

State of New Hampshire HOUSE RECORD

Second Year of the 156th Session of the General Court Calendar and Journal of the 2000 Session

Vol. 22 Concord NH Friday, July 7, 2000 No. 51

Contains: House Judiciary Committee Report, House Bill and Resolutions. Public Hearing, Work Sessions, Notices and Floor Amendment.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Wednesday, July 12 at 10:00 a.m. to vote on the recommendations of the Judiciary Committee pursuant to HR 50, and to update revenue estimates.

The committee report is published in this calendar along with a resolution on each of the Supreme Court justices and a bill. We will vote on each resolution in turn, and consider any floor amendments that may be offered. The question will be on the adoption of the resolution. Resolutions containing more than one article are divisible and may be amended. Each article, however, is not divisible, but may be amended.

Accolades to the Judiciary Committee and Chairman Henry Mock for their diligence in completing the investigation in a timely manner. They have carried out an extremely complex task in an orderly manner, recognizing that their every action establishes a precedent for the future. We salute them for their extraordinary service.

Donna Sytek, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, July 12th at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE

House Calendars will be published every two weeks during June, July and August. Members and staff who need to schedule meetings should make arrangements with the Clerk’s Office for room availability and publication of meeting notices. Please note Calendar will close on **Wednesdays**.

CLOSES NOON WEDNESDAY: TO BE MAILED THURSDAY:

- July 19 July 20
 - August 2 August 3
 - August 16 August 17
 - August 30 August 31
- Karen O. Wadsworth
- Clerk of the House

HOUSE DEADLINES

September 13, 2000, Wednesday	First day for incumbents who are candidates for re-election to file LSR’s with complete information.
November 1, 2000, Wednesday	Final day to file interim study reports with the house clerk.
November 8, 2000, Wednesday	First day for new members to file LSR’s with complete information; begin requirements of `10 day sign-off rule.

WEDNESDAY, JULY 12

JUDICIARY COMMITTEE REPORT PURSUANT TO HR 50

MAJORITY COMMITTEE REPORT

Background

Reps. Henry P. Mock and Janet G. Wall for the Majority of Judiciary: House Resolution 50 was passed by the House of Representatives on April 9, 2000 on a vote of 343 to 7. The language of the resolution authorizes and directs the House Judiciary Committee "to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and/or any other justice of the New Hampshire Supreme Court" and to report to the House "such resolutions, articles of impeachment, or other recommendations that it deems proper." The language of the resolution also clearly defines the scope of the investigation to the "report of the attorney general, and any information arising out of the judiciary committee investigation."

HR 50 gave the Committee the power to conduct a thorough investigation, including the power to issue subpoenas for testimony and documents and the power to take depositions. The Committee undertook this exercise of constitutional power with the

realization that it was going to set historic precedent as the first impeachment inquiry in New Hampshire in 210 years. Under the New Hampshire Constitution, Part II, Articles 17 and 38, the House of Representatives is the "grand inquest of the state; and all impeachments made by them, shall be heard and tried by the senate." The House is directed by the Constitution to determine whether certain conduct may be "bribery, corruption, malpractice or maladministration" constituting impeachable charges which shall be sent over to the Senate for a full trial.

This impeachment investigation was the result of a report issued by the Attorney General on March 31, 2000 which raised questions about the conduct of justices of the Supreme Court. That report followed the resignation of W. Stephen Thayer as an Associate Justice on March 29, 2000.

Special Counsel Joseph D. Steinfield was engaged to represent the Judiciary Committee. The Committee began by adopting its own rules and procedures for the conduct of the investigation. The Committee determined to begin by taking depositions (attended only by committee members, special counsel and deponent's counsel) and by issuing subpoenas for documents. Although there was some criticism, the initial stage of the investigation was conducted in private. The members of the Committee believed this was necessary in order to protect the strategy and integrity of the investigation. This decision was challenged by the counsel for the Committee on Judicial Conduct ("JCC") who asserted that he should be able to attend the depositions of the justices and other court employees in order to protect confidentiality of the JCC under Supreme Court Rule 40. Hearings were held in both Merrimack County Superior Court and the Supreme Court (before a specially appointed panel of superior court judges). Both court orders protected the integrity of the Judiciary Committee investigation and barred the JCC's counsel from attending the depositions. Despite the untimely interference with the progress of its inquiry, the Committee took 19 depositions and issued many subpoenas during this first part of its inquiry.

On May 30, 2000, at the conclusion of the initial stage of the investigation, Special Counsel issued an Interim Report to the Committee. The Interim Report included legal and historical research about impeachment and a summary of the evidence gathered up to that date. The Committee next adopted procedures for the second stage of its investigation, the taking of public testimony. With the information already gathered, the committee determined the witness list and identified the important issues arising from the first stage of the inquiry. This was a difficult task as the deposition testimony revealed varying and conflicting recollections of events, including some events that the Committee deemed of particular significance. Also as background to the issues to be addressed, the Committee considered the following constitutional provisions, statutes and Supreme Court Rules:

NH Constitution, Pt. I, Art. 35. The Judiciary; Tenure of Office, etc.

It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.

Supreme Court. RSA 490:3, I and II. Disqualification; Temporary Justices (emphasis added).

*I. The provisions as to the disqualification of justices of the superior court apply to justices of the supreme court. Whenever a justice of the supreme court shall be **disqualified or otherwise unable to sit** in any cause or matter pending before such court, the **chief or senior associate justice of the supreme court may assign** another justice to sit according to the provisions of paragraph II of this section.*

*II. Upon the retirement, **disqualification, or inability to sit** of any justice of the supreme court, the **chief justice or senior associate justice of the supreme court may assign** a justice of the supreme court who has retired from regular active service to sit during supreme court sessions while the vacancy continues, or he may notify the chief justice or senior associate justice of the superior court of such vacancy. Upon such notification, the chief justice or senior associate justice of the superior court shall provide the supreme court for each day of sitting during a session while the vacancy shall continue with the names of 2 or more*

*superior court justices in regular active service or who are retired and are not otherwise disqualified. **The chief justice or senior associate justice of the supreme court** may then assign a justice to sit temporarily on the court from among those superior court justices whose names have been provided.*

III. A justice assigned to sit temporarily on the supreme court pursuant to paragraph II of this section shall have all the authority of a supreme court justice to hear arguments, render decisions, and file opinions. No justice shall be assigned to sit on the supreme court in the determination of any cause or matter upon which he has previously sat or for which he is otherwise disqualified nor without his consent.

