Committee Report

REGULAR CALENDAR

March 4, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Legislative

Administration to which was referred HB 1486,

AN ACT establishing a committee to study information

technology in the legislative process. Having

considered the same, report the same with the following

amendment, and the recommendation that the bill

OUGHT TO PASS WITH AMENDMENT.

Rep. Matthew Wilhelm

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk

MAJORITY COMMITTEE REPORT

Committee:	Legislative Administration	
Bill Number:	HB 1486	
Title:	establishing a committee to study information technology in the legislative process.	
Date:	March 4, 2020	
Consent Calendar:	REGULAR	
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2020-1080h	

STATEMENT OF INTENT

This bill establishes a committee to study information technology in the legislative process. The majority believes that significant time and energy should be invested to explore opportunities to increase efficiency, effectiveness, and equity especially for both legislators and members of the public who live further away from the state house. The amendment expands the duties of the committee to include the study of the expansion of public testimony opportunities to remote locations.

Vote 7-6.

Rep. Matthew Wilhelm FOR THE MAJORITY

Original: House Clerk

REGULAR CALENDAR

Legislative Administration

HB 1486, establishing a committee to study information technology in the legislative process. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Matthew Wilhelm for the Majority of Legislative Administration. This bill establishes a committee to study information technology in the legislative process. The majority believes that significant time and energy should be invested to explore opportunities to increase efficiency, effectiveness, and equity especially for both legislators and members of the public who live further away from the state house. The amendment expands the duties of the committee to include the study of the expansion of public testimony opportunities to remote locations. Vote 7-6.

Original: House Clerk

	COMMITTEE REPORT .
COMMITTEE:	Horse legislative Adminstration
BILL NUMBER:	HB1486
TITLE:	an octestablishing a committee
	the legislative process
DATE:	34200 CONSENT CALENDAR: YES NO
	OUGHT TO PASS
	OUGHT TO PASS W/ AMENDMENT Amendment No. 2020-1090h
	INEXPEDIENT TO LEGISLATE
	INTERIM STUDY (Available only 2nd year of biennium)
STATEMENT OF IN	ITENT:
This bill	establishes a committee to
Study int	formatur technology in fre
legiststn	e process. Ma The majority
Delives +	nzt significant time and
energy	Should be invested to
CANAL SCHOOL	tivened to said promable court
who to	100000 and appoint equity
Dt H22 10	Adic who live fitte on
Good Ho	State 1to 50
71 VW 714	STOLE FLOUSE Off.
COMMITTEE VOTE:	7-6
	RESPECTFULLY SUBMITTED,
Copy to Committee Bill Use Another Report for	File Minority Report Rep Matthew Wilhelm

For the Committee

Rev. 02/01/07 - Yellow

32

programs.

Amendment to HB 1486

1 Amend subparagraph I(a) of section 2 of the bill by replacing it with the following: 2 3 (a) Three members of the house of representatives, one of whom shall be from the 4 minority party, appointed by the speaker of the house of representatives. 5 Amend the bill by replacing section 3 with the following: 6 7 8 3 Duties. 9 I. The committee shall study information technology in the legislative process and shall: (a) Review the current use of information technology in the legislative process including, 10 but not limited to, public hearings, session days, committee and subcommittee meetings, and 11 12 communications. 13 (b) Develop a training needs assessment for legislators and staff to effectively utilize the 14 currently available Microsoft Office or other similar commercial software applications for legislative work. 15 16 (c) Examine the potential for use of telecommunications for committee and 17 subcommittee meetings. 18 (d) Review the rules of the house of representatives to identify what uses of information 19 technology are currently permitted for session days, public hearings, committee and subcommittee 20 work, and communications. (e) Hear testimony from stakeholders including, but not limited to, the department of 21 22 information technology and the house and senate clerks. 23 II. The committee shall also study the expansion of public testimony opportunities to remote 24 locations statewide and shall: 25 (a) Review laws and programs enacted in other states, counties, or municipalities 26 authorizing remote testimony to legislative committees. 27 (b) Make recommendations regarding the technologies, formats, policies, and procedures 28 used for remote testimony. 29 (c) Determine the administrative costs anticipated to establish and sustain remote 30 testimony procedures. 31 (d) Make recommendations regarding administrative oversight of remote testimony

Amendment to HB 1486 - Page 2 -

1	(e) Study any other issue that the committee determines is relevant to its objective.
2	III. The committee shall solicit information from any individual or entity the committee
3	deems relevant to its study, including but not limited to:
4	(a) The New Hampshire department of information technology.
5	(b) The clerk of the New Hampshire house of representatives.
6	(c) The clerk of the New Hampshire senate.
7	(d) The attorney general.
8	(e) The community college system of New Hampshire.
9	(f) The New Hampshire Disability Rights Center.
10	(g) Community Support Network, Inc.
11	(h) New Futures.
12	(i) The New Hampshire association of regional planning commissions.
13	(j) The New Hampshire Council on Development Disabilities.
14	(k) The University of New Hampshire's Carsey School of Public Policy.

