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HOUSE RECORD

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Calendar and Journal of the 2006 Session

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Contains: Additional Floor Amendments for March 22

ADDENDUM TO HOUSE CALENDAR NO. 22

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2006-1468h

Floor Amendment to HB 1726-FN
Proposed by Reps. O'Brien, Mirski and Sorg

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study state reimbursement of legal fees to certain persons.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study state reimbursement of legal fees to certain persons.

2 Membership and Compensation.

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

(a) Three 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.

(c) Two public members, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties; Subpoena Powers.

I. The commission shall study the reimbursement of legal fees of persons who while, and as a consequence of, their employment by the state have been:

(a) Charged by indictment or otherwise with a crime, but who have not thereafter been convicted of the crime.

(b) Impeached, but not thereafter removed from office as a consequence of the impeachment.

(c) Charged with an ethics violation, which charge is not thereafter found to have been valid.

(d) Subject to a criminal investigation, but not thereafter charged with a crime.

(e) Investigated as to an ethics violation, but not thereafter charged with an ethics violation.

(f) Subject to impeachment proceeding, but not thereafter impeached.

II. The findings of the commission shall include, but not be limited, to a review of state and national statutory measures to reimburse individuals their legal fees arising out of the investigation and defense of criminal, ethical, and impeachable allegations and proceedings arising out of those allegations.

III. The chairperson of the commission may issue subpoenas requiring the attendance of witnesses and the production of evidence and may administer such oaths and take such testimony as he or she deems necessary.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the

house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 15, 2006.

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

AMENDED ANALYSIS

This bill establishes a commission to study state reimbursement of legal fees to certain persons.

2006-1467h

Floor Amendment to HB 1726-FN
Proposed by Reps. Mirski, O'Brien, Soltani and Itse

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study state reimbursement of legal fees to certain justices.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study state reimbursement of legal fees to certain justices.

2 Membership and Compensation.

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

(a) Three 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.

(c) Two public members, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties.

I. The commission shall study the existence and amounts of any legal fees incurred as a result of impeachment proceedings by retired chief justice David A. Brock, retired associate justice Sherman D. Horton, Jr., and chief justice John T. Broderick, Jr., whether such legal fees are paid or subject to any special arrangements as to payment or nonpayment, and whether it is good public policy of the state to reimburse these legal fees.

II. The chairperson of the commission may issue subpoenas requiring the attendance of witnesses and the production of evidence and may administer such oaths and take such testimony as he or she deems necessary.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 15, 2006.

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

AMENDED ANALYSIS

This bill establishes a commission to study state reimbursement of legal fees to certain justices.

2006-1470h

Floor Amendment to HB 1726-FN
Proposed by Reps. Mead, Sorg and Itse

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study state reimbursement of legal fees to certain criminal defendants.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study state reimbursement of legal fees to certain criminal defendants.

2 Membership and Compensation.

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

(a) Three 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.

(c) Two public members, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties; Subpoena Powers.

I. The commission shall study the reimbursement of the legal fees of criminal defendants in the courts of the state who are ultimately found not guilty of the charges brought by the state against them.

II. The chairperson of the commission may issue subpoenas requiring the attendance of witnesses and the production of

evidence and may administer such oaths and take such testimony as he or she deems necessary.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 15, 2006.

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

AMENDED ANALYSIS

This bill establishes a commission to study state reimbursement of legal fees to certain criminal defendants.

2006-1462h

Floor Amendment to HB 1726-FN
Proposed by Reps. Sorg and O'Brien

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the payment or reimbursement by the state of legal fees to any justice impeached by the legislature.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Payment or Reimbursement of Certain Legal Fees Prohibited. Amend RSA 490 by inserting after section 35 the following new subdivision:

Payment or Reimbursement of
Certain Legal Fees Prohibited

490:36 Payment or Reimbursement of Certain Legal Fees Prohibited. The state shall not pay or reimburse any justice of any state court for legal fees incurred as a result of impeachment proceedings against such justice by the legislature.

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

AMENDED ANALYSIS

This bill prohibits payment or reimbursement by the state for legal fees incurred by justices during impeachment proceedings.

2006-1463h

Floor Amendment to HB 1726-FN
Proposed by Reps. Mirski and Sorg

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting payment or reimbursement by the state of certain legal fees to former supreme court chief justice David A. Brock.

Amend the bill by replacing all after the enacting clause with the following:

1 Payment or Reimbursement of Legal Fees Prohibited. The state shall not pay or reimburse legal fees incurred during impeachment proceedings to former supreme court chief justice David A. Brock, based upon a determination of the house of representatives, by a vote of 253 to 95, that by clear and convincing evidence justice Brock committed those violations and impeachable offenses set forth in Articles I through IV of House Resolution 51 adopted in the 2000 session of the house of representatives.

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

AMENDED ANALYSIS

This bill prohibits the state from paying or reimbursing legal fees incurred during impeachment proceedings by former supreme court chief justice David A. Brock.