Statements Out of Court. RSA 495:1. Statements to Judges.

No judge, justice, magistrate, county commissioner or commissioners in whose court or before whom any suit at law or in equity, petition or other proceeding is pending or to be heard or tried shall listen to any statements in regard thereto, except in open court or in the presence of all parties thereto.

Criminal Code. RSA 640:3 Improper Influence

I. A person is guilty of a class B felony if he:

(a) Threatens any harm to a public servant, party official or voter with the purpose of influencing his action, decision, opinion, recommendation, nomination, vote or other exercise of discretion; or

(b) Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, argument or other communication with the purpose of influencing that discretion on the basis of considerations other than those authorized by law; or

(c) Being a public servant or party official, fails to report to a law enforcement officer conduct designed to influence him in violation of subparagraph (a) or (b) hereof.

II. "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

NH SUPREME COURT RULE 38. CODE OF JUDICIAL CONDUCT

(adopted by the Supreme Court in 1973)

Canon 2A. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 3A(1)-(4). A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law. He should not permit private interviews, arguments or communications designed to influence his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for ex parte application.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) If a judge shall become aware of unprofessional conduct by a judge or a lawyer

(a) he shall in the instance of a judge report his knowledge to the committee on judicial conduct, and

(b) he shall in the instance of a lawyer, report his knowledge to the committee on professional conduct.

(4) A judge should not make unnecessary appointments. He should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Disqualification.

(1) A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:

(a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(c) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or is a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(d) he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) is to the judge's knowledge likely to be a material witness in the proceeding;

(2) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(3) For the purposes of this section:

(a) the degree of relationship is calculated according to the civil law system;

(b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(c) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(i) ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the funds;

(ii) an office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

D. Remittal of Disqualification.

A judge disqualified by the terms of Canon 3C(1)(c) or Canon 3C(1)(d) may, instead of withdrawing from the proceeding, disclose on the record the basis of his disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation, all agree in writing that the judge's relationship is immaterial or that his financial interest is insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceeding.

After considering the evidence presented in the first stage of the investigation, the committee determined that the following events or transactions should be the focus of the public phase of the inquiry. Some of the issues were not adopted by the Committee as part of its final determinations, but are included in this report because they played a major role in the deliberative process.

1. Feld's Case Conduct. This transaction began with the underlying case of Bussiere v. Roberge. Justice Johnson drafted the opinion and expedited it at the request of Justice Thayer. The Court affirmed the lower court ruling in favor of Bussiere whom then filed a professional conduct complaint against Attorney Feld (attorney for the Roberge family). The Professional Conduct Committee recommended that Feld be disbarred and the Judicial Referee appointed by the Supreme Court recommended public censure. When the recommendations came before the Supreme Court, Justices Thayer, Horton and Broderick were all recused. Justice Johnson again drew the job of drafting the opinion and it was distributed to all the justices. The case conference was scheduled for April 23, 1999 and all justices, including those recused, were present. The recollections of the witnesses as to what happened at the conference differ. The draft opinion is in evidence and includes various comments by the justices written on its face by Justice Johnson and with apparent input from recused justices, including Justice Thayer who was a long-standing friend of Attorney Bussiere (social and financial relationship) and who commented about the ultimate sanction. The after-conference reaction of the justices to the comments made by Justice Thayer also differs. Justice Johnson and others testified that he was very upset and shared his anger with Justice Brock. Chief Justice Brock doesn't remember anything inappropriate happening at the conference and advised Justice Johnson later that judicial confidentiality (the confidentiality of the conference) outweighed any duty to report inappropriate conduct. (Other justices, both current and former, testified that they did not agree with Justice Brock's view of the confidentiality of the conference when presented with an ethical or other violation). Ultimately, a revised draft opinion and the final published opinion included the changes suggested at the April case conference.

2. February 4, 2000 Conference. All the justices had disqualified themselves from serving on any of the Thayer v. Thayer panels, so it was necessary to appoint either retired Supreme Court justices or Superior Court judges to sit on a temporary basis (see RSA 490:3). Prior to the February 4th conference, Justice Thayer had asked Justice Brock in chambers whether he would appoint three justices instead of five to his appeal panel. On February 4th a Counsel's Agenda was scheduled and was attended by Court Counsel Eileen Fox and the four sitting justices. At that meeting, Chief Justice Brock announced that he was appointing Judges Mangones and Pappagianis to the Thayer divorce panel. Everyone in the room testified that they felt that Justice Brock was inviting comment on his appointment choices. Justice Brock, however, says that was not his intention. Everyone agrees that Justice Horton (recused) and Justice Thayer (recused and a party to the case) responded to the statement by expressing opposition to the Pappagianis appointment. All the witnesses also agree that Justice Brock then left the room and that he went to talk to Clerk Howard Zibel about the appointments to the Thayer panel. Justice Brock testified he went to delay the phone call to Judge Pappagianis. Was Justice Brock influenced by the Thayer statements? It is not clear whether they talked about Judge Mangone's conflict at that point or at some later time that day. When Justice Brock returned to the conference room, he asked Justice Thayer to step outside the room. He then asked Justice Horton (also recused) to explain his

opposition to Judge Pappagianis whereupon it became clear that Horton thought it was an appointment to the JCC panel. The communications by Justice Brock to Justice Thayer and Horton are prohibited ex parte communications under RSA 495:1.

