currency absolutely payable in that metal and redeemable in gold and silver coin) before the first operational day of this Chapter, the medium of exchange for

the payment or other satisfaction thereof shall be the medium designated, required, specified, or reasonably contemplated at the time the tax was imposed, the loan or contract or other agreement was made or became payable, the sale or purchase occurred, or the award or judgment was handed down.

6-D:8 Use of Gold and Silver; Taxes and Other Public Charges.

I. Required Payments; Tobacco Tax. On and after the first operational day of this Chapter, all payments to the State required under RSA Chapter 78 shall be made in Electronic Gold Currency Units at the free-market rate of exchange, as of the time of payment, between such units and the amounts of legal tender of the United States, designated as \$___, specified in such Chapter, including:

- (a) License fees, under § 78:2;
- (b) Cigarette taxes, under § 78:7;
- (c) Taxes on other tobacco products, under § 78:7-c;
- (d) Payments for stamps, under §§ 78:9 and 78:13;
- (e) Prepayments or bonds for metering machines, under §§ 78:11 and 78:13;
- (f) Payments for unstamped tobacco products, under § 78:12(II);
- (g) Fines with respect to vending machines, under § 78:12-d(VII)
- (h) Additions to taxes, under § 78:18-a;
- (i) Fines for violations of federal requirements, under § 78:34(VII);
- (j) Whatever other fees, charges, and fines are or may hereafter be mandated or allowed by any provision of Chapter 78;
- (k) Provided, that redemptions of stamps or refunds, pursuant to § 78:10, shall be made only in Electronic Gold Currency Units, if necessary pursuant to Subsection 6-D:15(V)(a)(2) of this Chapter; and
- (l) Provided further, that all receipts collected pursuant to § 78:32 for deposit in the educational trust fund shall be held in Electronic Currency Units until used for the purposes of such fund.

II. Voluntary Payments; Other Taxes and Public Charges. With respect to any other tax or involuntary contribution, public due, charge, assessment, or fee, or any fine or other monetary penalty (other than those addressed elsewhere in this Chapter), imposed by this State on and after the first operational day of this Chapter:

- (a) The monetary amount thereof shall be calculated by the State or by the person liable, as the applicable law provides, in legal tender of the United States.
- (b) The person liable for payment of such amount may deliver to this State, and the State shall receive therefrom, in payment either:
 - (1) legal tender of the United States, to such amount; or
 - (2) Electronic Gold Currency with, at the time of payment, an aggregate value in legal tender equal to the amount determined in Subsection II(a) of this Section.
- (c) For each fiscal year, the Treasurer and other fiscal officers shall maintain lists of all persons who make and the amounts of their payments under Subsection II(b)(2) of this Section, for the purpose of allotting preferences pursuant to Subsection 6-D:15(III) of this Chapter.

6-D:9 Use of Gold and Silver; Loans, Bonds, and Notes.

With respect to all loans (whether denominated bonds, notes, or otherwise, and howsoever evidenced) made to and on the credit of this State on and after the first operational day of this Chapter:

I. The State shall determine and certify the amount to be borrowed in both:

- (a) Legal tender of the United States; and
- (b) The equivalent value in Electronic Gold Currency; as well as
- (c) In each such instance, the particular rate or amount of interest to be paid, the premium or discount (if any), and the maturity date of the loan, any or all of which may

differ in whatever other manner or form the transaction may be effected, the lender shall have the option to deliver to the State the certified amount of either legal tender of the United States or Electronic

Gold Currency; and such delivery shall designate and fix the medium of payment of principal and interest, the rate or amount of interest, and the maturity date, on such loan.

III. The designation of the medium of payment of principal and interest, and of the rate or amount of interest and maturity date (and premium or discount, if any) shall be deemed a pledge of the full faith and credit of this

State, shall bind the State as a contract the obligation of which shall be protected by Article I, Section 10, Clause 1 of the Constitution of the United States against any impairment, and shall require upon the loan's maturity the delivery of the full amount of payment of principal and interest of such loan in the medium specified, and that medium only, to the lender. To wit, loans made in legal tender of the United States shall be repaid therein, and loans made in Electronic Gold Currency shall be repaid therein. A loan may be made redeemable before maturity, as otherwise authorized in law, provided that the terms and conditions for such early redemption shall specify payment in legal tender of the United States or Electronic Gold Currency, according to the original tenor of, and subject to the same legal guarantee as, the loan itself.

IV. The requirements and procedures set out in this Section shall be employed with respect to refunding of bonds, as otherwise authorized by law.

V. The requirements and procedures set out in this Section shall be employed with respect to issuance of revenue bonds, as otherwise authorized by law. Provided, however, that:

(a) No revenue bond payable in Electronic Gold Currency shall be issued unless:

(1) The revenues derived from the facilities to be funded thereby are to be paid in Electronic Gold Currency; or

(2) The revenue bond refunds an outstanding bond the principal of which was used for facilities the revenues from which are paid in Electronic Gold Currency; and

(b) Every revenue bond issued pursuant to this Subsection shall pledge the faith and credit of the State with respect to the medium of payment and other terms, as required in Subsection III of this Section.

6-D:10 Use of Gold and Silver; Purchase and Sale of Property by the State.

With respect to the purchase or sale by this State of lands, real estate, buildings, tangible personal property, or any other assets, property, or things of value, or of any legal or equitable rights, easements, or other interests, of whatsoever type or description on and after the first operational day of this Chapter:

I. At the time of sale or purchase, the State shall determine and certify the price of the thing to be sold, or shall agree to and certify the price of the thing to be purchased, in both legal tender of the United States and Electronic Gold Currency.

II. The purchaser of the thing to be sold by the State may deliver thereto, and the State shall receive therefrom, or the seller of the thing to be purchased by the State may receive therefrom, and the State shall deliver thereto, in payment, either legal tender of the United States, or Electronic Gold Currency.

III. For each fiscal year, the Treasurer or other fiscal officers shall maintain lists of all persons who make and the amounts of their payments to the State in Electronic Gold Currency under Subsection II of this Section, for the purpose of allotting preferences pursuant to Subsection 6-D:15(III) of this Chapter.

6-D:11 Use of Gold and Silver; Expropriated Property.

With respect to any monetary award or agreement arising out of expropriation of private property pursuant to the exercise of the power of eminent domain by this State, or by

any person or entity authorized by the laws thereof to exercise such power, on and after the first operational day of this Chapter:

I. The State shall determine and certify the amount of any award or agreement in both legal tender of the United States and Electronic Gold Currency.

II. The person whose property has been or will be expropriated shall have the option to accept in payment for such property either legal tender of the United States or Electronic Gold Currency.

6-D:12 Use of Gold and Silver; Damages, Fines, and Penalties. Except as otherwise provided in this Chapter, with respect to any judgment, decree, or order of any court, administrative agency, or other tribunal of this State, whether arising in a civil action or proceeding or in a criminal prosecution, which specifies, imposes, enforces, or otherwise involves monetary damages, award, or payment, or a fine, penalty, or other monetary forfeiture on and after the first operational day of this Chapter, the State shall determine and certify the amount of such award or penalty in both legal tender of the United States and Electronic Gold Currency as follows:

I. In civil cases, the person in the position of judgment-creditor may stipulate with the person in the position of judgment-debtor to receive and to pay, respectively, the amount of any award (including any award of attorneys' fees) in either legal tender of the United States or Electronic Gold Currency; and such stipulation shall be specifically enforced by the State as a contract the obligation of which shall be protected by Article I, Section 10, Clause 1 of the Constitution of the United States against any impairment; but in the absence of such stipulation, the State shall require the person in the position of judgment-debtor to pay to the person in the position of judgment-creditor the latter's choice of medium of exchange.

II. In criminal cases, cases involving contempts of court or violations of court rules, and all other cases in which this State shall be legally entitled to receive a payment for its own account, the person against whom shall be assessed a monetary fine, penalty, charge, or forfeiture shall pay the amount thereof solely in Electronic Gold Currency.

6-D:13 Use of Gold and Silver; Contracts, Wages, and Fees.

With respect to any contract, agreement, or other arrangement for the payment of wages, salaries, fees, or other monetary compensation to any person who or which shall provide goods or services to, or otherwise be entitled to payment from, this State, either as officers, employees, agents, or contractors of the State or in any other like capacity on and after the first operational day of this Chapter:

I. This State shall determine and certify the amount of such monetary compensation in both legal tender of the United States and Electronic Gold Currency.

II. If from any monetary compensation this State shall pay pursuant to this Section the State is required to withhold and pay over to the United States, to the State, or to any agencies or instrumentalities of either any percentage, portion, or other aliquot of such compensation by way of taxes or other public dues or charges, such amounts shall be paid over in legal tender of the United States prior to the election of the person entitled to such payment pursuant to Subsection III of this Section.

III. The person entitled to receive such monetary compensation shall have the option to stipulate for and receive in either legal tender of the United States or Electronic Gold Currency the net amount remaining after any deductions made pursuant to Subsection II of this Section; and this State shall specifically enforce such stipulation as a contract the obligation of which shall be protected by Article I, Section 10, Clause 1 of the Constitution of the United States against any impairment.

IV. In the case of monetary compensation to be paid on a regular schedule (such as salaries, wages, or portions of contractual prices), or on any other continuous,

routine, or frequent basis, a person entitled to such compensation may stipulate to receive either legal tender of the United States or a designated Electronic Gold Currency for all future payments until that person shall alter such stipulation.

6-D:14 Notification of Choice of Medium of Payment.

With respect to any transaction effected pursuant to Sections 6-D:8 through 6-D:13 of this Chapter, each person shall notify the State, in a manner deemed timely according to rules and by use of forms or other means promulgated by the Treasurer, of that person's election to receive or to pay a designated Electronic Gold Currency in lieu of legal tender of the United States. Absent such timely notification, the medium of exchange for any such transaction shall be legal tender of the United States.

6-D:15 Limitations on Payments of Gold and Silver by the State;

Preferences for Payments; Fiscal Officers' Discretion to Interconvert Media of Exchange.

I. Except with respect to loans, bonds, or notes the payment of which is designated in gold, pursuant to Section 6-D:9 of this Chapter, no person shall pay or promise to pay out on behalf of the State of New Hampshire any gold in excess of the gold held in the State's accounts with Electronic Gold Currency Payment Providers at the time of payment.

II. In the absence of sufficient gold held in the State's accounts with Electronic Gold Currency Payment Providers for the State to make any payment allowable under this Chapter, such payment, upon demand therefor, shall be made in legal tender of the United States. No payment requested by any person to be made in gold, where the gold necessary for full payment is unavailable at the time of such demand, shall be deferred or rescheduled to any future date at which sufficient gold may be available.

III. In the absence of sufficient gold held in the State's accounts with Electronic Gold Currency Payment Providers for the Treasurer or other fiscal officers to make payments allowable under this Chapter to two or more persons demanding payment in gold, but where sufficient gold is held to pay one or more payees, payees shall be preferred on the following bases:

(a) Persons who have paid gold to the State during the then-current fiscal year, under Subsections 6-D:8(II), 6-D:10(II), or both, shall be paid in preference to persons who have made no such payments;

(b) Among persons who have so paid gold, those who have paid larger amounts of gold shall be paid in preference to those who have paid smaller amounts; and

(c) Among persons who have so paid gold in equal amounts, preference shall be had according to the temporal sequence of such payments.

IV. With respect to loans, bonds, or notes the payment of which is designated in gold, pursuant to Section 6-D:9 of this Chapter, in the absence of sufficient gold held in the State's accounts with Electronic Gold Currency

Payment Providers to pay any such indebtedness as it accrues, the fiscal officer responsible for payment thereof may convert any other monetary assets available to him into the required amounts of Electronic Gold Currency.

V. Notwithstanding any other provision of law, in their discretion the Treasurer and other fiscal officers responsible for payment of any public indebtedness in the State in New Hampshire:

(a) May convert any other monetary assets available to him into Electronic Gold Currency,

(1) To be held as such for reserve or investment purposes;

(2) To redeem or refund the purchase price of tobacco tax stamps required to be paid in gold, pursuant to Section 6-D:8(I) of this Chapter; or

(3) To meet any or all other demands from persons for payment in gold, pursuant to

this Chapter, as such demands arise, where such demands exceed the amounts of Electronic Gold Currency theretofore paid in to and held by the State; and

(b) May convert Electronic Gold Currency into legal tender of the United States, to be used for any lawful purpose, but at all times maintaining the ability immediately to reacquire such amounts of Electronic Gold Currency to meet demands for payments in gold, pursuant to this Chapter, as such demands arise and to the extent of such amounts of Electronic Gold Currency.

