

Bill as Introduced

HB 245 - AS INTRODUCED

2011 SESSION

11-0492

05/09

HOUSE BILL **245**

AN ACT establishing a committee to study election of the attorney general by the legislature.

SPONSORS: Rep. Marshall Quandt, Rock 13; Rep. Matt Quandt, Rock 13; Rep. Mirski, Graf 10; Rep. Shuler, Rock 11

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a committee to study election of the attorney general by the legislature.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a committee to study election of the attorney general by the legislature.

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

1 1 Committee Established. There is established a committee to study election of the attorney
2 general by the legislature.

3 2 Membership and Compensation.

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

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

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

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

10 3 Duties. The committee shall study the feasibility of amending the New Hampshire
11 constitution to provide for election of the attorney general by the legislature. The committee may
12 solicit information and testimony from those with experience and expertise relevant to the study.

13 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
14 among the members. The first meeting of the committee shall be called by the first-named house
15 member. The first meeting of the committee shall be held within 45 days of the effective date of this
16 section. Three members of the committee shall constitute a quorum.

17 5 Report. The committee shall report its findings and any recommendations for proposed
18 legislation to the speaker of the house of representatives, the president of the senate, the house
19 clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

20 6 Effective Date. This act shall take effect upon its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 245

BILL TITLE: establishing a committee to study election of the attorney general by the legislature.

DATE: 2/3/11

LOB ROOM: 306 **Time Public Hearing Called to Order:** 1:45 PM

Time Adjourned: 2:15 PM

(please circle if present)

Committee Members: ~~Reps. McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vita, Perkins, Winter, Bowers, P. Brown, Hansen, Proulx, P. Schmidt, Pilotte, Jeudy and Sullivan.~~

Bill Sponsors: Rep. Marshall Quandt, Rock 13

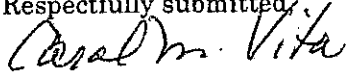
TESTIMONY

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

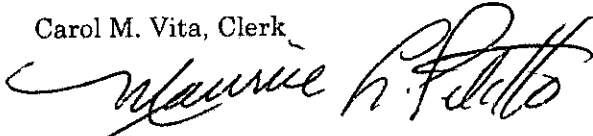
Rep. Marshall Quandt – Introduced – Should be elected by the general court – Does not believe it would politicize the office – A study committee would address all questions – advantages and disadvantages.

Rep. Gidge – Nashua – Opposed to the bill – This is the one position which could least afford to be politicized – Should remain a four-year term

Respectfully submitted,



Carol M. Vita, Clerk



Rep. Maurice Pilotte, Asst. Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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Bill Sponsors: Rep. Marshall Quandt, Rock 13

TESTIMONY

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

Rep^M Quandt - Introduced
- Should be elected by the General Court
- Does not believe it would politicize the office.
- A study committee would address all questions - advantages + disadvantages

Rep Gidye - Nashua - - opposed to the bill -
- This is the ~~most~~ one position which could least afford to be politicised.
- Should remain a four-year term.

Asst Clerk Maurice B. Pilote

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 245

BILL TITLE: establishing a committee to study election of the attorney general by the legislature.

DATE: February 16, 2011

LOB ROOM: 306

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. Day

Seconded by Rep. Hawkins

Vote: 16-0 (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.)

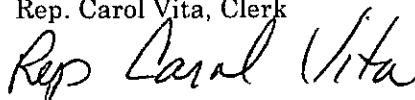
CONSENT CALENDAR VOTE: 16-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 245

BILL TITLE: establishing a committee to study election of the attorney general by the legislature.

DATE: 2/16/11

LOB ROOM: 306

Amendments:

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Sponsor: Rep.

OLS Document #:

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

Moved by Rep. DAY

Seconded by Rep. HAWKINS

Vote: (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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB245 Title: _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman	✓	
Hawkins, Kenneth, V Chairman	✓	
Sytek, John J	✓	
Day, Russell C	✓	
Gould, Kenneth H	✓	
Pratt, Calvin D	✓	
Vita, Carol M, Clerk	✓	
Perkins, Lawrence B	✓	
Winter, Steven J	✓	
Bowers, Spec	✓	
Hansen, Peter T	✓	
Proulx, Mark L	✓	
Whitehead, Randall A	✓	
Schmidt, Peter B	✓	
Pilotte, Maurice L	✓	
Jeudy, Jean L	✓	
Sullivan, Daniel J	16	0
TOTAL VOTE:	16	0