3. The Alleged Hallway Conference on Feb. 4th. The determination of whether a hallway conversation happened during the time of the Feb. 4th conference is crucial to the Committee's determinations because if it did, it would be a prohibited ex-parte communication. Justice Thayer says it happened; Justice Brock says it did not. Therefore, the question of how Justice Thayer got back into the room is key. However, the testimony about this transaction is in conflict. Eileen Fox states that Justice Brock left the room to get Justice Thayer and that she did not leave the room. Justice Broderick states that Justice Brock asked Fox to get Justice Thayer. Justice Brock states that either he asked Fox to get Justice Thayer or that he may have stepped out of the conference room to ask a court employee to find Justice Thayer. Additionally, there is a court employee (discovered through interrogatories to the Court) who testified that she saw Justice Thayer in the hallway outside the conference room at that time. Justice Thayer states that Justice Brock came out to get him and they had a hallway conversation about the appointment of Judge Pappagianis to his divorce panel. Thayer says that Brock also asked him whether he had a problem with Judge Mangones and whether Judge O'Neill was okay and then they went back into the conference room. Justice Brock denies that the hallway conversation took place and says he did have a conversation with Justice Thayer later in the law clerk's wing. After Justice Thayer returned to the room the Counsel's Agenda continued. Testimony differs on what was and wasn't said about the Pappagianis appointment after the meeting resumed.

4. The Weeks after the Feb. 4th Incident – Reports to JCC and Attorney General. During the days and weeks that followed, there were many conversations and discussions about whether comments made on February 4th were inappropriate, whether there was a duty to report to the JCC or to law enforcement for Justice Thayer's attempts to influence; and whether anyone was actually going to report. The Zibel memorandum was drafted and discussed by members of the Court and various court employees. There are also questions about the conversations between Justice Thayer and Justices Brock and Broderick and whether any reportable threats were made by Justice Thayer. Again, there are many differing recollections.

Howard Zibel concluded by February 14th that he had a duty to report the conduct. Justice Broderick testified that he initially believed there had been "unintended ethical lapses" by Justice Brock, but that reporting would damage the judicial system more than any damage that had occurred and so he decided not to report but rather to discuss the matter with all the justices individually. Justice Horton had not realized the inappropriateness of the conduct until Justice Broderick informed him. On February 14th, Justices Brock and Broderick and Court Counsel Fox decided to retain both counsel for the Court and counsel individually. On February 17th Justices Brock, Broderick and Horton filed a report with the JCC about the February 4th comments by Justices Thayer and Horton and about the comments made by Justice Thayer at the Feld's Case conference in 1999. On February 22nd, Howard Zibel filed a report with the JCC. On February 25th, Attorney Michael Ramsdell, on behalf of Chief Justice Brock, delivered a copy of the Zibel memorandum to the Attorney General. Also, Justice Brock testified that he assumed another letter reporting criminal threats by Justice Thayer under RSA 640:3(c) had been filed with the Attorney General by his attorney. Later he testified that he had known that the letter had not been sent.

5. Court Recusal Policies. The court has had a long-standing policy of allowing disqualified or recused (used by the committee to mean the same thing) to participate in cases by receiving draft opinions, attending the confidential case conferences, and commenting on grammar or style. Opinions differ on the extent to which comments beyond style were made or whether recused justices ever influenced outcomes. It is possible that, at least in Feld's Case, the comments by recused justices changed the scope of the opinion. Since the release of the Attorney General's Report, the Court has adopted and instituted a new policy prohibiting participation by recused justices.

6. Home Gas Matter. This matter came to the attention of the committee through testimony about an "old JCC matter regarding Justice Brock" by Howard Zibel and by documents provided by former Justice William Johnson at his deposition which included a memorandum concerning whether Justice Thayer should have been afforded an opportunity to appear before the justices as in "past practice." Further investigation revealed that in 1987, former Sen. Edward Dupont was a defendant in a case pending in Rockingham County (Home Gas v. Strafford Fuels, Inc and its President, Edward C. Dupont). An order had been issued in the superior court against Dupont and then after various motions a petition for writ of certiorari had been filed for review by the Supreme Court. The petition was granted and the Supreme Court reversed a portion of Judge McHugh's order and remanded the case for trial (before Judge Gray). There is testimony that Sen. Bartlett (Senate President at the time) communicated to Justice Brock about the pending case, perhaps at the time of conversations about pending judicial legislation. Judge Gray stated that Justice Brock called him asking about the status of the case and told him who Dupont was. Justice Brock denies this phone call and instead states that he did call the Rockingham County Clerk, Ray Taylor, about the status of the case. Justice Brock says it was Judge Gray who called him. There is further testimony from Judge McHugh and a court stenographer that in March 1987 Judge Gray came into the chambers and stated that he had just been called by Chief Justice

Brock.

In August, 1987 there was a hearing on a motion in the Home Gas case in Judge Gray's chambers. Judge Douglas Gray made comments in front of the attorneys for the parties about Sen. Dupont's opposition to judicial pay raises. Russell Hilliard, attorney for Edward Dupont, said that he told his client about the comments and his concerns after the hearing. In November 1987, Justice Brock wrote to Sen. Bartlett about Judge Gray's remarks suggesting that a recusal motion or a complaint to the JCC could be filed, otherwise he would have the comments "fully investigated" at the end of the case. In January 1988 Justice Brock wrote a letter to Sen. Dupont apparently responding to Dupont's comments about Judge Gray and again suggested a motion to recuse or a complaint to the JCC. No motion to recuse was filed nor was a complaint filed with the JCC. Justice Brock testified that suddenly in March, 1989, a "light bulb went off" and he remembered that he had not followed up on the matter. He discussed the matter with the other justices and they suddenly realized that there was a one-year statute of limitations for filing complaints to the JCC so nothing further could be done.