6-D:16 Judicial Enforcement; Inaccurate Determination of Exchange Rates Between Legal Tender of the United States and Electronic Gold Currency.

With respect to any inaccurate determination of exchange rates between legal tender of the United States and a designated Electronic Gold Currency which affects any right, power, privilege, or immunity secured under this Chapter:

I. Any person aggrieved by such inaccurate determination may bring a civil action in the Superior Court against each and every person or persons responsible therefore, in both his, her, or their official and individual capacities, for any and all appropriate forms of relief, including monetary damages; and in such an action no defense of official immunity shall be allowed;

II. In any case, civil or criminal, in which any person aggrieved by any such inaccurate determination is made a defendant, such inaccurate determination may be raised, where relevant, by way of defense, counterclaim, set-off, or other pleading;

III. Where the issue of any such inaccurate determination is dismissed with prejudice, decided by summary judgment, heard and decided on the merits, or decided on appeal, reasonable attorneys' fees shall be awarded to the prevailing party for litigation of that question; and

IV. Any individual who shall knowingly and intentionally make any such inaccurate determination, or who shall advise or participate in, or concert or conspire or aid and abet with respect to, or attempt to conceal by the withholding, destruction, or falsification of records, by false statement (whether made under penalty of perjury or not), or by any other device, artifice, or means, any such inaccurate determination shall be imprisoned for six months, and fined the value in a designated Electronic Gold Currency of one thousand (1,000) dollars in silver coin of the constitutional standard of 371.25 grains (Troy) fine silver per dollar.

A CONCURRENT RESOLUTION PERTAINING TO THE NORTH AMERICAN UNION

(As introduced in South Carolina)

REQUESTING THE CONGRESS OF THE UNITED STATES TO WITHDRAW THE UNITED STATES FROM THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA AND ANY OTHER ACTIVITY THAT SEEKS TO CREATE A NORTH AMERICAN UNION, AND REQUESTING THE CONGRESSIONAL DELEGATION OF SOUTH CAROLINA TO WORK TO WITHDRAW THE UNITED STATES FROM THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA AND ANY OTHER ACTIVITY THAT SEEKS TO CREATE A NORTH AMERICAN UNION.

Whereas, the United States established the Security and Prosperity Partnership of North America with Mexico and Canada on March 23, 2005; and

Whereas, the executive branch expressed a desire for a union of the United States, Canada, and Mexico based on free trade and a commitment to markets, democracy, transparency, and the rule of law; and

Whereas, the gradual creation of a North American Union from the merger of the United States, Mexico, and Canada would be a direct threat to the constitution and national independence of the United States, and also implies an eventual dissolution of the national borders within North America; and

Whereas, the trilateral partnership to develop a North American Union has never been presented to the United States Congress as an agreement or treaty, and has virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the Security and Prosperity Partnership of North America/North American Union process, including its "open borders" vision, eminent domain takings of private property along the planned NAFTA superhighways, and increased law enforcement challenges along the planned NAFTA superhighways. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of the United States Congress, and in particular the members of the South Carolina Congressional delegation, support, work to pass, and vote for legislation withdrawing the United States from any further participation in the Security and Prosperity Partnership of North America and any other bilateral or multilateral activity that seeks to advance, authorize, or promote the creation of a structure to accomplish any form of North American Union as described herein.

Be it further resolved that a copy of this resolution be forwarded to the United States Senate, the United States House of Representatives, and to each member of the South Carolina delegation.

An act prohibiting forced implantation of identification and tracking devices in individuals

1 DEFINITIONS
2 "Entity" means an individual, corporation, business trust, estate, trust, partnership, limited liability corporation,
3 association, foundation, joint venture, government, government subdivision, agency or instrumentality, public
4 corporation or any other legal or commercial entity.
5 "Individual" means a unique, separate human being.
6 "Identification/Tracking Device or Mark" means any item, application, device, marking, or other technology
7 capable of storing or passively or actively transmitting an individual's identity, characteristics, status, group
8 membership, travel history, or location, or capable of storing or transmitting a number, symbol, signal, pattern, or other
9 identifier that could be linked with any such information.
10 "Track" means to locate, follow, monitor.
11 "Discriminate" means to make distinctions, have bias, prejudice, or partiality.
12 PROHIBITIONS
13 Requiring Human Identification/Tracking Device or Mark Prohibited
14 No entity shall require, coerce, or cause an individual to have an identification/tracking device or mark implanted or
15 permanently or semi-permanently incorporated into or on the body, skin, teeth, hair, or nails of that individual.
16 Consent
17 In no instance shall an identification/tracking device or mark be implanted or incorporated into or on the person of an
18 individual without that individual's informed written consent, with full disclosure of any health or other risks associated
19 with the device or mark. Consent of a guardian, guardian ad litem, attorney-in-fact, parent or other agent shall not be
20 considered adequate consent.
21 The individual undergoing implantation or incorporation of an identification/tracking device or mark must be at least
22 eighteen years of age and of sound mind to grant consent.
23 Implanting Identification/Tracking Device or Mark in the Deceased Prohibited
24 In no instance shall an identification/tracking device or mark be implanted or incorporated into or on a human corpse.
25 Identification and Tracking Prohibited:
26 No entity may use an identification/tracking device or mark in or on the person of an individual to identify that
27 individual or as a means of, or aid to, tracking that individual, without the consent of the individual being identified
28 and/or tracked.
29 Discrimination Prohibited:
30 No entity shall use the absence of an identification/tracking device or mark as a basis for discriminating against an
31 individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care,
32 voting, education, travel, banking, finance, and commerce.
33 Penalties
34 [To be determined by the legislature]

To request expert testimony related to this bill or other issues related to RFID and human implantation,
please contact Dr. Katherine Albrecht, Director of CASPIAN Consumer Privacy
www.AntiChips.com

THE GENERAL ASSEMBLY OF PENNSYLVANIA
SENATE BILL
No. 623 Session of 2009

INTRODUCED BY KITCHEN, FOLMER, WOZNIAK, FONTANA, WILLIAMS,
ERICKSON, FERLO, EARLL, WAUGH, M. WHITE, PIPPY, ORIE, LEACH,
ALLOWAY, STACK, MELLOW AND COSTA, MARCH 19, 2009

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MARCH 19, 2009

AN ACT

1 Providing for biometric protection and for penalties.
2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:
4 Section 1. Short title.
5 This act shall be known and may be cited as the Right to Body
6 Data Privacy Act.
7 Section 2. Definitions.
8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:
11 "Biometric data." Information relating to a biological
12 characteristic of an individual that make that individual unique
13 from any other individual, including, but not limited to, the
14 following:
15 (1) Fingerprints, palm prints and other means for
16 measuring or recording ridge pattern or fingertip
17 characteristics.

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1 (2) Facial feature pattern characteristics, excluding
2 any low resolution photographic image of a face.
3 (3) Voice data collected for comparing live speech with
4 a previously created speech model of an individual's voice.
5 (4) Iris recognition data containing color or texture
6 patterns or codes.
7 (5) Keystroke dynamics, measuring pressure applied to
8 key pads.
9 (6) Hand geometry, measuring hand characteristics,
10 including the shape and length of fingers, in three
11 dimensions.
12 (7) Retinal scans or reading through the pupil to
13 measure blood vessels lining the retina.
14 (8) Deoxyribonucleic acid or ribonucleic acid.
15 "Government agency." Any government entity or agent of a
16 government entity, including the Commonwealth or any political
17 subdivision as defined under 1 Pa.C.S. § 1991 (relating to
18 definitions).
19 "Low resolution photographic image of a face." A
20 photographic image of a face or a portion of a face with
21 resolution no greater than necessary for human identification

22 and verification, including photo images with a resolution that
23 enables the extraction of biometric data.
24 Section 3. Denial of benefits.
25 (a) General rule.--It shall be unlawful for any government
26 agency to deny to any individual any right, benefit or privilege
27 provided by law because of the individual's refusal to disclose
28 the individual's biometric data.
29 (b) Exceptions.--
30 (1) Except as provided under paragraph (2), the

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1 provisions of subsection (a) shall not apply to any
2 disclosure of biometric data which is required by any of the
3 following:
4 (i) Any Federal statute finally enacted on or before
5 May 10, 2005.
6 (ii) Any State statute finally enacted on or before
7 the effective date of this section.
8 (2) The provisions of paragraph (1) shall not apply to
9 any disclosure of biometric data:
10 (i) Required pursuant to arrest or indictment.
11 (ii) Requested by any law enforcement agency or
12 officer with probable cause that the individual has
13 committed a crime.
14 (c) Explanation.--Any government agency which requests an
15 individual to disclose the individual's biometric data shall
16 inform that individual whether the disclosure is mandatory or
17 voluntary, by what statutory or other authority the data is
18 solicited and what uses will be made of the data.
19 Section 4. Remedy.
20 Any individual whose biometric data is collected in violation
21 of this act may bring an action in the court of common pleas for
22 enforcement of the remedies available under this section. If the
23 individual prevails, the court shall order the government agency
24 to do all of the following:
25 (1) Remove the biometric data collected in violation of
26 this act from any database or other means of storage so that
27 the biometric data is not retained by the government agency.
28 (2) Pay the individual's reasonable attorney fees and
29 costs of litigation.
30 (3) Pay the greater of \$100 per collection in violation

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1 of this act or actual damages.
2 Section 5. Penalties.
3 (a) Summary offense.--A government agency or an employee of
4 a government agency who violates this act with the intent and

5 purpose of violating this act commits a summary offense subject
6 to prosecution by the Attorney General or the appropriate
7 district attorney and shall, upon conviction, be sentenced to
8 pay a fine of not more than \$300 plus costs of prosecution.

9 (b) Civil penalty.--A government agency or an employee of a
10 government agency who does not promptly comply with a court
11 order under section 4 is subject to a civil penalty of not more
12 than \$300 per day until the biometric data are removed.

13 Section 20. Effective date.

14 This act shall take effect in 60 days.

GENERAL ASSEMBLY OF PENNSYLVANIA
SENATE BILL
No. 622 Session of 2009

INTRODUCED BY WOZNIAK, KITCHEN, FOLMER, FONTANA, WILLIAMS,
ERICKSON, FERLO, EARLL, WAUGH, M. WHITE, PIPPY, ORIE, LEACH,
ALLOWAY, STACK AND MELLOW, MARCH 19, 2009
REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MARCH 19, 2009

AN ACT

1 Providing for the electronic swiping of a driver's license or
2 identification card.
3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:
5 Section 1. Short title.
6 This act shall be known and may be cited as the
7 Identification Card Electronic Swiping Act.
8 Section 2. Definitions.
9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:
12 "Business." A proprietorship, partnership, corporation or
13 any other form of commercial enterprise.
14 "Department." The Department of Transportation of the
15 Commonwealth.
16 Section 3. Electronic swiping of cards.
17 (a) Permitted uses.--

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1 (1) Any business may swipe a driver's license or
2 identification card issued by the department in any
3 electronic device for any of the following purposes:
4 (i) To verify the age or the authenticity of the
5 driver's license or identification card.
6 (ii) To comply with a legal requirement to record,
7 retain or transmit that information.
8 (iii) To transmit information to a check service
9 company for the purpose of approving negotiable
10 instruments, electronic funds transfers or similar
11 methods of payments, provided that only the name and
12 identification number from the license or the card may be
13 used or retained by the check service company.
14 (iv) To collect or disclose personal information
15 that is required for reporting, investigating or
16 preventing fraud, abuse or material misrepresentation.
17 (2) A business may not retain or use any of the
18 information obtained by that electronic means for any purpose
19 other than as provided under this section.
20 (b) Violation.--A violation of this section constitutes a
21 misdemeanor punishable by imprisonment in a county jail for not

22 more than one year or by a fine of not more than \$10,000, or
23 both.
24 Section 20. Effective date.
25 This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA
SENATE BILL
No. 621 Session of 2009

INTRODUCED BY FOLMER, KITCHEN, WOZNIAK, FONTANA, WILLIAMS,
ERICKSON, FERLO, EARLL, M. WHITE, PIPPY, ORIE, LEACH,
ALLOWAY, STACK, MELLOW, WASHINGTON, BOSCOLA, FARNESE AND
KASUNIC, MARCH 19, 2009