Committee Report

CONSENT CALENDAR

February 17, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on EXECUTIVE DEPARTMENTS AND
ADMINISTRATION to which was referred HB245,**

**AN ACT establishing a committee to study election of
the attorney general by the legislature. Having
considered the same, report the same with the following
Resolution: RESOLVED, That it is INEXPEDIENT TO
LEGISLATE.**

Rep. Russell C Day

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	HB245
Title:	establishing a committee to study election of the attorney general by the legislature.
Date:	February 17, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would establish a study committee composed of three members of the House of Representatives and two members of the state Senate to study the feasibility of amending the New Hampshire constitution to provide for the election of the attorney general. In the last 36 years there have been 17 proposals to change the manner in which the attorney general is selected. All these proposals have been rejected by the Legislature. Politicizing the selection process could infuse the process with the appearance of a conflict of interest. Concerns also would be that the incumbent could spend an undue amount of time campaigning for the position and not focused upon the duties of the position. There is also the issue of accepting campaign donations. Our citizens expect the chief law enforcement person to be above reproach. New Hampshire has a process of checks and balances in place whereby the Governor of the state nominates and the Executive Council confirms the nominee. We do not feel that there is a need to change this process.

Vote 16-0.

Rep. Russell C Day
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB245, establishing a committee to study election of the attorney general by the legislature.

INEXPEDIENT TO LEGISLATE.

Rep. Russell C Day for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. This bill would establish a study committee composed of three members of the House of Representatives and two members of the state Senate to study the feasibility of amending the New Hampshire constitution to provide for the election of the attorney general. In the last 36 years there have been 17 proposals to change the manner in which the attorney general is selected. All these proposals have been rejected by the Legislature. Politicizing the selection process could infuse the process with the appearance of a conflict of interest. Concerns also would be that the incumbent could spend an undue amount of time campaigning for the position and not focused upon the duties of the position. There is also the issue of accepting campaign donations. Our citizens expect the chief law enforcement person to be above reproach. New Hampshire has a process of checks and balances in place whereby the Governor of the state nominates and the Executive Council confirms the nominee. We do not feel that there is a need to change this process. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

HB 245 (Revised)

This bill would establish a study committee composed of three members of the House of Representatives and two members of the state Senate to study the feasibility of amending the New Hampshire constitution to provide for the election of the attorney general. In the last 36 years there have been 17 proposals to change the manner in which the attorney general is selected. All these proposals have been rejected by the Legislature. Politicizing the selection process could infuse the process with the appearance of a conflict of interest. Concerns also would be that the incumbent could spend an undue amount of time campaigning for the position and not focused upon the duties of the position. There is also the issue of accepting campaign donations. Our citizens expect the chief law enforcement person to ^{be} above reproach. New Hampshire has a process of checks and balances in place whereby the Governor of the state nominates and the Executive Council confirms the nominee. We do not feel that there is a need to change this process.

Rep. Day for the Committee

Carol M. Quinn

Culberson, Kay

From: rcday2@comcast.net
Sent: Wednesday, February 16, 2011 8:12 PM
To: Culberson, Kay
Cc: carol mcquire
Subject: HB 245 (revised)

Hi Kay,

I also re-wrote this a little and added a bit. I think I have this saved in Microsoft. Otherwise, I copied and pasted below.
Rep. Russell Day

Executive Departments and Administration

HB 245, establishing a committee to study election of the attorney general by the legislature. **Majority: Inexpedient To Legislate.** Rep. Russell Day for Executive Departments and Administration: This bill would establish a study committee composed of three members of the House of Representatives and two members of the state Senate to study the feasibility of amending the New Hampshire constitution to provide for the election of the attorney general. In the last 36 years there have been 17 proposals to change the manner in which the attorney general is selected. All these proposals have been rejected by the Legislature. Politicizing the selection process could infuse the process with the appearance of a conflict of interest. Concerns also would be that the incumbent could spend an undue amount of time campaigning for the position and not focused upon the duties of the position. There is also the issue of accepting campaign donations. Our citizens expect the chief law enforcement person to above reproach. New Hampshire has a process of checks and balances in place whereby the Governor of the state nominates and the Executive Council confirms the nominee. We do not feel that there is a need to change this process. **Vote ITL 16-0**

COMMITTEE REPORT

COMMITTEE: ED&A

BILL NUMBER: HB 245

TITLE: _____

DATE: 2/16/11 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Carol Vitek
For the Committee