The Court then undertook to investigate the matter and report to the JCC even though the JCC no longer had any jurisdiction over the complaint. Justice Brock called Judge DiClerico who was the acting Chief Justice of the Superior Court and asked him to conduct an investigation relative to Judge Gray's remarks. Judge DiClerico stated that he had no idea what kind of investigation was being conducted but wrote letters to Judge Gray and to Attorneys Hilliard, Cassavechia and Hearn for a response to the comments of Judge Gray. Judge Gray had not been aware of the allegations before this time and was angry that he was being informed so long after the fact. Also, he had never heard of this type of investigation. Thereafter a meeting was held at the Court with Judges Gray and DiClerico and the Supreme Court justices. It was at that meeting that the conflict about the phone calls became apparent when Judge Gray said that Justice Brock had called him. The other justices (with Justice Brock not participating according to a letter from Justice Batchelder to Judge Gray) followed up on the discrepancy and determined that Justice Brock had made a phone call to Judge Gray. Justice Brock first testified in his deposition that this investigation had not taken place. Later he testified that in fact a "discreet inquiry" had been conducted about the phone call.

In October 1989, more than 2 years after the comments by Judge Gray, Justice Brock and the four other justices filed a letter with the JCC having found evidence that Judge Gray had made inappropriate remarks and that Justice Brock had made a phone call to Judge Gray. They also reported, however, that the phone call was not unethical, but that it could have made an inappropriate impression. The justices further stated that they had not filed within the statute of limitations (created by Supreme Court Rule) because they had decided it was better not to interfere with a pending case. The docket indicates, however, that the case continued to the end of 1989. The JCC responded that the letter was placed "on file."

The House Judiciary Committee took public testimony from 19 witnesses over a two week period. This provided an opportunity for the members and the public to judge the credibility of the witnesses and their recollection of the events in question. It was an opportunity for the members to question the witnesses more closely with the deposition testimony of all witnesses and all the collected documents in hand. At the same time the justices and their attorneys were permitted to make either an opening or a closing statement to the Committee.

At the close of the public testimony, the Committee conducted two full days of deliberations in public. Each member had a chance to express his or her feelings and opinions and to ask questions of the other members and of Special Counsel. The Committee decided on a 12 to 9 vote to adopt a standard of clear and convincing evidence to measure whether the conduct rises to a level of an impeachable offense sufficient to send to the Senate for a full trial. It was expressed by many members, however, that each member would ultimately use his or her own individual threshold to determine if the burden of proof is met in each instance. The committee members are not bound by the Constitution to select or use a particular burden of proof. The Committee then decided it could recommend impeachment or certain other sanctions such as reprimand or censure. The Committee additionally determined that it would make recommendations for future judicial reform legislation in the Final Committee Report.

COMMITTEE VOTE – JULY 5, 2000

The Committee decided to approach the vote justice-by-justice and to evaluate each one's role in the major transactions. The Committee also discussed and adopted a burden of proof after considering whether the appropriate burden would be 1) a preponderance of the evidence (slightly more than half) ; 2) clear and convincing evidence (middle ground); or 3) beyond a reasonable doubt (more than 95%). Some members did not believe that a burden should be adopted at all. However, although the Constitution doesn't require a particular burden for impeachment, the Committee voted 12 to 9 to adopt the clear and convincing standard thereby setting a high bar for cases of impeachment. The Committee also discussed alternatives to the constitutionally authorized impeachment and address actions and considered admonishment, reprimand and censure. The Committee formally adopted definitions of the three sanctions in order to consider them, even though there are members who do

not believe the House has the authority to discipline judges beyond impeachment or address. The definitions are:

Admonishment: to express warning or disapproval in an earnest or solicitous manner.

Reprimand: in professional responsibility, a form of disciplinary action imposed after trial or formal legal proceedings that declares a judge or lawyer's conduct as improper but does not limit the person's right to practice.

Censure: to pronounce adverse judgment on, express disapproval of, criticize unfavorably; to find fault with, blame, condemn.

Justice Sherman D. Horton

The Committee found that Justice Horton participated in the Feld's Case conference, even though he was recused (disqualified). He received a draft opinion and he commented on the draft opinion during the conference. There is a clear concern about the participation of recused or disqualified justices, but the Committee did not believe that this transgression by Justice Horton rose to a level warranting disciplinary action.

Although the Committee regarded this conduct as inappropriate, no agreement could be reached because some members did not believe that the House has the power to discipline beyond impeachment or address and because some members did not believe the conduct rose to an impeachable level. For this reason Justice Horton was also excused for his conduct during the February 4th incident.

The Committee voted in favor of a resolution stating that the conduct of Justice Horton is not impeachable. (see HR 52)

Justice John T. Broderick

In accordance with the culture of the Supreme Court, Justice Broderick, along with other justices, participated in cases from which he was recused, a long-standing practice, recently discontinued and replaced with a new recusal policy.

The Committee scrutinized Justice Broderick's uncertainty about reporting the conduct in the February 4th conference where it is alleged that Chief Justice Brock solicited comments from the recused justices. (see HR 51, Article III) Justice Broderick testified that initially he had considered not reporting the incident as required by the Canons but would handle the matter internally. This possibility was troubling to the Committee.

As in Justice Horton's case, the Committee questioned its authority to discipline beyond impeachment and address. So, although the Committee concluded that Justice Broderick's actions were also inappropriate, the members did not believe his conduct to be impeachable. Therefore, the Committee voted in favor of a resolution stating that the conduct of Justice Broderick is not impeachable. (see HR 53)

Chief Justice David A Brock

The Judiciary Committee found by clear and convincing evidence that Chief Justice David A. Brock did engage in conduct that constitutes the impeachable offenses of maladministration or malpractice and voted three Articles of Impeachment. (see HR 51)

Article I

The Committee voted 14 to 8 that clear and convincing evidence exists to prove that in 1987, Chief Justice Brock engaged in conduct that constitutes impeachable offenses in that he placed a telephone call to Superior Court Judge Douglas Gray about the status of the Home Gas case and that in addition, he failed to report the telephone call to his colleagues at the time the Supreme Court had the appeal of the case under consideration.