1 Relating to compliance with the Federal REAL ID Act of 2005 and
2 other laws involving biometric and economic privacy.
3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:
5 Section 1. Short title.
6 This act shall be known and may be cited as the REAL ID and
7 Biometric and Economic Privacy Act.
8 Section 2. Definitions.
9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:
12 "Biometric data." Information relating to a biological
13 characteristic of an individual that makes that individual
14 unique from any other individual, including, but not limited to,
15 the following:
16 (1) Fingerprints, palm prints and other means for
17 measuring or recording ridge pattern or fingertip

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1 characteristics.
2 (2) Facial feature pattern characteristics.
3 (3) Behavior characteristics of a handwritten signature,
4 such as shape, speed, pressure, pen angle or sequence.
5 (4) Voice data used for comparing live speech with a
6 previously created speech model of an individual's voice.
7 (5) Iris recognition data containing color or texture
8 patterns or codes.
9 (6) Keystroke dynamics, measuring pressure applied to
10 key pads.
11 (7) Hand geometry, measuring hand characteristics,
12 including the shape and length of fingers, in three
13 dimensions.
14 (8) Retinal scans, reading through the pupil to measure
15 blood vessels lining the retina.
16 (9) Deoxyribonucleic acid or ribonucleic acid.
17 "Economic privacy." The privacy of an individual that
18 relates to a right, privilege or reasonable expectation that
19 certain information is required by law to be held confidential
20 or is otherwise considered to be confidential to that
21 individual, including, but not limited to:

22 (1) Information included in a tax return required by law
23 to be filed with the Federal, State or a local government.
24 (2) Information on financial transactions conducted by
25 or on behalf of the individual.
26 (3) Information of investment transactions conducted by
27 or on behalf of the individual.
28 "REAL ID Act of 2005." Division B of the Emergency
29 Supplemental Appropriations Act for Defense, the Global War on
30 Terror and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat.

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1 302).
2 Section 3. Participation in the REAL ID Act of 2005.
3 Neither the Governor nor the Department of Transportation or
4 any other Commonwealth agency shall participate in the
5 compliance of any provision of the REAL ID Act of 2005.
6 Section 4. Participation in other related laws.
7 Neither the Governor nor the Department of Transportation or
8 any other Commonwealth agency shall participate in the
9 compliance with any Federal law, regulation or policy that would
10 compromise the economic privacy or biometric data of any
11 resident of this Commonwealth.
12 Section 5. Legal challenge.
13 Either the Governor or the Attorney General may file an
14 action in a court of competent jurisdiction to challenge the
15 constitutionality or legality of the REAL ID Act of 2005.
16 Section 20. Effective date.
17 This act shall take effect in 60 days.

AN ACT TO PROHIBIT THE USE OF SOCIAL SECURITY NUMBERS ON STATE FORMS

1 Prohibiting the use of Social Security numbers on State
2 forms.
3 The General Assembly of the State of (X)
4 hereby enacts as follows:
5 Section 1. Short title.
6 This act shall be known and may be cited as the Social
7 Security Number Prohibition Act.
8 Section 2. Use of Social Security numbers prohibited.
9 Except as provided in section 3 and notwithstanding any other
10 law to the contrary, no person shall be required to provide his
11 his Social Security number on any form required by a State
12 governmental entity.
13 Section 3. Exceptions.
14 This act shall not apply to:
15 (1) Forms required by the act of March 4, 1971 (P.L.6,
16 No.2), known as the Tax Reform Code of 1971.
17 (2) Any other form utilized in connection with the
18 collection of State taxes.
19 Section 4. Effective date.
20 This act shall take effect in 90 days.

Title: Crime Prevention and Detection Act

Author: Gun Owners Foundation

Applicability: (County) To provide for a volunteer program under the auspices of the Sheriff's Department.

Crime Prevention and Detection Act

Section I. AUTHORIZATION TO DEPUTIZE CITIZEN VOLUNTEERS

The sheriff of (name) County, when the public safety shall require it, shall enjoy all common law rights of the office of sheriff to call forth any able bodied persons above 15 years of age to assist him in the performance of his duties.

To assist the Sheriff of (name) County in the prevention and detection of crime, he is hereby authorized to deputize citizens as "Special Deputies." "Special Deputies" shall be at all times volunteers, receiving no monetary compensation for their services (except that any authorized expenses incurred in the performance of official duties shall be reimbursable in the discretion of the Sheriff). It shall be the policy of this County to promote and encourage volunteer participation in the law enforcement programs established by the sheriff. Volunteers and "Special Deputies" shall be encouraged to work within the sheriff's department, assisting the sheriff in whatever capacity desirable to the volunteers, and as directed by the sheriff. The sheriff is hereby enabled to operate a "posse" of volunteer citizens and "resident deputies" whose duties shall be as defined herein, and by special commission by the sheriff.

Section II. SCREENING AND CONDITIONS

- A. Persons seeking positions as "Special Deputies" shall submit to a criminal background check, and drug testing, but no applicant shall be requested nor required to submit to a polygraph examination or test. No person seeking "Special Deputy" status shall be approved for "Special Deputy" status when background information indicates violent or criminal behavior, or the presence of any controlled dangerous substance in the blood or urine of a test sample.
- B. Each applicant shall be required to sign an affidavit saving and holding harmless the Sheriff's Department and (name) County from punitive and compensatory damages claims arising from any accidents, injury, illness, death or loss of time in regular employment incurred while in the performance of any duties assigned by the Sheriff's Department.

Section III. COUNTY EXPENSES

- A. The Sheriff's Department shall carry standard life and medical insurance policies covering "Special Deputies" when in actual service to the department for actual and customary medical charges which could be incurred in the event of an injury or death received while in service to the department. The cost of such insurance shall be borne by (name) County.
- B. The County shall provide uniforms for the volunteers that clearly identify them as operating under the "Community Services" division of the department in a volunteer capacity.

Section IV. EQUIPMENT

- A. (name) County shall provide (# OF) vehicles for the exclusive use of the volunteer deputy program. Such vehicles will be painted to be clearly identified as the property of the (name) County Sheriff's Department's Volunteer Program, and shall be equipped with radio communications equipment linked to the Sheriff's dispatcher, a safety yellow flashing rooftop light, basic emergency equipment for first-response first aid, traffic control, and crime scene security.

- B. Each volunteer shall be issued a portable radio and a standard police belt for carrying such additional equipment as is appropriate for the volunteer's level of training, and to which his duties shall require.

Section V. TRAINING

- A The training program shall consist of three phases, each geared to increase the level of knowledge and proficiency of the volunteer(s).
1. Phase One shall consist of (# of) hours of basic training. Training will include (but not necessarily be limited to) the following:
 - a. A "First Responder" CPR and emergency first aid course;
 - b. An overview of the department, including information about the historical and contemporary functions of this county's sheriff's Department;
 - c. A classroom course on civil liability and the rights and responsibilities of representatives of the department as pertaining to the community;
 - d. A combined classroom and field course on basic and emergency traffic control and response to traffic situations;
 - e. A combined classroom and field course on crime scene security;
 - f. A classroom course on protocol and military courtesy;
 - g. On satisfactory completion of all of the above, the volunteer will be issued a uniform and will be permitted to accompany regular deputies on patrol and other departmental activities.
 2. Phase Two shall consist of a minimum of (# of) hours of participation in patrol or other departmental functions with a regular deputy or other employees of the department. In addition, there will be training provided including (but not necessarily limited to) the following:
 - a. A combined classroom and field course on the special procedures involving custody of prisoners and the maintenance of security in the county jail;
 - b. A combined classroom and field course on providing security for the Circuit Court;
 - c. A combined classroom and field course on court process service;
 - d. A classroom course on proper procedures for arresting persons accused of criminal activity;
 - e. A classroom course on personal and partner safety, self defense, and the use of force;
 - f. A combined classroom and field course on defensive and safe driving techniques and vehicle training;
 - g. A combined classroom and field course on proper communication techniques using police radio equipment;
 - h. Upon satisfactory completion of all of the above, the volunteer shall be permitted access to a county vehicle, and shall be authorized to perform limited patrol functions without the immediate presence of an employee of the sheriff's department. At all times, the volunteer(s) shall be required to communicate with the dispatcher while on patrol.

3. Phase Three shall consist of a minimum of (# of) hours of participation in patrol, jail, court security or process service. In addition, there shall be provided additional training, to wit:
 - a. A classroom course introducing the volunteer to firearms;
 - b. Range training including firing not less than (# of (x) rounds into targets with the firearm type selected by the volunteer in consultation with the sheriff.

(Section VI) POWERS AND AUTHORITY

The Sheriff may assign "Special Deputies" general duties and responsibilities, including foot and road patrol, traffic duties, and etc.; except that, to the extent possible, "Special Deputies" shall not be (except in extreme case of necessity) asked to respond to deal directly with exceptionally dangerous situations (hostage, bank robbery, prison rioting, etc.). "Special Deputies" may be assigned duties secondary to exceptionally dangerous situations (traffic & spectator control, communications and dispatch functions, and etc.) when, in the opinion of the Sheriff, additional support is required, and the deputies have completed at least Phase Two training guidelines.

When a volunteer has satisfactorily completed Phase 3 training courses, and has served six (6) months in the volunteer program, the sheriff is hereby authorized to confer full police powers on the deputy. He may, in his sole discretion, authorize the volunteer to carry, openly or concealed, firearms of models approved by the sheriff for duties that may be required.

Any use of such weapons in the performance of duties under the supervision of the Sheriff's Department shall be at the risk of the volunteer; and any and all liability for the use thereof shall be borne by the volunteer in conformity with (Name of state code identifier), the (name of state) "Good Samaritan" law. Prior to the issuance of a firearm, or the possession of a personally owned firearm while on patrol, the volunteer shall sign an affidavit accepting full responsibility for the safe use and care of the weapon, and shall save and hold harmless the sheriff's department and (name) County for any injuries arising from such use. The sheriff may, at any time, revoke permission for any person involved in volunteer programs to carry weapons.

The Sheriff may, at his sole discretion, issue firearms permits for volunteer deputies based on the deputy's performance, reliability, mental fitness, training and other factors; but the number of permits issued may not exceed one permit for each 100 county citizens as indicated by the most recent census report of the United States Bureau of the Census. Permits shall not be issued to persons;

- 1) who have ever been convicted of any crime of violence, or felony;
- 2) who are currently under supervision by any state or county agency (department of parole/probation, Social Services, etc.);
- 3) who are under 18 years of age;
- 4) who have, within the preceding 5 years, been a resident of or received outpatient services from a mental hospital for alcoholism, drug abuse or mental illness;
- 5) who have any physical limitations which would render the safe use of a gun difficult.
- 6) who have failed to demonstrate proficiency in the safe use of a firearm by completing the required course provided by the sheriff.

"Special Deputies" who volunteer time to assist the Sheriff in law enforcement activities shall, upon completion of all phases of the training program herein established, be authorized full police powers while acting in an official or reserve capacity under the supervision of the (name) County Sheriff's Department. Prior to completion of the full training program, volunteers will be authorized only those responsibilities commensurate with their training level.

Title: **Establishing an "Office of Civil Rights" within the sheriff's department**

Author: Gun Owners Foundation

Applicability: (County) To create an arm of the sheriff's department to investigate violations of individual constitutional rights committed by government officials

Establishing an "Office of Civil Rights" within the sheriff's department

THERE IS HEREBY ESTABLISHED within the Sheriff's Department of (name) County an "Office of Civil Rights."

SECTION ONE (Appointment of Department Head, Duties Thereof):

- A. The sheriff shall appoint a lead deputy to run the Office of Civil Rights, but at all times the sheriff shall be the primary person responsible for the discharge of the functions of the office.
- B. The deputy in charge of the Office of Civil Rights shall recommend to the sheriff a budget and plan for exercising the duties and responsibilities pertaining thereto.
- C. The deputy in charge of the Office of Civil Rights shall receive the rank of Lieutenant, and shall oversee all daily operations of the Office of Civil Rights in consultation with the sheriff.

