

# Bill as Introduced

HB 510 - AS INTRODUCED

2011 SESSION

11-0125  
09/01

HOUSE BILL        **510**

AN ACT            requiring marital masters to be New Hampshire residents.

SPONSORS:        Rep. Rowe, Hills 6; Rep. Itse, Rock 9; Rep. Kappler, Rock 2

COMMITTEE:        Judiciary

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ANALYSIS

This bill requires marital masters to be New Hampshire residents.

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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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    requiring marital masters to be New Hampshire residents.

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

1            1    New Paragraph; Qualifications of Marital Masters; Residency. Amend RSA 490-D:8 by  
2 inserting after paragraph II the following new paragraph:

3                    III. Each marital master shall be a resident of this state upon appointment and throughout  
4 each term of appointment.

5            2    Effective Date. This act shall take effect 60 days after its passage.

# Committee Minutes

**SENATE CALENDAR NOTICE  
JUDICIARY**

Senator Matthew Houde Chairman  
 Senator Sharon Carson V Chairman  
 Senator Fenton Groen  
 Senator Jim Luther

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: March 23, 2011**

**HEARINGS**

**Thursday**

**3/31/2011**

JUDICIARY

LOB 101

1:00 PM

(Name of Committee)

(Place)

(Time)

1:00 PM HB510 ✓

**EXECUTIVE SESSION MAY FOLLOW**

requiring marital masters to be New Hampshire residents.

1:15 PM HB511

relative to retired judges over 70 years of age.

1:30 PM HB609-FN

establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division..

**Sponsors:**

**HB510**

Rep. Robert Rowe

Rep. Daniel Itse

Rep. Lawrence Kappler

**HB511**

Rep. Robert Rowe

Rep. Lawrence Kappler

Rep. Daniel Itse

**HB609-FN**

Rep. Gary Richardson

Sen. Matthew Houde

Sen. Chuck Morse

# Judiciary Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Susan Duncan, Senior Legislative Aide

**RE:** Hearing report on HB 510 – **requiring marital masters to be New Hampshire residents.**

**HEARING DATE:** March 31, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Houde, Carson, Groen and Luther

**MEMBERS OF THE COMMITTEE ABSENT:** No one

**Sponsor(s):** Representatives Rowe, Itse and Kappler

**What the bill does:** This bill requires marital masters to be New Hampshire residents.

**Who supports the bill:** Representative Rowe; Representative M. Kappler;

**Who opposes the bill:** No one

**Others testifying:** Attorney Howard Zibel, Legal Counsel for the Supreme Court and the Judicial Branch

### **Summary of testimony received:**

- **Senator Houde** opened the hearing at 1:01 p.m.
- **Representative Rowe** testified that the bill had been on the consent calendar in the House and is very simple – that Marital Masters must be residents of New Hampshire.
- He explained that the reason that they want this is because Marital Masters are as close as they can be to being judicial officers.
- **Representative Rowe** noted that Masters hear cases between our citizens and the House feels that these folks should be New Hampshire residents. He commented that they make recommendations, very few of which are not accepted by the Judge who must sign them.
- He noted that there currently is one Master who lives out of state and about 8 years ago, he had indicated that he would move to New Hampshire, but he subsequently did not do so.

- **Attorney Zibel** testified for background purposes but said that he is taking no position on the legislation. He said that the reason for this is if this is the policy for newly appointed Masters, then the court would support the legislation. However, Master Cross does live in the State of Maine and that they cannot support the legislation if it affects current Masters in their current or any possible subsequent terms.
- **Attorney Zibel** acknowledged that in the summer of 2004 at the public hearing on Master Cross' nomination, he did agree to move to New Hampshire – and this was in the public record. However, Attorney Zibel noted that in a conversation (with perhaps former Executive Councilor Griffin or Councilor Burton, he was not sure) Master Cross was told after the hearing that the Councilors had discussed this and that he did not have to move to NH.
- **Attorney Zibel** testified that this policy would single out one specific position in state government. He noted for the record that 2.7% of the Judicial Branch employees live out-of-state and noted further that many within the Executive and Legislative branches also live out-of-state. He remarked that one former Judge lived in Massachusetts, though he has since resigned.
- He remarked again that this is singling out one “job” for no apparent reason. He commented that House Resolution 7 has now passed the House and other issues will be dealt with – but passing this in its current form is singling out one individual. He urged the committee to please vote ITL if the bill is for current Masters.
- **Senator Houde** closed the hearing at 1:11 p.m.