Article II

The Committee voted 16 to 6 that clear and convincing evidence exists to prove that on or about February 4, 2000, Chief Justice Brock engaged in conduct that constitutes impeachable offenses in connection with the divorce case of Justice W. Stephen Thayer by engaging in ex parte communications with Justice Thayer (a party) and with the other justices, all recused from the case, in which he solicited their comments regarding judges to be appointed to the Supreme Court panel that would hear the appeal. Additionally, Chief Justice Brock participated in an ex parte communication with Justice Thayer in the hallway outside the Court's conference room in which he discussed possible appointments to the Thayer divorce appeal panel.

Article III

The Committee voted 17 to 5 that clear and convincing evidence exists to prove that Chief Justice Brock did knowingly testify falsely under oath to the House Judiciary Committee with the intention of hindering the HR 50 investigation with respect to 4 material matters.

By voting in favor of the three Articles of Impeachment the Committee concludes that Chief Justice Brock has committed impeachable offenses warranting a trial by the Senate.

Proposed Legislation

The Committee voted to recommend passage by the House of HB 1500. This is special legislation which would allow Chief Justice Brock to resign his office between the time of an impeachment by the House and the beginning of a trial by the Senate and to receive the retirement compensation and benefits beginning on the date he would have begun receiving such compensation and benefits as if he had served until the age of 65.

Judicial Reform

Throughout this process the Committee discovered many areas concerning the judicial branch of government which may fall within the purview of the legislative branch. These areas of concern may be considered for judicial reform. The issues include, but are not limited, to the following *:

- Independent Office of the Courts
- Appointment process for substitute judges (RSA 490:3)
- Terms for all judges
- Contributory judicial retirement system
- Mandatory continuing ethics education for judges
- Independent Judicial Conduct Committee and Professional Conduct Committee
- Issues concerning mandatory NH Bar Association membership for attorneys

*These are listed in no particular order and may require statutory or constitutional revisions.

Conclusion

The Committee concludes that the culture of confidentiality which prevailed in the New Hampshire Supreme Court led to a callousness in the management of our Judiciary, engendering maladministration and malpractice, consequently culminating in these historic impeachment proceedings.

It is our goal, as it should be, that it is in the best interest of all New Hampshire citizens not to tear down, but to build up the confidence of our citizens in all three branches of government. As Thomas Jefferson said to George Hammond in 1792, "It is reasonable that every one who asks justice should do justice." We concur.

MINORITY COMMITTEE REPORT

Reps. Cynthia J. Dokmo and Martha S. Solow for the Minority of Judiciary: The extraordinary step of impeachment has been taken only when it seemed that the very workings of government itself have been endangered. As Special Counsel Joseph Steinfield stated, impeachment is so grave, so serious, and so potentially threatening to the very independence of the separate branches of government that legislators throughout history have wisely chosen to follow the impeachment path only in the most heinous of circumstances. That was amply proved by the materials and tables submitted by Special Counsel. Even a casual review of the matters deemed sufficient to warrant consideration of impeachment shows that they are offenses so serious as to jeopardize the very workings of government itself. Historical context, the language in our own New Hampshire Constitution, and the penalties for impeachment make it abundantly clear that impeachable offenses under the New Hampshire Constitution can only be offenses of the most serious nature - not errors of judgment, not mistakes, not human error.

The New Hampshire Constitution contains four grounds for impeachment of state officials: "bribery, corruption, malpractice or maladministration." N.H. CONST., part 2nd, art. 35. Because none of the conduct before the committee implicates bribery, this report focuses on the three remaining grounds : corruption, malpractice and maladministration. The articles presented by the majority charge the Chief Justice with maladministration and malpractice. Though these terms are not well defined in case law, the research provided by special counsel states that statutory construction requires it to be interpreted in harmony with the words "bribery" and "corruption". Maladministration is not simple negligence or poor judgment. It involves intentional or at

least reckless misconduct while serving a position of public trust.

It is essential to the preservation of liberty and our system of government that the court system be strong. As the only branch which is not subject to the political process, the court stands alone as the guardian of individual and minority rights. Therefore the remedy of impeachment should be used sparingly and only to address conduct which constitutes gross, intentional and outrageous behavior. To impeach for less would erode the separation of powers and impair the independence of the judiciary-- both of which would weaken the court and upset the delicate balance of power between the three branches of government.

The charge to this Committee arose out of a flawed and incomplete investigation by the Office of the Attorney General of the State of New Hampshire. The three justices of the New Hampshire Supreme Court, who ultimately became the focus of the Judiciary Committee investigation, were not only not warned that they and their practices were being investigated but they were specifically told that they were not being investigated. Because of those misrepresentations the justices were denied the opportunity to explain the practices which caused the Attorney General to publish a report condemning practices which his office did not understand.

One must only read the majority report and articles of impeachment to see the deficiencies in the Attorney General's investigation. Each of the three articles is flawed and the majority recommendations should be rejected by the House.

Article I reaches back 13 years to a matter that was thoroughly investigated by the then Associate Justices of the New Hampshire Supreme Court. It was their unanimous conclusion that the conduct of Chief Justice Brock, which had been fully investigated by them, would not warrant any finding that he had acted unethically or that there was any impropriety in his actions. Now, 13 years after the events and 11 years after that investigation, the majority suggests that the full House, and ultimately the Senate, should second guess that investigation and find not only impropriety in that conduct, but also that it constitutes an impeachable offense.

This matter was clearly beyond the scope of HR 50. But even if it were not, there is nothing in the matters presented to the Judiciary Committee that would permit it to find, by clear and convincing evidence (the standard adopted by the committee), that it ought to recommend that the full House impeach Chief Justice Brock for conduct which by any standard does not rise to the level of an impeachable offense.