SECTION TWO (Function):

The function of the Office of Civil Rights is to protect the rights and immunities secured by the Constitutions of the United States and the State of (name) within the jurisdiction of (name) County. It shall be the responsibility of the Office of Civil Rights to receive and investigate any complaints brought by citizens of (name) County which relate to any of the following:

- A. Violations of oath of office committed by any person acting in an official capacity under the laws of this State or any political subdivision thereof, or of the United States or any department or unit thereof.
- B. The deprivation of any rights under color of law committed against a citizen or citizens of this County by any officer(s) or employee(s) of this State or any political subdivision thereof, or of the United States or any department or unit thereof.
- C. Disputes arising over jurisdiction when employees of the State of (name), or any department or political subdivision thereof, or of the United States or any department of unit thereof purport to assert jurisdiction over a citizen or citizens of (name) County.

SECTION THREE (Action Directed To Be Taken On Behalf Of Citizen[s]):

A. The Office of Civil Rights shall, upon a complaint by a citizen of this County alleging a circumstance covered by Section II-A, II-B, or II-C, investigate the complaint to determine its validity. Upon sufficient inquiry to sustain the complaint, the investigating officer shall notify the sheriff, who is then authorized to commence legal recourse on behalf of the aggrieved citizen.

B. If the complaint is brought under Section II-A, the investigating deputy shall, together with the person bringing the complaint, file a criminal complaint with [insert name of court or judicial officer] setting forth the particulars of the case under authority of [insert section of state code/constitution].

Any evidence gathered during the course of the investigation by the Office of Civil Rights shall become part of the official case for the County/State in prosecuting defendant(s).

C. If the complaint is brought under Section II-B, the investigating deputy shall, together with the person bringing the complaint, file a criminal and/or civil complaint with the United States Department of Justice, Civil Rights Division setting forth the particulars of the case under authority of Title 18, Section 241 or 242 (whichever applies) of the United States Code.

Any evidence gathered during the course of the investigation by the Office of Civil Rights shall become part of the official case for the County. The Office of Civil Rights shall assist the victim to prosecute the defendant(s) in federal court. The Office of Civil Rights shall assist the U.S. Department of Justice, Civil Rights Division to the fullest extent possible with the case.

D. If the complaint is brought under Section II-C, the investigating deputy shall research and investigate the jurisdictional claim of the employee of the government or department thereof and offer a legal opinion to the complainant regarding the matter.

If the deputy believes, following the investigation, that the government employee, whether a state or federal matter, lacks jurisdiction over the individual or subject matter in question, the deputy shall immediately notify the sheriff. It shall then be the responsibility of the sheriff to file proper recourse and redress in either state or federal court, or both state and federal courts, to protect the citizen(s) of (name) County from action(s) by employees of government who attempt to act while lacking jurisdictional authority to perform the action.

E. The sheriff shall have the authority to intervene either civilly or criminally, or proceed with both civil and criminal actions, on behalf of any citizen of this county and to resist, with force if necessary, any violations of law committed by any agent of this State or the United States occurring within the jurisdiction of (name) County. Actions taken can include filing on behalf of a citizen any and all legal documents, suits at law, civil and criminal proceedings, injunctions, or other warranted actions with proper judicial authorities, whether County, State or Federal. The financial burden of any and all actions taken by a sheriff on behalf of a citizen or the people of this County shall rest on the County's general fund.

Vermont: A "Model" State

The State of Vermont remains an archetype for states considering CCW reform. Vermont does not require permits in any form to wear or carry a weapon, either openly or concealed. The only limitations on gun ownership imposed are "common sense, codified." The following are provisions within their state constitution that could be copied verbatim and applied in any state.

ARTICLE 5th. [INTERNAL POLICE]

That the people of this state by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

ARTICLE 9th. [CITIZENS' RIGHTS AND DUTIES IN THE STATE; BEARING ARMS; TAXATION]

That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute the member's proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto, . . . nor can any person who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if such person will pay such equivalent . . . "

ARTICLE 16th. [RIGHT TO BEAR ARMS; STANDING ARMIES; MILITARY POWER SUBORDINATE TO CIVIL]

That the people have a right to bear arms for the defence of themselves and the State - and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

NOTE: Under Vermont's Title 13 (Criminal Code), the common sense guidelines of conduct with weapons are established. Citizens are told in their Constitution of the necessity of bearing arms for the defense of self, family and community; and the liability of those using deadly force (following the common law credos) is established by law.

Title 13, § 59. [MILITIA]

The inhabitants of this State shall be trained and armed for its defense, under such regulations, restrictions, and exceptions, as Congress, agreeably to the Constitution of the United States, and the Legislature of this State, shall direct.

Title 13, § 904. OFFICER KILLING RESISTING RIOTER, NOT LIABLE

Officers, and persons assisting them, in lawfully dispersing or apprehending such rioters, shall not be liable in a civil or criminal proceeding if a rioter, by reason of his resistance, is killed or injured.

Title 13, § 1025. RECKLESSLY ENDANGERING ANOTHER PERSON

A person who recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury shall be imprisoned for not more than one year or fined not more than \$1,000.00 or both. Recklessness and danger shall be presumed where a person knowingly points a firearm at or in the direction of another, whether or not the actor believed the firearm to be loaded.

Title 13, § 2305. JUSTIFIABLE HOMICIDE

If a person kills or wounds another under any of the circumstances enumerated below, he shall be guiltless:

(1) In the just and necessary defense of his own life or the life of his or her husband, wife, parent, child, brother, sister, master, mistress, servant, guardian or ward; or

(2) In the suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary or robbery, with force or violence; or

(3) In the case of a civil officer; or a military officer or private soldier when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him in the just and necessary discharge of his duty.

Title 13, § 3103. DISCHARGING FIREARMS OR THROWING MISSILES AT TRAIN

A person who wilfully and maliciously discharges a firearm at or throws or causes anything to be thrown or to fall into or upon, or to strike against a railroad train or an engine, tender, car or truck, with reckless disregard for the safety of any person on such train or on such engine, tender, car or truck, shall be punished as provided in section 3102(b) of this title.

Title 13, § 4003. CARRYING DANGEROUS WEAPONS

A person who carries a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, or who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution, shall be imprisoned not more than two years or fined not more than \$200.00, or both.

Title 13, § 4004. --BY PERSONS AT SCHOOL

(a) A person who carries or has in his or her possession a firearm, dirk knife, bowie knife, dagger or other dangerous or deadly weapon while within a school building, shall be imprisoned not more than 60 days or fined not more than \$500.00, or both; however, the board of school directors may authorize the possession and use of firearms or other weapons for specific occasions or for instructional purposes when facilities for such instruction are available.

(b) This section shall not apply to a law enforcement officer while engaged in law enforcement duties.

Title 13, § 4005. --WHILE COMMITTING A CRIME

A person who carries a dangerous or deadly weapon, openly or concealed, while committing a felony or while committing an offense under section 667 of Title 7, or while committing the crime of smuggling of an alien as defined by the laws of the United States, shall be imprisoned not more than five years or fined not more than \$500.00, or both.

Title 13, § 4006. RECORD OF FIREARM SALES

All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all second-hand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his name to the record and the pawnbroker or merchant shall preserve such record book for six years after the date of last entry and shall permit all enforcement officers to inspect the same at all reasonable times. A person, partnership or corporation who violates a provision of this section shall be fined not more than \$100.00.

Title 13, § 4007. FURNISHING FIREARMS TO CHILDREN

A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than \$50.00 nor less than \$10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

Title 13, § 4008. POSSESSION OF FIREARMS BY CHILDREN

A child under the age of sixteen years shall not, without the consent of his parents or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 11 of Title 33.

Title 13, § 4009. NEGLIGENT USE OF GUN

A person who carelessly or negligently wounds another person by gunshot shall be imprisoned not more than five years or fined not more than \$1,000.00, or both.

Title 13, § 4010. GUN SILENCERS

A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers for military purposes when so used or possessed under proper military authority and restriction.

Title 13, § 4011. AIMING GUN AT ANOTHER

Any person who shall intentionally point or aim any gun, pistol or other firearm at or towards another, except in self-defense or in the lawful discharge of official duty, shall be punished by fine not exceeding \$50.00. Any person who shall discharge any such firearm so intentionally aimed or pointed shall be punished by imprisonment for not more than one year or fined not more than \$100.00, or both.

Title 13, § 4012. REPORTING TREATMENT OF FIREARM WOUNDS

(a) Every physician attending or treating a case of bullet wound, gunshot wound, powder burn, or any other injury arising from or caused by the discharge of a gun, pistol, or other firearm, or whenever such case is treated in a hospital, sanitarium or other institution, the manager, superintendent or other person in charge shall report such case at once to local law enforcement officials or the state police. The provisions of this section shall not apply to such wounds, burns or injuries received by a member of the armed forces of the United States or state of Vermont while engaged in the actual performance of duty.

(b) A person violating the provisions of this section shall be fined not more than \$100.00.

Title 13, § 4013. ZIP GUNS; SWITCHBLADE KNIVES

A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, or a weapon commonly known as a switchblade knife, the blade of which is three inches or more in length, shall be imprisoned not more than ninety days or fined not more than \$100.00, or both.

Title 13, § 4014. PURCHASE OF FIREARMS IN CONTIGUOUS STATES

Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

Title 13, § 4015. PURCHASE OF FIREARMS BY NONRESIDENTS

Residents of a state contiguous to the state of Vermont may purchase rifles and shotguns in the state of Vermont, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the state in which such persons reside.

Title 13, § 4016. WEAPONS IN COURT

(a) As used in this section,

(1) "Courthouse" means a building or any portion of a building designated by the supreme court of Vermont as a courthouse.

(2) "Dangerous or deadly weapon" means any firearm, or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury.

(3) "Firearm" means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun.

(4) "Law enforcement officer" means a person certified by the Vermont criminal justice training council as having satisfactorily completed the approved training programs required to meet the minimum training standards applicable to that person pursuant to 20 V.S.A. § 2358.

(5) "Secured building" means a building with controlled points of public access, metal screening devices at each point of public access, and locked compartments, accessible only to security personnel, for storage of checked firearms.

(b) A person who, while within a courthouse and without authorization from the court,

(1) carries or has in his or her possession a firearm; or

(2) knowingly carries or has in his or her possession a dangerous or deadly weapon, other than a firearm, shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(c) Notice of the provisions of subsection (b) of this section shall be posted conspicuously at each public entrance to each courthouse.

(d) No dangerous or deadly weapon shall be allowed in a courthouse that has been certified by the court administrator to be a secured building.

Title: AN ACT TO ENFORCE THE LIMITS OF THE UNITED STATES CONSTITUTION WITH REGARD TO THE RIGHT TO KEEP AND BEAR ARMS.

Author: Unknown

Applicability: (State) To provide criminal penalties for infringing the right of the people to keep and bear arms.

AN ACT TO ENFORCE THE LIMITS OF THE UNITED STATES CONSTITUTION WITH REGARD TO THE RIGHT TO KEEP AND BEAR ARMS.

BE IT ENACTED BY THE SENATE OF THE STATE OF _____, THE ASSEMBLY CONCURRING:

Section 1. The legislature of the State of _____, finds:

A. No authority was given to the United States to limit or restrict the right of the citizens of this state to keep and bear arms;

B. The United States Congress and all federal agencies are further expressly prohibited from infringing upon the rights of the citizens of this State to keep and bear arms by Article II of the Amendment to the Constitution of the United States:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

C. The 90th United States Congress attempted to exceed its authority in violation of Article II of the Bill of Rights of the United States Constitution in purporting to pass the so-called "gun registration bill" in the form of purported Public Law 90-168. Such attempt is void in the State of

D. Federal agents have flouted the United States Constitution and foresworn their oath "to support this Constitution" by requiring registration of the purchasers of firearms and ammunition within the boundaries of the State of _____, and such requirements are violative of the limits of authority placed upon such federal agents by the U.S. Constitution and dangerous to the liberties of the people;

E. Section (?) of the compiled laws of the State of _____ provides that all able-bodied males between the ages of 18 and 65 are Members of the militia of the State of _____, and the effectiveness of such Members in suppressing civil disorder or resisting invasion is impeded by infringing on the right of the people to keep and bear arms, by requiring registration of firearms and purchase of ammunition.

Section II.

From and after the effective date of this Act any attempt by any federal agency or official to require registration of purchasers of firearms or ammunition within the boundaries of this State is a felony, punishable by imprisonment in the state penitentiary for a term of _____ years, or by fine in the amount of \$(?), or both.

Section III.

Any aggrieved party shall also have a private action against any person violating the provisions of Section II above and all his aiders, advisors and abettors, and shall recover treble costs, besides double damages, which shall not be assessed at less than \$(?)

