Bill as Introduced

HB 147 – AS INTRODUCED

2003 SESSION

03-0184
05/09

HOUSE BILL ***147***

AN ACT establishing a committee to study the expungement of records.

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

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a committee to study the expungement of certain state records pertaining to the executive council and the administration of the supreme court.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 147 - AS INTRODUCED

03-0184
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a committee to study the expungement of records.

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

1 Committee Established. There is established a committee to study the expungement of certain state records.

2 Membership and Compensation.

I. The members of the committee, none of whom shall be members of the New Hampshire Bar Association, shall be appointed as follows:

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

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

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

3 Duties. The committee shall study all records, particularly the record of the executive council, required by part 2, article 64 of the New Hampshire constitution. The committee also shall determine a remedy for expunging any error in the records pertaining to part 2, article 73-a of the New Hampshire constitution.

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

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

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

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 147

BILL TITLE: establishing a committee to study the expungement of records

DATE: January 29, 2003

LOB ROOM: 100 SH **Time Public Hearing Called to Order:** 9:35 AM

Time Adjourned: 9:45 AM

(please circle if present)

Committee Members: Reps. O'Neil, Hamel, Langer, Goulet, Zolla, N. Allan, Dexter, Hall, C Robertson, Bergin, LaFlamme, Milligan, W. Field, Fitzgerald, Maybeck, Clayton, Schulze, DeJoie, Irwin, Pilotte and F Sullivan.

Bill Sponsors: Re. L. Christiansen, Hills 66; Rejp. Marple, Merr 37

TESTIMONY

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

Rep. Marple, co-sponsor. Referenced the NH Constitution that directs this action. If we do not accept this, we offend the Constitution. Supports bill.
Rep. Christiansen, sponsor. Talked about the Constitution, referred to something that was nevervoted on by the people.

Respectfully submitted,

Ray Langer

Rep. Ray Langer, Clerk

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 147

BILL TITLE: **establishing a committee to study the expungement of records.**

DATE: January 30, 2003

LOB ROOM: 100 SH

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Bergin

Seconded by Rep. Goulet

Vote: 17-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 17-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Joan Schulze, Acting Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 147 Title: establishing a committee to study the improvement of records

PH Date: 01/29/03 Exec Session Date: 01/30/03

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
O'Neil, Michael, Chairman	Didn't vote	
Hamel, Albert W, V Chairman	1	
Langer, Rav F	abs	
Goulet, Maurice E	2	
Zolla, William R	3	
Allan, Nelson S	abs	
Dexter, Judson K	4	
Hall, Charles Q	5	
Robertson, Carl G	6	
Bergin, Peter F	7	
LaFlamme, Paul G	8	
Milligan, Robert H	9	
Field, William D	abs	
Fitzgerald, James M	10	
Mayhew, Margie	11	
Clayton, William K	12	
Schulze, Joan H	13	
DeJoie, John	14	
Irwin, Anne-Marie	15	
Pilotte, Maurice L	16	
Sullivan, Francis B	17	
TOTAL VOTE:	17	0

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Executive Departments and Administration**

BILL NUMBER: **HB 147**

TITLE: establishing a committee to study the expungement of records.

DATE: January 30, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

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

STATEMENT OF INTENT
(Include Committee Vote)

This bill was to establish a committee to determine a remedy for expunging any error in the records pertaining to part 2, article 73a of the New Hampshire Constitution. Article 73a was passed in 1978 and came out of a Constitutional Convention. It's wording of "the rules for promulgated shall have the force and effect of law" has been debated over the years. The house and senate in last session passed the constitutional amendment to address this controversy. In the November 2002, election the amendment failed by 63% to 37%. A similar amendment to article 73a has been introduced and will be taken up by the House Judiciary Committee. Therefore, the committee felt this bill was not necessary.

Vote 17-0.

Rep. Peter E. Bergin
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Executive Departments and Administration

HB 147, establishing a committee to study the expungement of records. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bergin for Executive Departments and Administration: This bill was to establish a committee to determine a remedy for expunging any error in the records pertaining to part 2, article 73a of the New Hampshire Constitution. Article 73a was passed in 1978 and came out of a Constitutional Convention. It's wording of "the rules for promulgated shall have the force and effect of law" has been debated over the years. The house and senate in last session passed the constitutional amendment to address this controversy. In the November 2002, election the amendment failed by 63% to 37%. A similar amendment to article 73a has been introduced and will be taken up by the House Judiciary Committee. Therefore, the committee felt this bill was not necessary. **Vote 17-0**

HB 147 establishing a committee to ~~study~~ study the expungement of records. This bill was to establish a committee to determine a remedy for expunging any error in the records pertaining to Part 2, Article 73a of the New Hampshire Constitution. Article 73a as states: ~~The chief justice of the supreme court~~ shall be administrative head of all the courts. He shall, ~~with the concurrence~~ of a majority of the supreme court justices, ~~make~~ rules ~~governing the administration of~~ all courts

Article 73a was ~~a case~~ passed in 1976 and came out of a Constitutional Convention. Its wording of "the rules so promulgated shall have the force and effect of law" has been debated ~~ever since it was first debated~~. The House and Senate on the last session passed a Constitutional Amendment to address this controversy. On the November, 2002 election the amendment passed by 63% to 37%. A similar amendment to Article 73a was introduced and still ~~is~~ being worked by the House Judiciary Committee. Therefore, the committee ~~felt that~~ this bill was not necessary. Vote 17-0 Ought to Pass

Corsen Calandra