Article II deals with the events of February 4, 2000. Contrary to the statements of the only witness with immunity, none of the other Justices in the room expected Justice Thayer to comment and were totally shocked when his outburst occurred. Article II also ignores the testimony of Chief Justice Brock which emphatically contradicts the statements of Justice Thayer, a discredited, vengeful witness who had been granted immunity and who had threatened to bring down the court. There is no proof that an ex parte conversation took place in the hallway. In fact, answers to seven separate questions by Howard Zibel confirm the impossibility of the so-called hallway conversation. This is further confirmed by an affidavit by a disinterested law clerk of the discredited witness which corroborates the Chief Justice's version of the events of that afternoon.

Article III accuses Chief Justice Brock of "knowingly" testifying falsely under oath to the HJC "with the intention of hindering the HR 50 investigation". There is not one single shred of evidence that Chief Justice Brock intended to "hinder the HR 50 investigation". The record is full of representations by his lawyers that they were doing everything in their power to obtain documents from the JCC. Those representations were acknowledged by Special Counsel. Allegations of false testimony should not be taken lightly. They should be asserted only after a very careful review of all of the evidence. That sort of review makes abundantly clear that the article misstates the facts and fails to recognize the fact that differing memories do not automatically equate to false testimony.

In his final report, Special Counsel quoted Justice Batchelder:

[J]udicial independence implies freedom from constraints which inhibit the free exercise of the judicial function as its myriad tasks are met in interpreting the Constitution and putting the law into play in the resolution of disputes arising within society.

He also noted that "[t]he Founding Fathers recognized the dangers of a weak judiciary" Final Report of Special Counsel, p. 21.

Every time a legislative body determines - or attempts to determine - that conduct which, viewed in the least favorable light, is, at worst, a mistake or an error of judgment should somehow be transformed into an impeachable event, it undermines the office and the institution it affects. The judicial branch is co-equal with the executive and legislative branches under the New Hampshire Constitution. When one branch attempts to reach out and charge an offense which is not defined by law such as malpractice or maladministration, it should be satisfied by clear and convincing evidence, that the offense rises to meet the high bar of impeachment. Otherwise, the risk is great that the impeaching branch will destroy the respect it is trying to protect and

make its coordinate branch susceptible to weaker and weaker attacks. That is exactly what these articles of impeachment would do.

All of the evidence presented to the Judicial Committee lacks willfulness, lacks evil intent, or any of the basic underpinnings that could support a charge of impeachment.

For all of the foregoing reasons, the minority respectfully suggests that the House find that no grounds exist to impeach Chief Justice David A. Brock or any other Justice of the New Hampshire Supreme Court.

2000 SESSION

00-2841

09/01

HOUSE RESOLUTION **51**

A RESOLUTION recommending impeachment of supreme court chief justice David A. Brock.

SPONSORS: Judiciary Committee

COMMITTEE:

ANALYSIS

This resolution recommends that articles of impeachment be brought against supreme court chief justice David A. Brock.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION recommending impeachment of supreme court chief justice David A. Brock.

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the house adopt the following resolution relative to chief justice David A. Brock; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found, by clear and convincing evidence, that the house, acting under Part II, Article 17 of the New Hampshire constitution, has cause to request the senate to exercise its powers under Part II, Article 38 of the New Hampshire constitution to conduct a full and impartial trial to determine whether David A. Brock, chief justice of the supreme court of New Hampshire, should be convicted and removed from office if the senate concludes that he has committed any or all of the acts enumerated in the articles of impeachment below, each of which the house has determined, if proved, constitutes an impeachable offense as set forth in Part II, Article 38 of the New Hampshire constitution:

ARTICLE I

During the period beginning on or about March 1, 1987 and ending on or about November 5, 1987, chief justice Brock engaged in conduct that constituted the impeachable offenses of maladministration or malpractice in connection with the case of Home Gas Corp. v. Strafford Fuels, Inc. and Edward C. Dupont ("Home Gas"). Specifically, chief justice Brock engaged in the following improper conduct:

1. Chief justice Brock placed a telephone call to superior court judge Douglas Gray, who was presiding over the case. During that conversation the chief justice inquired about the status of the case and informed judge Gray that Mr. Dupont was a state senator.
2. Chief justice Brock failed to report said telephone call to his colleagues on the supreme court at the time the court had the appeal of "Home Gas" under consideration.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

ARTICLE II

On or about February 4, 2000, chief justice Brock engaged in conduct that constituted the impeachable offenses of maladministration or malpractice in connection with the case of Thayer v. Thayer, a divorce case in which W. Stephen Thayer, III, then a justice of the supreme court, was a party. Specifically, chief justice Brock engaged in the following improper conduct:

1. On February 4, 2000, chief justice Brock engaged in ex parte communications with justice Thayer and with the other justices, all of whom had been recused, in which he solicited their comments regarding superior court judges to be appointed to the supreme court panel that would hear the appeal of the trial court's judgment.
2. On February 4, 2000, chief justice Brock participated in an ex parte communication with justice Thayer in the hallway outside the court's conference room in which the chief justice discussed possible appointments to the supreme court panel that would hear the appeal of the trial court's judgment.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

ARTICLE III

Chief justice David A. Brock did knowingly testify falsely under oath to the house judiciary committee, with the intention of hindering the HR 50 investigation, with respect to the following material matters:

1. On May 19, 2000, he testified that he did not know whether or not a March 3, 2000 letter from his attorney had been sent to the attorney general's office.
2. On May 19, 2000, he testified that he did not have certain documents relating to the "Home Gas" investigation when in fact he did have those documents and had reviewed them within a few days before giving testimony.
3. On May 19, 2000, and on June 23, 2000, he testified that on February 4 he did not have a conversation in the hallway outside the supreme court conference room with justice Thayer.
4. On May 19, 2000, and on June 23, 2000, he testified that he did not make a telephone call to superior court judge Douglas Gray concerning the Home Gas case.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

00-2842

09/01

HOUSE BILL *1500-FN*

AN ACT relative to judicial retirement compensation and benefits for supreme court chief justice Brock.