Title: Firearms Facility Access Act

Author: Gun Owners Foundation

Applicability: To require governmental units controlling firearms training facilities to open same for public use.

Firearms Facility Access Act

WHEREAS, The citizens of (name of state) are duty-bound under both common law and statute to assist in the preservation of order in society, and may be called into actual service to this state by the executive authority thereof, or by a sheriff, to assist in the suppression of insurrection, rebellion or criminal conduct; and

WHEREAS, all property owned and maintained by and under the authority of state and local governments is, in reality, common property of the citizens of this state.

BE IT THEREFORE ENACTED THAT all persons statutorily qualified to be called into service by the executive or law enforcement powers of this state are therefore entitled to have access to any public firearms training facilities and ranges used by the police or military units of this state or any political subdivision thereof.

1. Nothing shall prevent the governmental unit having control over any such facility from establishing operating hours and priority access for scheduled and required training exercises involving officers actually employed by police and sheriff's departments and military units in this state.
2. Nothing in this section shall prevent the governmental unit having control over any such facility from establishing reasonable user fees to offset any costs of staffing, supervising and maintaining such facilities for public use.

WITHIN 60 days of the date of passage of this act, each governmental unit owning a firearms training facility shall cause to be published a plan for the public use of their facility.

Title: Model Good Samaritan Law

Author: Gun Owners Foundation

Applicability: (State) To enable for citizens to defend themselves.

Model Good Samaritan Law

SECTION ONE:

That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and to bear arms for the defense of themselves and the State; and every member of society is therefore duty bound to yield his personal service, when necessary for the establishment of security in this state.

SECTION TWO:

Each sheriff in this state shall be entitled to the common law--law enforcement powers of sheriff, and may enlist and recruit assistance according to the doctrine of posse comitatus. The sheriff shall establish necessary rules governing the conduct of individuals volunteering or commanded to serve, and may direct and require the means necessary and equipment authorized for the exercise of the duties assigned to volunteer or auxiliary deputies.

SECTION THREE:

Any person witnessing a violent assault upon the person of another may lawfully aid the person being assaulted by assisting in that person's defense. The force exerted upon the attacker or attackers by the person witnessing the assault may be that degree of force which the assaulted person is allowed to assert in defending himself.

Any person, or any person called to aid or assist any law enforcement officer, or any person voluntarily assisting any police or sheriff's department under a sanctioned "neighborhood watch" program, or any volunteer or special deputy assisting a sheriff's department in any official capacity, upon witnessing any act defined as a crime under the laws of this state, or upon being advised by a duly authorized police officer employed by this state or any political subdivision thereof that a crime has been committed, shall render any such aid requested by the officer, or render any such aid deemed appropriate to:

- A. Impede or prevent the commission of the crime;
- B. Protect the person(s) or property threatened by the crime;
- C. Apprehend and detain the perpetrator of the crime.

SECTION FOUR:

A. In preventing or impeding a criminal act, protecting persons or property, or apprehending and detaining persons involved in criminal conduct, the degree of force used by the witness or law enforcement volunteer may be that degree of force necessary to achieve the desired result with minimal risk to bystanders and human life.

B. Deadly force may be used by witnesses or police assistants:

- 1. to prevent or end the commission of a crime of violence against another person or other felony crime;
- 2. when there is reason to believe a dangerous or deadly weapon is possessed by the perpetrator in the commission of a crime;
- 3. in the apprehension of a suspected felon;
- 4. during night-time criminal pursuit

C. Nothing in this section shall prevent the use of a handgun by a certified police volunteer or person called to aid a police officer or sheriff to detain a person suspected of committing a felony. In determining the justification for the use of deadly force in a court of law, under any circumstance where deadly force was used, the judge or jury may receive any evidence substantiating such use based on whatever factors an individual believes lead to a compelling reason for the use of deadly force.

SECTION FIVE:

A. Any person acting under the authority of a sanctioned neighborhood watch or special deputy program, or responding to a lawful request for assistance by a peace officer of this state or political subdivision thereof, shall be immune from prosecution and civil liability when acting within the scope of this ordinance, and otherwise exercising the rights and privileges of any citizen of this state to assist in the protection of life and property.

B. Neither a sheriff, chief of police, police officer, this state, or any political subdivision thereof shall be liable or held for punitive damages for acts of volunteers or special deputies unless he has directed, participated in, acquiesced or ratified those acts.

Title: Model State Constitutional Amendment, Arms

Author: Gun Owners Foundation

Applicability: (State) For potential use in states that do not have right to keep and bear arms guarantees.

Model Constitutional Amendment, Arms

A. Every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to yield his personal service, when necessary. As the people are the guardians of their right and liberties, the legislature of this state shall make no law restricting the ownership or ability of citizens of this state to bear arms. The right to bear arms may be revoked from a person convicted of any felony, the commission of which was assisted by the use of a firearm.

B. "Citizens of [name of state] have an inalienable right to keep and bear arms for the security or defense of self, family, home and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such reights shall not be denied or infringed by the state or any subdivision thereof.

C. Title: The Hanford Proposed Constitutional Amendment for the State of California.

Author: California State Senator Don Rogers

Submitted by: 2nd Amendment Committee; Bernadine Smith; P.O. Box 1776; Hanford, CA 93232

Applicability: (State) To protect the right of the people to keep and bear arms by constitutional amendment

The Hanford Proposed Constitutional Amendment for the State of California.

Senate Constitutional Amendment No. 6

Introduced by Senator Rogers

February 6, 1995

Senate Constitutional Amendment No. 6--A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.5 to Article I thereof, relating to the right to keep and bear arms.

LEGISLATIVE COUNSEL'S DIGEST

SCA 6, as introduced, Rogers. Right to keep and bear arms.

The 2nd Amendment to the United States Constitution provides that "[a] well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

The California Constitution does not include any provision concerning the right of the people to keep and bear arms.

This measure, among other things, would declare that the right of the people to keep and bear arms, individually and collectively, is an unalienable, inherent, and natural right, acknowledged in the common law, confirmed by the 2nd Amendment to the United States Constitution, and secured by the Act for the Admission of California into the Union; and that the full and necessary exercise, affiliated activity, and benefits of this right are reaffirmed, guaranteed, and protected from all infringements.

The measure would specify that the restraints in the provisions of the measure also shall apply to purported treaties, related legislation, to executive orders, and to martial law, and that all constitutional provisions, state laws, and local governmental ordinances that are inconsistent with these provisions are inoperative.

The measure, in addition, would provide that no part of these provisions shall be unconstitutional, as they are in support of the text of the original United States Constitution and the Bill of Rights, and they sustain that which is already fundamental law. However, the measure would provide that if any part of this section is questioned, the questioned part shall remain in full force and effect until such time that it has been finally adjudged to be contrary to the United States Constitution and the Bill of Rights, as well as the purposes, reasonings, and discourses of the nation's founders.

Vote: 2/3. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

1 Resolved by the Senate, the Assembly concurring, That
2 the Legislature of the State of California at its 1995-96
3 Regular Session commencing on the fifth day of
4 December 1994, two-thirds of the membership of each
5 house concurring, hereby proposes to the people of the
6 State of California that the Constitution of the State be
7 amended by adding Section 1.5 to Article I thereof, to
8 read:

9 SEC. 1.5. (a) The right of the people to keep and
10 bear arms, individually and collectively, is an unalienable
11 inherent, and natural right, acknowledged in the
12 common law, confirmed by the Second Amendment to
13 the United States Constitution, and secured by the Act for
14 the Admission of California into the Union. The full and
15 necessary exercise, affiliated activity, and benefits of this
16 right are herein reaffirmed, guaranteed, and protected
17 hereby from all infringements.

18 (b) For purposes of clarification, and to prevent
19 misconstruing, this right shall be interpreted so as to
20 coincide and adhere to the reasonings and discourses
21 made in behalf of the Second Amendment to the United
22 States Constitution by the nation's founders who
23 authored or otherwise contributed to the formation of
24 that amendment, and so as to conform to the definitions
25 in use at that time.

(Page break in original)

1 (c) The intent of this section is to reaffirm, clarify, and
2 protect the right of the people of this State to, but not be
3 limited to, purchase, own, possess, advertise, sell, lease,
4 loan, manufacture, transport, or use arms and
5 ammunition for the defense of person, family, home,
6 property, and liberty; for the defense and safety of the
7 State; and for sport and recreation. This section shall not
8 apply to convicted violent felons, nor to any individual
9 who has been found by a court to be a danger to others
10 as a result of mental disorder or mental illness.

11 (d) No public official, whether elected or nonelected,
12 in this state or its subdivisions, nor the Legislature, nor
13 any other public body, shall deny, curtail, prohibit, or tax
14 the right of the people to keep and bear arms; nor enact,
15 nor participate in the execution of, any law which in any
16 style, form, or manner constitutes the registration of the
17 people's firearms or ammunition; nor require the
18 licensing of individuals; nor promote a reduction in the
19 availability of firearms, their components or related
20 accessories; nor promote a reduction in the quality of
21 ammunition, nor reduce its availability; nor take any
22 action to promote, or to engage in, the confiscation of
23 firearms, which includes weapons of defense, well-suited
24 to fend off invasion.

25 (e) The right to keep and bear arms and ammunition

26 shall not be infringed or revoked by any branch of
27 government, or from any other source, by reason of, but
28 not limited to, ordinances or other acts of local or State
29 governments, or any other legislation which subverts the
30 intent of this section. These restraints also shall apply to
31 purported treaties, to related legislation, to executive
32 orders, and to martial rule.

33 (f) All constitutional provisions, State laws, and local
34 governmental ordinances that are inconsistent with this
35 section are inoperative. The provisions of this section shall
36 be self-executing.

37 (g) No part of this section is unconstitutional, as it is in
38 support of the text of the original United States
39 Constitution and the Bill of Rights, and it sustains that
40 which is already fundamental law. If any part of this
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1 section is questioned, the questioned part shall remain in
2 full force and effect until such time that it has been finally
3 adjudged to be contrary to the United States Constitution
4 and the Bill of Rights, as well as the purposes, reasonings,
5 and discourses of the nation's founders.

No Chippin' Chickens Act

Prohibiting the State from requiring participation by private farmers, ranchers, individuals or other food production resources owned by private interests in the Federal National Animal Identification System (NAIS), providing penalties for compulsory participation, and providing for the authority of the Governor and Attorney General to file certain legal challenges.

The General Assembly of the State of _____ hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the No Chippin' Chickens Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section.

Radio Frequency Identification (RFID) or Electronic Identification Tag (EID) tag: A microchip tag or other device that contains information about the item that it is either attached to or embedded in the tag or the animal itself, and has the capability of radio frequency identification at any distance.

Farm (N): a tract of land, which may include bodies of water, used for the purpose of agricultural activities to include but not limited to pasture, stock raising, or some associated endeavor to produce food, feed, fuel, energy, electricity, whether for livelihood, personal consumption, charity or other purpose.

Farm (V): to carry on the activities of a farm or ranch.

Gentleman Farmer: a private person who farms for pleasure rather than for profit.

Private Farmer: a natural person, family or other private group who owns, rents or leases land or water used for but not limited to; raising of animals, fish, plants, or other food production, for sale, barter, trade for personal or group use anywhere.

Family Farm: a farm owned rented or leased and subsequently operated by a family.

Backyard Gardener: A private individual who raises animals, fruits and/or vegetables or other food for sale, trade, barter, charity or personal consumption.

Farmer's Market: A business where farmers and other food producers market, sell, barter or trade their products to customers.

NAIS: The National Animal Identification System under development by the United States Department of Agriculture (USDA) and corporate interests with the inherent intent to implement control, tracking, and enforcement on farm production resources.

Livestock Auction Barn: A property open to people where livestock, produce, or other items are sold to the highest bidder.

Slaughter House: A facility where animals are butchered, processed or otherwise prepared for consumption and may be stored for a length of time before or after sale.

Premise ID: A system, whether instigated at the state or federal political level, which assigns a nationally unique alphanumeric code to identify the physical location of a farm or related venture.

Private: Anything not publically owned or held. For purposes of this Act, "private" shall not include corporations or their holdings, regardless of the designations or quantity of stock shares, or number of shareholders.

Tracking: the ability of government or corporate entities and/or private industry or individuals to monitor animal movement and maintain the data in an Animal Tracking Databases (ATDs), including, but not limited to NAIS.

Section 3. Non-participation in National Animal Identification System (NAIS) or similar data bases.