**Funding:** Not applicable

**Future Action:** The Committee took the bill under advisement.

sfd

[file: HB 0510 report]  
Date: March 31, 2011

# Speakers



# SENATE JUDICIARY COMMITTEE

Date: March 31, 2011

Time: 1:00 p.m..

Public Hearing on

**HB 510 - requiring marital masters to be New Hampshire residents.**

Please check box(es) that apply:

Please check if

SPEAKING FAVOR  OPPOSED

NAME (Please print)

REPRESENTING

HOWARD ZIBEL

JUDICIAL BRANCH

12 ROWE House Judiciary Sponsor

Rep. Mike Kappeler

# Testimony

**New Hampshire State Representative  
Vice Chair Resources, Recreation, & Development Committee  
L. Mike Kappler**

**March 31, 2011**

**Dear Committee Chairman and Committee members,**

**HB-510 requiring marital masters to be New Hampshire residents is a simple piece of legislation.**

**If you are appointed to a state position, you are now working for the state, for the people of the state, and you should be required to live in that state. HB-510 amends RSA 490-D to require just that.**

**I support HB-510, and ask that you vote recommending passage, and send it to the Senate floor.**

**Thank you.**

  
**L. Mike Kappler**

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: May 12, 2011

THE COMMITTEE ON Judiciary

to which was referred House Bill 510

AN ACT                    requiring marital masters to be New Hampshire  
                                 residents.

Having considered the same, the committee recommends that the Bill:

**IS INEXPEDIENT TO LEGISLATE**

BY A VOTE OF:    4 - 0

AMENDMENT #        s

Senator Matthew Houde  
For the Committee

Susan Duncan 271-8631

## New Hampshire General Court - Bill Status System

**Docket of HB510**

Docket Abbreviations

**Bill Title:** requiring marital masters to be New Hampshire residents.*Official Docket of HB510:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/21/2011	H	Introduced 1/6/2011 and Referred to Judiciary; <b>HJ 11</b> , PG. 189
2/1/2011	H	Public Hearing: 2/10/2011 1:30 PM LOB 208
2/15/2011	H	Executive Session: 2/15/2011 LOB 208 Following House Session
2/17/2011	H	Committee Report: Ought to Pass for Mar 2 (Vote 13-2; CC); <b>HC 18</b> , PG.388
3/2/2011	H	Ought to Pass: MA VV; <b>HJ 25</b> , PG.674
3/16/2011	S	Introduced and Referred to Judiciary
3/24/2011	S	Hearing: 3/31/11, Room 101, LOB, 1:00 p.m.; <b>SC17</b>
5/13/2011	S	Committee Report: Inexpedient to Legislate, 5/25/11; <b>SC25</b>
5/25/2011	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; <b>SJ 18</b>

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL                       RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

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- SIGN-UP SHEET(S)

**ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:**

- AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
 - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

**ALL AVAILABLE VERSIONS OF THE BILL:**

AS INTRODUCED                      \_\_\_\_\_ AS AMENDED BY THE HOUSE  
 \_\_\_\_\_ FINAL VERSION                      \_\_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

\_\_\_\_\_ *Ø*

DATE DELIVERED TO SENATE CLERK

7/21/11

BY:

*Susan J. Duncan*  
COMMITTEE AIDE