SPONSORS: Judiciary Committee

COMMITTEE:

ANALYSIS

This bill allows chief justice David Brock to receive judicial retirement compensation and benefits if he voluntarily resigns after a vote to impeach him by the house of representatives and prior to the beginning of his impeachment trial by the senate.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to judicial retirement compensation and benefits for supreme court chief justice Brock.

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

1 Judicial Compensation and Benefits for Supreme Court Chief Justice Brock. If supreme court chief justice David Brock voluntarily resigns from the court during the period between a vote to impeach him by the full house of representatives and prior to the beginning of an impeachment trial by the senate, he shall be entitled to receive the retirement compensation and benefits under RSA 490:2 beginning upon the date he would have begun receiving such compensation and benefits if he had served as a supreme court justice until he was 65 years of age.

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

00-2844. 01/09

HOUSE RESOLUTION **52**

A RESOLUTION recommending that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr.

SPONSORS: Judiciary Committee

COMMITTEE:

ANALYSIS

This house resolution recommends that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION recommending that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr.

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the New Hampshire house of representatives adopt the following resolution relative to justice Sherman D. Horton, Jr; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found no clear and convincing evidence that justice Sherman D. Horton, Jr has acted in such a

way as to require the house, acting under Part II, Article 17 of the New Hampshire constitution, to make and send to the senate an article of impeachment, and accordingly moves that no article of impeachment be brought against justice Sherman D. Horton, Jr.

00-2843

01/09

HOUSE RESOLUTION **53**

A RESOLUTION recommending that no article of impeachment be brought against supreme court justice John T. Broderick, Jr.

SPONSORS: Judiciary Committee

COMMITTEE:

ANALYSIS

This house resolution recommends that no article of impeachment be brought against supreme court justice John Broderick, Jr.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION recommending that no article of impeachment be brought against supreme court justice John T. Broderick, Jr.

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the New Hampshire house of representatives adopt the following resolution relative to justice John T. Broderick, Jr; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found no clear and convincing evidence that justice John T. Broderick, Jr. has acted in such a way as to require the house, acting under Part II, Article 17 of the New Hampshire constitution, to make and send to the senate an article of impeachment, and accordingly moves that no article of impeachment be brought against justice John T. Broderick, Jr.

AMENDMENT

2000-4796h

Floor Amendment to HR 51

Proposed by Rep. Jacobson

Amend the resolution by inserting the following:

ARTICLE OF IMPEACHMENT

During the period beginning with his appointment as chief justice, on or about October 4, 1986, and continuing until on or about April 1, 2000, chief justice Brock engaged in conduct that constituted the impeachable offense of maladministration by permitting and overseeing a practice whereby recused and disqualified justices were permitted to receive draft opinions and to attend case conferences, thereby enabling them to comment on and influence opinions in the cases from which they were recused and disqualified.

LAIID ON TABLE – 1999 session

CACR 12, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years.

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor.

HB 549-L, relative to the minimum vote required for bond issues by municipalities.

HB 550-L, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting.

HB 612-FN, relative to compensation paid to jurors.

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income.

HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua.

LAID ON TABLE – 2000 session

CACR 33, relating to meetings of the legislature. Providing that the legislature shall assemble biennially. (Pending question is interim study.)

HB 637-FN, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. (Pending question is the adoption of the committee report – ought to pass with amendment.)

HB 1229, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH. (Pending question is the adoption of the majority committee report – interim study.)

HB 1375, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds. (Pending question is the adoption of the committee report – interim study.)

HR 10, affirming revenue estimates for fiscal years 2000, and 2001.

COMMITTEE HEARINGS

MONDAY, JULY 10

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, JULY 11

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49), Room 207, LOB

9:30 a.m. Regular meeting.

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

9:30 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

1:00 p.m. Interim study subcommittee work session on **HB 1346-FN**, relative to certain acts of

felonious sexual assault and ***HB 1520-FN***, relative to criminal neglect of elderly, disabled, or incapacitated persons.

FINANCE (DIVISION II), Room 209, LOB

11:00 a.m. Revenue Estimates

Discussion of bills referred to Division II for interim study will follow as time permits:

HB 692-FN-A, adopting a single sales factor method of apportionment under the business profits tax.

HB 1472-FN-A, allowing the deduction of trust expenses from trust income taxable under the interest and dividends tax.

HB 1485-FN, relative to a certain proposed toll booth.

SB 210-FN-L, relative to payment by the state for certain court-ordered placements of special education students.

SB 421-FN-A, establishing a child day care program credit against the business profits tax and the business enterprise tax.

IDENTIFYING OR ESTABLISHING THE DUTIES OF THE FISH AND GAME COMMISSION STUDY (SB 160, Chapter 78:2, Laws of 1999), Room 101, LOB

10:00 a.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:00 a.m. Public hearing on ***proposed HB 1500-FN***, relative to judicial retirement compensation and benefits for supreme court chief justice Brock.

LAWRENCE, MASSACHUSETTS TO MANCHESTER, NEW HAMPSHIRE AND CONCORD TO LEBANON RAIL SERVICE FEASIBILITY STUDY (HB 1409, Chapter 46:2, Laws of 2000), Room 203, LOB

10:00 a.m. Regular meeting.

PASSENGER RAIL SERVICE FROM NEWBURYPORT, MASSACHUSETTS TO KITTERY, MAINE TASK FORCE (HB 1378, Chapter 45:1, Laws of 2000), Room 203, LOB

11:00 a.m. Regular meeting.

WEDNESDAY, JULY 12

FINANCE, Rooms 210-211, LOB

9:00 a.m. Executive session

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:00 a.m. Executive session on all interim study bills.

TUESDAY, JULY 18

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49), Room 207, LOB

9:30 a.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Interim study subcommittee work session on ***HB 1201***, creating a committee to study

incentives for regionalization of sludge and septage facilities.

SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT (HB 379, Chapter 201:2, Laws of 1999), Room 301, LOB

10:00 a.m. Regular meeting.