A. Neither the Governor nor the Department of Agriculture or any other social, corporate, or government agency of this State shall require any person, gentleman farmer, private farmer, family farmer, backyard gardener, farmer's market, private livestock auction barn, private slaughter house or veterinarian, to participate in premise ID, animal identification, tagging, or tracking of their animals, or be compelled to participate with any provision of a state or National Animal Identification System.

B. This State, including any social, corporate, or government agency thereof, shall not establish any database or registry of farms, premises, or private property that include farming-related activities, nor in any manner participate in the linking of computer data systems by or between this and other states, the federal government, or other nations, that contain information about the

farms of this State; nor shall any such data collected about the farms of this State be accessible to or incorporated within any National Animal Identification System or other like programs pertaining to food production resources. No data pertaining to the farms of this State shall be stored on computers or other facilities located off-shore or outside this State and its jurisdiction.

- C. This prohibition shall also include any component of said systems including but not limited to:
- (1) Premises ID (as defined in National Animal Identification System Users Guide published by the United States Department of Agriculture);
 - (2) Animal chipping (the subcutaneous insertion of identification or satellite or other tracking device) or required permanent tagging;
 - (3) Animal or plant movement, permitting, licensing, reporting, or tracking records or data;
 - (4) Computer data bases or records kept for tracking purposes;
 - (5) Any such system or component of such system or program that forces or compels participation in any program, or causes social, economic or other consequences for any person not participating in said programs.

Section 4. Previous agreements void. NAIS databases dismantled. Participation in other related federal or international laws.

A. Any agreements previously entered into by this State or any executive or regulatory agency thereof with any other state, the federal government, or other nations concerning the NAIS, animal identification, or registration of property and premises holding livestock or plants are hereby void. Any NAIS data bases under the control of the State shall be dismantled within 90 days of the passage of this Act, and no data contained therein shall be in any way stored, retrieved, or transferred to any other party, whether public or private.

B. Neither the Governor nor the Department of Agriculture or any other State agency shall participate in the compliance with any Federal or international law, regulation, or policy that would compromise the privacy or farming practices of any individual or farmer, livestock auction barns or slaughter houses, private farmer's market, or any other private agricultural activity within this State.

Section 5. Animal diseases.

A. Nothing herein shall be construed to prohibit the (name of State) Department of Agriculture from researching, providing education opportunities about, and combating animal or plant disease outbreaks within constitutional guidelines. Nothing herein shall prohibit private agreements between private parties to arrange any voluntary animal identification programs, except that any such programs shall be subject to the following.

- (1) The private system must provide for full and informed consent of all participants, including:
 - (a) disclosure of the entire private system;
 - (b) the possible uses of information collected; and
 - (c) the entity or persons to whom information may be disclosed.
- (2) Any person that voluntarily enrolls in a private system shall be allowed to withdraw at any time, and all personal information must be permanently removed from any and all interconnected and/or related databases.
- (3) Public monies shall not be used to support a private system for premises registration and animal/plant identification or tracking/tracing.
- (4) A private system for premises registration and animal/plant identification shall not be used to gain an unfair competitive advantage and at all times shall be subject to laws regulating unfair competition.

(B) A private system for premises registration and animal identification shall not be used to deny services to a person not participating in the private system, including:

- (1) the purchase of supplies;
- (2) the veterinary services;
- (3) the transport of animals;
- (4) The sale of animals;
- (5) Purchase of feed and other supplies;
- (6) the slaughter and processing of animals; and
- (7) participation in shows, parades, rodeos, fairs, and other agricultural events.

(C) No international entities, organizations, or governments or agencies thereof, whether federal, state or local, shall provide any special consideration or other incentives to benefit any participant in an animal identification or premises registration.

(D) No international entities, organizations, or governments, whether federal, state or local, may deny any right, privilege or immunity to any person or farm enterprise that chooses not to participate in a private system for premises registration and animal identification under this Act.

(E) This state and units of local government may not require a person that, for any reason, contracts with the state or unit of local government to participate in any system for premises registration and animal identification under this Act as a precondition for entering into a contract to provide services or supplies.

(F) A private source verification program identification system, device, or marking shall not obliterate or supersede or otherwise make unreadable any local farm or entity's brand or mark on any animal. A private source verification program's rules may not supersede this state's or farm's brand or marking system rules as a matter of law.

(G) No service, compensation, favors, payments, credits, benefits, licenses, permits, certifications, insurance or risk management coverage, special considerations, or other incentives may be provided to or denied by any public or private, natural or artificial person, directly or indirectly, to any participant in an animal or plant identification or premises registration program based on that person's participation or non-participation in such program.

(H) Neither the federal, state nor local government may require any of its suppliers to participate in premises registration or animal/plant identification program as a condition of supplying goods or services.

(I) Failure to participate in a premises registration or animal or plant identification program, or providing of services to persons who are not participants in a premises registration or animal or plant identification, program, shall not be a crime, an element of any crime, or evidence of any negligence on the part of any animal or plant owner or provider of goods and services.

Section 6. Penalties.

Any person found in violation of any provision of this act affecting farming operations, shall be guilty of a felony, and upon conviction thereof shall be fined not less than 50,000 for a first offense, or imprisoned for a period not to exceed five years, or both. If the person violating this Act is an employee of any agency of this state, he shall, in addition to the penalties set forth above, also forfeit the office held, and be further ineligible for any office of profit or trust within this State thereafter. Any person aggrieved by a violation of this Act shall be entitled to recover civil damages from the offender.

Any person who inserts or causes to be inserted any RFID or EID microchip under the skin of any animal shall be guilty of misdemeanor animal cruelty, and subject to existing state law pertaining to that offense.

Section 7. Legal Challenge

Either the Governor or the Attorney General of this State shall be authorized and empowered to challenge in federal court, with the United States as defendant, the authority, necessity and propriety of the Federal Government in establishing agencies or programs involving agriculture within or affecting this State, or the Union of States, under the Constitution for the United States of America.

Section 8. Effective Date.

This Act shall take effect 90 days after passage, and thereafter the insertion of microchips under the skin of any animal shall be prohibited within this State, except that the owner of animals who have had microchip implantation in their animal(s) prior to the date of this Act's passage shall not be found liable.

Common Rights of Man & Religious Liberty Protection Act (Omnibus Version)

Be it enacted by the General Assembly, that although not specifically delineated in the Constitutions of our state and federal government (except as alluded to in the 9th & 10th Amendments of the federal Constitution), the common rights & needs of mankind include food, water, clothing, shelter, heat, the ability to engage in basic commerce, to travel, to earn a living by honest means, to marry, to vote, and to practice his religion without any penalty to his other rights. The conversion of any of these fundamental rights into government-granted privileges, or the denial of basic rights on account of faith, is oppressive and forever ought to be avoided; and no tax or license ought ever to be imposed or required in the pursuit of the basic necessities of human life, or in the pursuit of religion or the ministry thereof, or in the exercise of any right, whether enumerated in and secured by our Constitutions or this Act or those that are otherwise common to mankind, and regardless of any financial status.

The public lands and waters of this State ought always to be considered "commons" accessible to all. The State shall not deny access to these lands to any person who is seeking sustenance or healthy recreational activities, except that the state may adopt regulations specific to these common lands to prevent overexploitation or commercial gain from them. Navigable roads, streams and rivers shall be at all times open to travel without license, burden, fee or taxation.

No person shall be compelled to frequent or support any particular mode of religious worship, place or ministry whatsoever, nor shall he be enforced, restrained, molested or burdened in his body or goods, nor shall he otherwise suffer penalties or loss of rights or privileges on account of his religious opinions or beliefs. In the application of this Act, it shall be given the most liberal interpretation by courts of justice to touch upon all matters of survival in addition to the enjoyment of the general rights and privileges otherwise available to all persons domiciled within this State.

All men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge or affect their civil capacities, rights, privileges, or immunities. The rights hereby asserted are of the natural rights of mankind; and if any act of this legislature passed previous to this Act is in conflict herewith, the later shall prevail. No law shall be hereafter passed to narrow the operation of this Act, as such would be an infringement of natural right.

When interacting with this state, if any conflict shall arise between a person's conscience and the laws of this state, the conscience shall prevail, and the right or privilege otherwise available shall be extended without further burden or obstruction, so long as the religious belief does not act to the injury of any other person. An affidavit shall suffice to establish the conscience consideration, and such statement shall not be otherwise questioned.

No state agency shall give any preference to any particular religious belief mode or denomination in assessing a matter of conscience objection to providing any information otherwise requested on any state form or for any form of licensing within this state or any political subdivision hereof.

Where any license has been established by the laws of this state or its political subdivisions to engage in a particular occupation or pursuit, if a person is engaging in that occupation or pursuit without a license based on his religious beliefs, yet is otherwise compliant with laws regulating that occupation or pursuit, then the state shall have no course of action against that person solely on account of any absence of license. For purposes of this Act, recreational and vehicular types of licenses shall be treated the same as occupational, and the right to vote along with other civil and right to survive liberties shall also be included herein.

No license, fee or tax shall ever be requested or required in order to exercise the right of suffrage, to bear arms as provided in the 2nd Amendment of the federal constitution, or for the enjoyment of any other rights protected by the state and/or federal constitutions, or the basic rights not articulated in the Constitutions or this Act, but understood as common rights of mankind.

The following articles of consumption shall not be subject to any form of state taxation or licensure to obtain:

- 1) Food for human or farm animal consumption, in whatever form it may be obtained,
- 2) Products, fertilizers, seed, livestock, or tools used in farm production,

- 3) Firearms or ammunition,
- 4) Land where at least 15% thereof is used in farming pursuits in a given year, and which is further not subject to taxation in any land sabbatical years.

Where the laws or practices of this state request or require particular information to be given, or for a photograph to be taken, to obtain a license or other privilege, the refusal to give certain information or sit for a photograph shall not be construed as a valid reason to deny a license or privilege to a person otherwise qualified to obtain it. A person objecting to giving the information or photograph may submit an affidavit expressing either a matter of conscience objection, or a belief that the disclosure of the information constitutes a violation of their privacy from government intrusion as protected by the articles of our state and/or federal Constitution, and such affidavit shall not otherwise be questioned.

An affidavit establishing an itinerant occupation shall be sufficient to waive any requirement for a "fixed, permanent address" to obtain any license within this state.

No requirement shall exist that any unique personal identifiers, such as a biometric photograph, fingerprint, DNA or blood sample, etc. be a condition to obtain any license, right or privilege otherwise available. Where such information is requested, an affidavit of religious objection shall be sufficient to waive the requirement. No unique personal identifiers shall be collected from any person for any reason without their informed consent as to the uses of such information, nor from any person merely arrested for any crime except a warrant be obtained via due process of law to confirm a connection between evidence from a crime scene and a defendant.

No person may be subjected to any form of medical intervention, inoculations or other treatment, whether physical or mental in nature, without their consent or if objected to on matter of conscience grounds. No person under the age of majority shall likewise be treated or inoculated without parental consent, and the absence of such consent shall not cause the denial of any academic or other right or benefit otherwise obtainable.

This state and any corporation chartered under its laws, or licensed to conduct business herein, shall make every effort to avoid discrimination against any employee on account of faith. That various religions observe differing sabbatical and holy times, best efforts should be made to enable an employee to keep his observances as his conscience dictates.

Any officer or employee of this state who shall violate any provision of this act, or who shall discriminate against any person on account of their religious beliefs, or who shall deny or attempt to deny any person domiciled in this state of any right or privilege on account of their faith, shall be guilty of a misdemeanor, and upon conviction thereof shall vacate their office, pay all associated court costs, be fined not less than \$1000 nor more than \$10,000 at the discretion of the court, shall be ineligible to hold any office of profit or trust within this state, and shall be personally liable for any actual damages to the person aggrieved. Any person alleging an injury to their liberties under this Act may request the assistance of any employee of this State to obtain relief hereunder, and the assistance shall be granted without unreasonable delay. Failure to assist a person injured under this Act, upon request, will be treated as a separate violation of this Act.

This Act shall take effect immediately upon passage, except that § (?) (corporate provisions) shall become effective 90 days following passage.

Common Rights of Man & Religious Liberty Protection Act (Liberty focus)

Be it enacted by the General Assembly that the common rights of mankind include, but are not limited to, the privilege to do those things necessary to secure food, water, clothing, shelter, heat, the ability to engage in livelihood, to travel, to marry, to use property and the conveyance of the day to transport oneself and property in pursuit of happiness and safety, and to practice his religion; ever enjoying the liberty and immunity from having to forsake one right to exercise another.