2006-1464h

Floor Amendment to HB 1726-FN
Proposed by Reps. Buhlman and O'Brien

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings. In addition, both the recipient and law firm or lawyer to receive the funds shall certify to the department of administrative services each debt as due and payable by each of the listed recipients and not waived now or in the past subject to offset or payment by any other third party.

2006-1455h

Floor Amendment to HB 1726-FN

Proposed by Rep. Elliott

Amend the introductory paragraph of paragraph I of section 1 of the bill by replacing it with the following:

I. The judicial branch shall pay the following amounts, minus federal income taxes withheld as appropriate, to the following persons as full and final payment for legal fees incurred by such persons in the capacity as supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature:

Amend section 2 of the bill by replacing it with the following:

2 Funding of Payment. The judicial branch shall make the payments pursuant to section 1 from the judicial branch operating budget on the effective date of this act. The sum of up to $601,000 required for the payments shall be a charge against sums appropriated to the judicial branch for the biennium ending June 30, 2007.

2006-1452h

Floor Amendment to HB 1726-FN
Proposed by Rep. Hellwig

Amend the bill by replacing all after the enacting clause with the following:

1 Payment of Legal Fees of Certain Supreme Court Justices.

I. The judicial branch shall reimburse, at the rates in paragraph II, the following persons as full and final payment for legal fees incurred by such persons in the capacity as supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature:

(a) Retired Chief Justice David A. Brock
(b) Retired Associate Justice Sherman D. Horton, Jr.
(c) Chief Justice John T. Broderick, Jr.

II. The total amounts reimbursed under paragraph I shall be based on an hourly fee arrangement. The hourly fees shall not exceed $150 for partners, $110 for associates, and $60 for paralegals and investigators.

III. Prior to payment of the sums determined under paragraphs I and II, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed release statements from themselves that the payments made under paragraphs I and II are full and final payments for legal fees incurred for the impeachment proceedings.

2 Funding of Payment. The judicial branch shall make the payments pursuant to section 1 from the judicial branch operating budget on the effective date of this act. The sum required for the payments shall be a charge against sums appropriated to the judicial branch for the biennium ending June 30, 2007.

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

2006-1451h

Floor Amendment to HB 1726-FN
Proposed by Rep. Mead

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings. In addition, each recipient and law firm or lawyer to receive the funds shall certify to the department of administrative services that there are not now and have never been any unpaid or late bills owed by the recipients or any family member of the recipient to the law firm or lawyer for any other matter not arising out of, or related to, the impeachment proceedings.

2006-1450h

Floor Amendment to HB 1726-FN
Proposed by Rep. Hopfgarten

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings. In addition, each recipient and law firm or lawyer to receive the funds shall certify to the department of administrative services that there was not any other matter in which the law firm or lawyer represented or provided services to the recipient or any family member of the recipient at the same time services and representation were being provided in the impeachment proceedings.

2006-1454h

Floor Amendment to HB 1726-FN
Proposed by Rep. Hellwig

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings. In addition, each recipient and law firm or lawyer to receive the funds shall certify to the department of administrative services that there is not now and has never been any formal or informal arrangement not to seek payment of the listed legal expenses unless there was to be payment or reimbursement by a third party and/or the state.

2006-1448h

Floor Amendment to HB 1726-FN
Proposed by Rep. Hopfgarten

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed statements certifying that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings.

2006-1447h

Floor Amendment to HB 1726-FN
Proposed by Rep. Bicknell

Amend the title of the bill by replacing it with the following:

AN ACT requiring the state to pay legal fees for certain supreme court justices, witnesses, and other participants involved in impeachment proceedings.

Amend section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Any witness or other participant in the impeachment proceedings against the justices listed in paragraph I may submit his or her paid and unpaid legal bills arising out of, or related to, the proceedings to the judicial branch. The judicial branch shall pay or reimburse such witness or participant upon receipt of such bills.

Amend the bill by replacing section 2 with the following:

2 Funding of Payment. The judicial branch shall make the payments pursuant to section 1 from the judicial branch operating budget on the effective date of this act. The sum required for the payments shall be a charge against sums appropriated to the judicial branch for the biennium ending June 30, 2007.

AMENDED ANALYSIS

This bill requires the state to pay legal fees for certain supreme court justices, witnesses, and other participants involved in impeachment proceedings initiated by the legislature.

2006-1449h

Floor Amendment to HB 1726-FN
Proposed by Rep. Ober

Amend the introductory paragraph of paragraph I of section 1 of the bill by replacing it with the following:

I. The department of justice shall pay the following amounts to the following persons from funds appropriated under PAU 02, 04, 01, 01 class 93 litigation expenses, as full and final payment for legal fees incurred by such persons in the capacity as supreme court justices as a result of claims they were subjected to involved in impeachment proceedings initiated by the legislature:

AMENDED ANALYSIS

This bill requires the state to pay legal fees for certain supreme court justices as a result of claims they were subjected to involved in impeachment proceedings initiated by the legislature.