WEDNESDAY, JULY 19

DRIVING UNDER THE INFLUENCE OF INTOXICATION LIQUOR OR CONTROLLED DRUGS STUDY (HB 84, Chapter 334, Laws of 1999), Room 204, LOB

1:00 p.m. Regular meeting.

FRIDAY, JULY 21

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

LONG-TERM CARE BOARD (RSA 126-L), Rooms 210-211, LOB

1:00 p.m. Regular meeting

TUESDAY, JULY 25

ATECH SERVICES GENERAL OPERATIONS STUDY (SB 176, Chapter 3:2, Laws of 2000), Room 308, LOB

10:00 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

1:00 p.m. Interim study subcommittee work session on ***HB 1346-FN***, relative to certain acts of felonious sexual assault and ***HB 1520-FN***, relative to criminal neglect of elderly, disabled, or incapacitated persons.

REVISIONS TO THE STATE AERONAUTICS LAWS STUDY (HB 1161, Chapter 105:3, Laws of 2000), Room 203, LOB

10:30 a.m. Organizational meeting.

TUESDAY, AUGUST 1

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Interim study subcommittee work session on ***HB 1140***, establishing a committee to study the department of corrections. and ***HB 1503***, establishing a study committee to review the state’s current parole and probation procedures.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Interim study subcommittee work session on ***SB 414-FN***, reorganizing the divisions of the department of corrections.

WEDNESDAY, AUGUST 2

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Interim study subcommittee work session on ***HB 202***, legalizing the possession and

cultivation of marijuana for medicinal purposes.

11:00 a.m. Interim study subcommittee work session on ***HB 1391***, relative to personal appearance by law enforcement officers at administrative license suspension hearings.

11:30 a.m. Interim study subcommittee work session on ***SB 88***, relative to penalties for third driving while intoxicated offenses.

DRIVING UNDER THE INFLUENCE OF INTOXICATION LIQUOR OR CONTROLLED DRUGS STUDY (HB 84, Chapter 334, Laws of 1999), Room 204, LOB

1:00 p.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Full committee presentation by the Department of Environmental Services on new hazardous waste rules.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Interim study subcommittee work session on ***HB 1612-FN***, establishing a state office of privacy.

THURSDAY, AUGUST 3

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 205, LOB

10:00 a.m. Subcommittee work session.

FRIDAY, AUGUST 4

TRANSPORTATION, Room 203, LOB

2:00 p.m. Interim study subcommittee work session on ***HB 1273***, relative to restricting usage of cellular phones while driving.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Rockingham County Executive Committee will meet on July 21 at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood to confirm the second quarter review.

Rep. David A. Welch, Clerk

Rockingham County Executive Committee

COUNTY DELEGATION NOTICE

Copies of the Rockingham County Directory of County and Town Officers are in the mailboxes of the Rockingham County representatives.

Rep. David A. Welch, Clerk

Rockingham County Delegation

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 86, 235, 239, 273, 279, 305, 417, 505, 542, 618, 628, 648, 733, 1114, 1165, 1188, 1200, 1234, 1238, 1251, 1259, 1264, 1265, 1270, 1342, 1377, 1418, 1419, 1448, 1450, 1459, 1464, 1467, 1469, 1485, 1492, 1494, 1510, 1511, 1521, 1522, 1535, 1536, 1537, 1539, 1540, 1541, 1543, 1544, 1546, 1547, 1548, 1549, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1566, 1567, 1568, 1569, 1571, 1572, 1573, 1575, 1579, 1584, 1586, 1587, 1591, 1595, 1602, 1606, 1608, 1612, 1615, 1616, 1619, 1620, 1621, 1628 and 2000.

Leo J. Callahan, Assistant Clerk

MEMBERS’ NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

Legislators are cordially invited to attend meetings of the Citizens for Inheritance Tax Equity (CITE). Meetings are held on the first Tuesday of each month at the Nashua Public Library at 7:00 p.m. Please join us for a discussion of the Legacies and Succession Tax, RSA 86.

Rep. Paul A. McGuirk

The Strafford County Republicans will meet the third Tuesday of each month at 7:00 p.m. at the Gateway Restaurant, Somersworth.

Rep. Robert E. McKinley

Members of the House Judiciary Committee and other interested legislators are cordially invited to a "Family Fun Day" at our home on 63 Pine Street in Peterborough on Friday, July 21 from 1:00 p.m. to 6:00 p.m. Bring the kids and a swimsuit.

Rep. Andrew Petersen

The New Hampshire Order of Women Legislators (OWLS) will be having its First Annual OWLS Golf Tournament Monday, July 24 at the Passaconway Country Club in Litchfield. For more information please contact Reps. Betsy McKinney or Janet Wall.

Reps. Betsy McKinney and Janet G. Wall

The Department of Transportation will hold the following meetings:

- July 11 – Administrative Office Building Supreme Court, 1 Hazen Drive, Concord, 3:00 p.m. Committee meeting, Transportation Enhancement Advisory Committee Meeting.
- July 13 – Lincoln Town Hall Conference Room, Main Street, Lincoln, 6:00 p.m. Public informational meeting, Lincoln, US Route 3/Harvard Brook.
- July 13 – Meeting Room, Town Hall, 157 Main Street, Epping, 7:00 p.m. Public informational meeting, NH 87 bridge over Lamprey River.
- July 19 – Pembroke Town Hall, 311 Pembroke Street, Pembroke, 7:00 p.m. Public officials meeting, Allenstown-Pembroke, replacement of US 3 bridge.
- July 26 – Ossipee Town Hall Recreation Department, 55 Main Street, Ossipee, 7:00 p.m. Combined public officials/public informational meeting, Ossipee, Old NH Route 16 over Beech River.
- July 27 – W. Running Brook Middle School, 1 W. Running Brook Lane, Derry, 6:00 p.m. Advisory Task Force Meeting, Salem, Widening of I-93.
- Rep. Edwin O. Smith, Chairman
- Public Works and Highways