Governments are instituted among men to secure these and other natural rights, and derive their just powers from the consent of the governed. Government powers are not to be exercised for the purpose subjugating the governed, nor to extend the power of the government. The conversion of any fundamental rights into a governmental benefit or privilege subject to arbitrary discretion is contrary to the very purpose of government.

Therefore, that religion, or the duty that we owe our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; all men are equally entitled to the free exercise of religion, according to the dictates of individual conscience.

No person shall be compelled to frequent or support any particular mode of religious worship, place or ministry whatsoever, nor shall he be enforced, restrained, molested or burdened in his body or goods, nor shall he otherwise suffer penalties or loss of rights, privileges or immunities on account of his religious opinions or beliefs. This principle shall be given the most liberal interpretation to the ends of protecting rights, privileges and immunities of each man in their pursuit of happiness and religion.

All men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge or affect their civil capacities, rights, privileges, or immunities. The rights hereby asserted are of the natural rights of mankind; and if any act of this legislature passed previous to this Act is in conflict herewith, the later shall prevail. No law shall be hereafter passed to narrow the operation of this Act, as such would be an infringement of natural right.

It is recognized that a law, general in application and neutral to religion, will at a time have an incidental burden upon religion. The government and all agencies of this State shall, to the extent practicable, make accommodation for those whose religion or religious belief is substantially burdened unless such accommodation will impose a clear and present danger to another man or their property and safety rights.

When interacting with this state, if any conflict shall arise between a person's conscience and the laws of this state, the conscience shall prevail, and the right or privilege otherwise available shall be extended without further burden or obstruction, so long as the religious belief does not act to the injury of any other person. An affidavit shall suffice to establish the conscience consideration, and such statement shall not be otherwise questioned. No state agency shall give any preference to any particular religious belief mode or denomination in assessing a matter of conscience objection to providing any information otherwise requested on any state form, nor for any license issued by or within this state or any political subdivision hereof.

In other conflicts, a person whose religion is burdened shall show such burden by the preponderance of the evidence or affidavit. Such evidence by affidavit or other documentation shall be presumed sufficient until the government presents substantive opposing evidence. The government must demonstrate by clear and convincing evidence that granting the requested accommodation interferes substantially with the purpose of government and burdens a proper object of legitimate government regulation. The government shall prove beyond a reasonable doubt that a man's religion ought not to be accommodated in matters of liberty or penalty.

No person shall be denied suffrage on the basis of religion.

No license, fee or tax shall be levied for suffrage or for the exercise of any other rights protected by the (state) and/or United States constitutions, or for those rights enumerated herein.

Where the laws or government agency policies direct or require applicants of for licenses or benefits to provide private information, specific documents, or for a photograph to be taken, the government shall

provide a suitable alternative to meet the information or identification verification requirement without denial of the license or benefit on the basis of religion.

No requirement shall exist that any unique personal biometric identifiers, such as a biometric facial scan, fingerprint, DNA or blood sample, etc. be a condition to obtain any benefit, license, right, privilege or immunity within this State. A two dimensional photograph, devoid of digitization into software storage & retrieval or database systems or digital facial recognition software, taken and placed only on the original document with no duplication, shall not constitute a biometric facial scan.

No such biometric or other unique personal identification information shall be obtained except by warrant or consent and upon showing of the necessity to compare such identification with evidence found at a particular crime scene.

No one shall be subjected to any form of medical intervention, inoculations or other treatment, whether physical or psychological, without their consent or if objected to on matter of conscience grounds. No minor or infant shall likewise be treated or inoculated without parental consent. The absence of such consent shall not cause the denial of any academic or other right, privilege, immunity or benefit.

This state and any corporation chartered under its laws, or licensed to conduct business herein, shall not discriminate against any employee on account of faith. Efforts shall be made to enable employees to keep their religious observances.

Where professional, occupational, recreational, driver's or marriage licenses, benefit or suffrage has been established by the laws of this state or political subdivisions and an application is denied on the basis of religious objection or for other cause under this Act, the applicant may bring a civil action in a Court of Record, or may plead such as a criminal defense.

Any officer or employee of this state who shall violate any provision of this act, or who shall discriminate against any person on account of their religious beliefs, or who shall deny or attempt to deny any citizen in this state of any right, privilege, immunity, or benefit on account of their faith shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit the statutory bond of their office, pay all associated court costs, be fined not less than \$1000 nor more than \$10,000, and shall be personally liable for damages suffered. Obstruction or conspiracy to obstruct redress under this Act shall be treated as a separate violation of this Act.

This Act shall take effect immediately upon passage, except that § (?) (corporate provisions) shall become effective 90 days following passage.

Common Rights of Man Taxation Forbearance Act

Be it enacted by the General Assembly that the common rights of mankind include, but are not limited to, the privilege to do those things necessary to secure food, water, clothing, shelter, heat, the ability to engage in livelihood, to travel, to marry, to use property and the conveyance of the day to transport oneself and property in pursuit of happiness and safety, and to practice his religion enjoying the immunity from having to forsake one right to exercise another.

To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. Government powers are for the purposes of securing rights of the governed, not for the sake of subjugating the governed to extend the power of the government. The conversion of any of these fundamental rights into a governmental benefit or privilege subject to arbitrary discretion is contrary to the very purpose of government.

Therefore, regarding taxation: No tax or license ought ever to be imposed or required in the pursuit of the basic necessities of human life, in the pursuit or religion or the ministry thereof, or in the exercise of any right, whether enumerated in and secured by our Constitutions or this Act or those that are otherwise common to mankind.

The public lands and waters of this State are "commons" shared and accessible to all. The State shall not deny access to these lands to any person who is seeking sustenance or healthy recreational activities, except that the state may adopt regulations specific to these common lands to prevent overexploitation or commercial gain from them. Navigable streams and rivers shall be at all times open to travel without license, burden, fee or taxation.

Suffrage shall not be denied on the basis of religion. Anyone denied suffrage on the basis of religion shall be immune from all taxation.

No license, fee or tax shall be levied for suffrage, on religion, to maintain arms, for the exercise of any right protected by the (state) and/or United States constitutions, or for those rights enumerated further herein that shall not be subject to taxation or licensure:

- 1) Food for human or farm animal consumption;
- 2) Products, fertilizers, seed, livestock, or tools used in farm production,
- 3) Firearms or ammunition,
- 4) Land where at least 15% thereof is used in agriculture or farming. Agriculture and farmland shall not be subject to taxation during sabbatical years.

Model State Resolution to Convene an Inquiry Into the Events of 9-11-01

A Resolution Establishing a Full Legislative Inquiry Into the Events of 9-11-01

WHEREAS, In the months and years since September 11, 2001 an increasing body of evidence has been brought into the public dialog contending that certain federal agencies and individual employees of the federal government may not only have had foreknowledge of the impending attack on our sister state of New York and at the Pentagon in Washington, D.C., but that federal personnel could have had a direct role in the carrying out of secret attacks within America for varied political and financial purposes; AND

WHEREAS, despite repeated pleadings by many Americans to the United States Congress to convene unbiased and thorough investigations for purposes of analyzing new physical and circumstantial evidence about the events of that day, to date, the “unanswered questions” about September 11, 2001 have continued to burn on the hearts and minds of the people of this State, as well as on those of our Sister States, with no response whatsoever from the Federal Government; AND

WHEREAS, respectable and noteworthy individuals, representing forensic science, academia and other eye-witnesses to the events of September 11, 2001 have openly and publicly plead for the opportunity to bring forward their evidence pointing toward the use of controlled demolition and precisely placed explosives as a planned means of destroying the remains of the World Trade Center; AND

WHEREAS, respectable and noteworthy individuals and other eye-witnesses to the events of September 11, 2001 have openly and publicly plead for the opportunity to bring forward their evidence pointing toward a missile strike at the Pentagon as the proximate cause of damages sustained at that location on the date in question; AND

WHEREAS, it is the duty of our states, as principals under the Constitution for the United States of America, to investigate the acts of our agents established by said Constitution if and when it appears that our agents have acted in such manner as to evidence either negligence, misfeasance, malfeasance, or even treason against our Sister States, our people, and/or our nation; AND

WHEREAS, the legislative policies of the United States Federal Government, in the years after September 11, 2001, has been one of continued erosion of personal liberties, as well a massive expansion of federal powers over the lives of the citizens of this and our Sister States; AND

WHEREAS, the Executive Branch has assumed for itself, in violation of the limits on that office to “establish offices” granted by the said Constitution exclusively to the Congress, the sole right to act in many ways detrimental to the liberties of our people; AND

WHEREAS, the Executive Branch has launched not one but two aggressive military campaigns into the nations of Iraq and Afghanistan without proving beyond a reasonable doubt that those nations have acted with aggression toward our nation; AND

WHEREAS, numerous individuals, representing a broad spectrum of knowledge and information about the events of September 11, 2001 publicly claim to have information that is being either suppressed by the Federal Government, or which was excluded from the evidence and/or testimony to the 9-11 Commission hearings;

BE IT THEREFORE ENACTED by the (State Senate/House of Delegates/Representatives) of the State of _____ that:

1. A special session of this (House/Senate) shall be and is hereby called to convene on (date) for the purpose of summoning witnesses, and affording the opportunity for experts or eyewitnesses to the events of September 11, 2001 whether in New York City, Washington D.C., or at any other location that would provide to this Legislature, and the people of this State, information pertaining to the facts about the events of that date, to testify, provide evidence or otherwise contribute to the body of knowledge about the events that occurred on September 11, 2001; AND
2. That for purposes of this legislative inquiry, the (House/Senate) shall be functioning as “the Committee of the Whole” to review evidence presented, and to establish, at the end of the inquiry,

a legislative response encompassing the sense of the Legislature about the potential need to further investigate, indict or otherwise prosecute employees of the Federal Government or any agency or agencies thereof as potential co-conspirators with others of any nations involved who committed multiple acts of murder and other high crimes against the people of our Sister State of New York, and/or the capitol of our nation.

3. That the Speaker of the (House/Senate) shall provide notice to all national wire services, national newspapers, and national news television stations, along with all such media of record within this State, of our intention to conduct this legislative inquiry, and to provide 30 days for individuals wishing to testify at this hearing to provide a written request to be put on the agenda, along with an indication of the amount of time required for that individual to present their evidence, and any expenses they would incur as a result of traveling to our state and providing this evidence; AND
4. To the end that the Speaker reimburse witnesses for their expenses, and attend to their immediate needs while here to testify, that the Speaker of the (House/Senate) do provide from the general fund of this State such reasonable reimbursement to witnesses as in his judgement shall be needed to carry on this legislative inquiry; AND
5. That upon obtaining the list of proposed witnesses that the Speaker shall take such actions as may be needed to protect the security and integrity of the witnesses willing to testify, and assist as necessary in providing security to these witnesses while in our State to assist in this inquiry; AND
6. That any details received from witnesses about the nature of information they will provide shall be noted in a confidential journal maintained by the Speaker, AND
7. That evidence shall be scheduled to be given in an orderly manner, so that each day of testimony will be related subject matter; AND
8. That notice of the opening of this inquiry shall be provided to the members of this State's Congressional and U.S. Senate delegations, to our sister (House/Senate) body, and to the governors and presidents of all state House and Senate Assemblies within the United States of America; AND
9. That all evidence and testimony presented shall be published in the Journal of this (House/Senate) for the public record, and released to our Sister States upon demand.

Tailored Pennsylvania Resolution to Convene Investigation Into the Events At Shanksville, Based on House Rule 51

A Resolution Establishing a Legislative Inquiry Into the Events of 9-11-01 near Shanksville, PA

WHEREAS, In the months and years since September 11, 2001 an increasing body of evidence has been brought into the public dialog contending that certain federal agencies and individual employees of the federal government may not only have had foreknowledge of the impending attack on our sister state of New York and at the Pentagon in Washington, D.C., but that federal personnel could have had a direct role in the carrying out of secret attacks within America for varied political and financial purposes; AND

WHEREAS, despite repeated pleadings by many Americans to the United States Congress to convene unbiased and thorough investigations for purposes of analyzing new physical and circumstantial evidence about the events of that day, to date, the “unanswered questions” about September 11, 2001 have continued to burn on the hearts and minds of the people of this State, as well as on those of our Sister States, with no response whatsoever from the Federal Government; AND

WHEREAS, respectable and noteworthy individuals, representing forensic science, academia and other eye-witnesses to the events of September 11, 2001 have openly and publicly plead for the opportunity to bring forward their evidence pointing toward discrepancies between the “official story” coming from the Keen-Hamilton Commission and factual evidence pertaining to the events surrounding Shanksville, Pennsylvania, the Pentagon, and the World Trade Center complex; AND

WHEREAS, the Commonwealth of Pennsylvania was one of the original States of this Union, sending delegates to the Constitutional Convention of 1787 that established the Federal Government, we are therefore one of the “principals” of the Constitutional Compact, having assisted in the creation of this multi-tiered governmental structure that provides for the Federal Government to act as duly authorized agencies of the several states; it is therefore the duty of our State, as a principal under the Constitution for the United States of America, to investigate the acts of our agents established by said Constitution if and when it appears that our agents have acted in such manner as to evidence either negligence, misfeasance, malfeasance, or even treason against our Sister States, our people, and/or our nation; AND

WHEREAS, the legislative policies of the United States Federal Government, in the years after September 11,2001, has been one of continued erosion of personal liberties, as well a massive expansion of federal powers over the lives of the citizens of this and our Sister States; AND

WHEREAS, the Executive Branch has assumed for itself, in violation of the limits on that office to “establish offices” granted by the said Constitution exclusively to the Congress, the sole right to act in many ways detrimental to the liberties of our people; AND

WHEREAS, the Executive Branch has launched not one but two aggressive military campaigns into the nations of Iraq and Afghanistan without proving beyond a reasonable doubt that those nations have acted with aggression toward our nation;
AND

WHEREAS, numerous individuals, representing a broad spectrum of knowledge and information about the events of September 11, 2001 publicly claim to have information that is being either suppressed by the Federal Government, or which was excluded from the evidence and/or testimony to the Keen-Hamilton Commission hearings;

BE IT THEREFORE RESOLVED by the House of Representatives of the Commonwealth of Pennsylvania:

1. Pursuant to House Rule 51, the Judiciary Committee of the House shall be and is hereby called to convene an investigation in the county of Somerset for the purpose of summoning witnesses and affording the opportunity for experts or eyewitnesses to the events of September 11, 2001 pertaining to the purported crash of United Airlines flight 93 near the borough of Shanksville, PA on that date. This inquiry will provide this General Assembly, and the people of this State, information pertaining to the facts about the events of that date, permit the testimony, provide evidence and/or otherwise contribute to the body of knowledge about the events that occurred on September 11, 2001; AND
2. That for purposes of this legislative inquiry, the Judiciary Committee shall review evidence presented, and establish, at the end of the inquiry, a legislative response encompassing the sense of the Legislature about the potential need to further investigate, indict or otherwise prosecute any person or persons, be they foreign or domestic, who committed or may have committed multiple acts of murder and other high crimes against the people of either our Commonwealth or of our Sister States.
3. That the Speaker of the House shall provide notice to all national wire services, national newspapers, and national news television stations, along with all such media of record within this State, of our intention to conduct this legislative inquiry, and to provide 30 days for individuals wishing to testify at this hearing to provide a written request to be put on the agenda, along with an indication of the amount of time required for that individual to present their evidence, and any expenses they would incur as a result of traveling to our state and providing this evidence; AND
4. To the end that the Speaker reimburse witnesses for their expenses, and attend to their immediate needs while here to testify, that the Speaker of the House do provide from the general fund of this State such reasonable reimbursement to witnesses as in his judgement shall be needed to carry on this legislative inquiry; AND
5. That upon obtaining the list of proposed witnesses that the Speaker shall take such actions as may be needed to protect the security and integrity of the witnesses willing to testify, and assist as necessary in providing security to these witnesses while in our State to assist in this inquiry; AND
6. That any details received from witnesses about the nature of information they will provide shall be noted in a confidential journal maintained by the Speaker, AND
7. That evidence shall be scheduled to be given in an orderly manner, so that each day of testimony will be related subject matter; AND

8. That notice of the opening of this inquiry shall be provided to the members of this State's Congressional and U.S. Senate delegations, to the Pennsylvania State Senate, and to the governors and presidents of all state House and Senate Assemblies within the United States of America; AND
9. That all evidence and testimony presented shall be published in the Journal of this House for the public record, and released to our Sister States upon request.
10. That the Chairman of the Judiciary Committee shall establish a date to begin this legislative inquiry not less than 60 days following passage of this resolution, that he make certain that any witness seeking to testify be afforded the opportunity to present such information, either in writing or in person, as such witness may desire, and that there be fully impartial treatment to any such witnesses and to the investigation as a whole.

A BILL To Provide for the Enforcement of the Uniform Rule of Immigration Within (State)

FINDINGS

The General Assembly of the State of (?) finds that:

1. The Constitution for the United States provides that Congress has the duty to provide a Uniform Rule of Naturalization (Article 1 § 8 Cl. 4), and that by the Laws of the United States found at Title 8, USC, the Congress has appropriately exercised this duty; and
2. That the said Constitution provides, in Article 2, for the Executive Branch of the federal government to "faithfully execute" those laws and constitutional provisions applied in our national government; and
3. That Congress created a bureau of Immigration and Naturalization to assist the Chief Executive in the enforcement of this Uniform Rule of Naturalization; and
4. That this bureau has not faithfully upheld its responsibility to protect this and our Sister States from an invasion of foreign peoples who circumvent deliberately the immigration laws of the United States; and
5. That a state of invasion exists in the State of (?) as a result of these circumstances; and
6. That Congress is empowered by Article 1 § 8 Cl. 15 to call forth the Militia of the several States to execute the Laws of the Union, suppress insurrections and repel invasions; and
7. By the Constitution of the State of (?) at Article (?), all able-bodied males between 18 & 45 years of age (except as exempted) comprise the general militia force of the State; and
8. Our Governor, at Article (?) is empowered to call out the volunteer and militia forces to repel invasions; and

As a result of the nonfeasance of the Executive Branch of the Federal Government as pertaining to enforcing the Uniform Rule of Naturalization, coupled with the lack of interest on the part of the Congress of the United States to enforce the law of the land accordingly, The General Assembly of the State of (?) hereby directs the Governor to equip and train the militia of the State as may be necessary to:

1. Identify and detain any person within the borders of the State of (?) who evidences a lack of understanding of the English language specifically and solely to determine if the person is in this State, or the United States, according to the Uniform Rule of Naturalization; AND
2. That any person so detained may only be detained for the time necessary to confirm that such person has in their possession an appropriate passport or other legal document conforming to the Uniform Rule of Naturalization; AND
3. That any person so detained who is not able to verify their lawful status in the United States by appropriate evidence shall be, at the earliest possible time, transported to the Federal Court House located in (?) and there turned over to a representative of the Immigration and Naturalization Service or an authorized designee.

MODEL STATE RESOLUTION

Author: The Late Edward Calliteau

Applicability: (State) In states where the legislatures have applied to Congress to open a Constitutional Convention, this resolution can be offered to repeal those open calls. (ALABAMA, ALASKA, ARIZONA, ARKANSAS, COLORADO, DELAWARE, FLORIDA, GEORGIA, IDAHO, INDIANA, IOWA, KANSAS, LOUISIANA, MARYLAND, MISSISSIPPI, MISSOURI, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW MEXICO, NORTH CAROLINA, NORTH DAKOTA, OKLAHOMA, OREGON, PENNSYLVANIA, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, TEXAS, UTAH, VIRGINIA and WYOMING.)

To Rescind Previous Applications for a Constitutional Convention

To rescind any and all previous applications by the Legislature of the State of _____ to the Congress of the United States of America for the purpose of calling a convention for any purpose, limited or general, to make specific amendment of general revision of the Constitution of the United States of America.

WHEREAS, the legislature of the State of _____, acting with the best intentions, has previously made application to the Congress of the United States of America for the calling of a constitutional convention for the limited purpose of proposing certain amendments to the Constitution of the United States of America; and

WHEREAS, the best legal minds in the nation today are in general agreement that a convention, notwithstanding whatever limitation might be placed upon it by the call of said convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating a great danger to the well-established rights of our people and to the constitutional principles under which we are presently governed; and

WHEREAS, the Constitution of the United States of America, while it has been amended many times in the history of the nation and may yet be amended many times, has been extensively interpreted and had proven to be a sound document which protects the freedom of all Americans; and

WHEREAS there is no need for a new constitution, the adoption of which would create legal chaos in America and only begin the process of another two centuries of litigation over its interpretation by the courts; and

WHEREAS, such changes as may be needed in the present Constitution of the United States may be proposed and enacted by the well-established method of amendment contained therein.

BE IT THEREFORE RESOLVED that the Legislature of the State of _____ does hereby rescind any and all previous applications to the Congress of the United States made by the Legislature of the State of _____ pursuant to Article V of the Constitution of the United States for the calling of a constitutional convention for any purpose, limited or general.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to the members of the _____ delegation to the Congress of the United States, and to the presiding officers of each house of the legislatures of the several states.

Joint Resolution Requesting Removal of Certain Members of Congress

Whereas the Congress is granted by the Constitution the authority to make laws that are “necessary and proper” to execute the enumerated powers granted by that Charter; and

Whereas in 2005 the Congress did pass a law known as the Real ID Act of 2005 (Division B of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat. 302); and

Whereas the passage of that law violates the enumerated powers of the Constitution by the members of the Congressional Delegation of this State; and

Whereas there is not a shred of constitutional “necessity” nor “properness” contained within either the Real ID Act itself, nor in the “implementing regulations” promulgated by the Department of Homeland Security, over we and our sister states; and

Whereas every single member (*NOTE: or name the names if different from this language*) of the Congressional Delegation of this State, including our two United States Senators, voted favorably for passage of this law, and

Whereas this law not only puts an incredible financial burden on our people, but more importantly it infringes upon the internal policing and other rights of this State protected, among others, by the 9th and 10th Amendments to the federal Constitution; and

Whereas each member of this General Assembly has sworn an oath to protect and defend this Constitution from all enemies, be they foreign or domestic; and

Whereas Congress has failed to give evidence to this Assembly that they have any right whatsoever to commandeer the internal policing and other rights of our people and of the State; and

Whereas in Federalist Paper #44 James Madison noted that when any act of Congress violates the rights of the states, that a “remedy must be obtained from the people, who can, by the election of more faithful representatives, annul the acts of the usurpers.” He added that the states “will be ever ready to mark the innovation, to sound the alarm to the people, and to exert their local influence in effecting a change of federal representatives.”

BE IT THEREFORE RESOLVED BY THE SENATE AND HOUSE OF THE STATE OF (?) CONCURRING, that consistent with our obligation to inform the general public of our strong disdain for the passage of this federal act, that we, the General Assembly of the State of _____ hereby Declare to a discerning public that the members of the Congressional Delegation of our State have not faithfully executed their duties, and evince unfaithful service toward their oaths of office, by the passage of the Real ID Act, and should be removed and replaced at the next general election.

State Constitutional Amendment, Rights of Parents & Children

SECTION 1

That no child under the age of majority shall be removed from a parent's custody except by the decision of a jury according to existing Constitutional protections which provide for a trial by jury in civil cases.

SECTION 2

That parents are the ultimate judges of their children's education. No agent representing this State or any political subdivision thereof shall in any manner question the right of any parent to choose such mode of education.

SECTION 3

No parent shall be regulated by this State or any political subdivision thereof, nor compelled to provide information to or testing by any government entity within this State pertaining to the academic progress or plan for such child or children.

SECTION 4

That no proceeding shall be brought against a parent pertaining to a minor child or children for a case of truancy, abuse, neglect, or other crime or custodial concern except on indictment from a grand jury.

SECTION 5

That the parent of any child enrolled in a public school system organized under the authority of this State shall at all times enjoy the right to participate in their child's education to the maximum extent they choose; and nothing in the laws, educational regulations or policy of this State or any political subdivision thereof shall prohibit the right of any parent to review course materials, testing methods, test questions, planned activities, or any other component of their child's academic life; nor shall any parent be questioned in any place for refusing to condone the participation of their child in any component of their child's education; nor shall any child's academic standing be affected by any non-participation authorized by a parent or parents; nor shall any removal of a child from a school for any reason or for any length of time constitute a crime under the laws of this State.

SECTION 6

Any thing in the existing laws or policy of this State or any political subdivision thereof contrary to the provisions of Sections 1-5 of this Amendment are hereby void.