REGULAR CALENDAR

March 4, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Legislative Administration to which was referred HB 1486,

AN ACT establishing a committee to study information technology in the legislative process. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Kimberly Rice

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk

MINORITY COMMITTEE REPORT

Committee:	Legislative Administration		
Bill Number:	HB 1486		
Title:	establishing a committee to study information technology in the legislative process.		
Date:	March 4, 2020		
Consent Calendar:	REGULAR		
Recommendation:	REFER FOR INTERIM STUDY		

STATEMENT OF INTENT

The minority has serious concerns with this bill. The sponsor testified that he wanted to essentially open up the entire legislative process, including voting without quorums. The bill and amendments were drafted without correct references (i.e. mentioning the Department of Information Technology, which has nothing to do with the legislative branch). This should be handled by the Legislative Administration Committee, which is required by rule to study these very items. This is why the minority would prefer to refer this bill for Interim Study.

Rep. Kimberly Rice FOR THE MINORITY

Original: House Clerk

REGULAR CALENDAR

Legislative Administration

HB 1486, establishing a committee to study information technology in the legislative process. REFER FOR INTERIM STUDY.

Rep. Kimberly Rice for the **Minority** of Legislative Administration. The minority has serious concerns with this bill. The sponsor testified that he wanted to essentially open up the entire legislative process, including voting without quorums. The bill and amendments were drafted without correct references (i.e. mentioning the Department of Information Technology, which has nothing to do with the legislative branch). This should be handled by the Legislative Administration Committee, which is required by rule to study these very items. This is why the minority would prefer to refer this bill for Interim Study.

Original: House Clerk

COMMITTEE:	
BILL NUMBER:	1486
TITLE:	
DATE:	3 4 2020 CONSENT CALENDAR: YES NO
	OUGHT TO PASS
. 🗆	OUGHT TO PASS W/ AMENDMENT Amendment No.
	INEXPEDIENT TO LEGISLATE
	INTERIM STUDY (Available only 2 nd year of biennium)
STATEMENT OF IN	JTENT:
The min	ority has serious concerns with
HB.1486. The	e sponsor testified he wanted
to essentic	ally open up the entire legislative
process, in	cluding voting without a Quorums.
The bill and	d amendments were drafted wout
correct ref	Gerences (IE. mentioning the Dept. of
Information	on technology, that has nothing
	the legislative branch) This should
be handled	by the legislative administration
committee, items. Thès	designed by rule to study these very is why the minority would prefer Interim study
COMMITTEE VOTE	
	RESPECTFULLY SUBMITTED,
Copy to Committee Bill	File Dia
	Rep. Rice For the Minority Kim Rice
Rev. 02/01/07 - Blue	Kim Rice

Rev. 02/01/07 - Blue

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 1486

BILL TITLE:

establishing a committee to study information technology in the legislative

process.

DATE:

March 4, 2020

LOB ROOM:

303

MOTIONS:

OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Wilhelm

Seconded by Rep. Ley

AM Vote: 7-6

Amendment # 2020-1080h

Moved by Rep. Wilhelm

Seconded by Rep. Ley

Vote: 7-6

CONSENT CALENDAR: NO

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep Betsy McKinney, Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 1486

BILL TITLE: establishing a committee to study information technology in the legislative process. DATE: LOB ROOM: 104 MOTION: (Please check one box) □ OTP \square ITL ☐ Retain (1st year) ☐ Adoption of Amendment # 10667 (if offered) ☐ Interim Study (2nd year) Moved by Rep. Seconded by Rep. Vote: MOTION: (Please check one box) \square OTP \square ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ ☐ Interim Study (2nd year) (if offered) Seconded by Rep. MOTION: (Please check one box) \square OTP □ OTP/A ☐ Retain (1st year) ☐ Adoption of Amendment # _____ ☐ Interim Study (2nd year) (if offered) Moved by Rep. Seconded by Rep. Vote: MOTION: (Please check one box) \square OTP □ OTP/A \square ITL ☐ Retain (1st year) ☐ Adoption of Amendment#____ ☐ Interim Study (2nd year) (if offered) Moved by Rep. Seconded by Rep. _____ Vote: ____ CONSENT CALENDAR: ____ YES

Minority Report? _____ No If yes, author, Rep: _____ Motion____

Bilsy 11 Respectfully submitted:



2020 SESSION

Legislative Administration

Bill #: 1486 Motion: OTP/A AM #: Exec Session Date:			
<u>Members</u>	YEAS	<u>Nays</u>	<u>NV</u>
Wall, Janet G. Chairman			
Ley, Douglas A. Vice Chairman			
Smith, Timothy 1.			
Bernet, Jennifer Rich	"V		
Frost, Sherry A.	V		
Nutting-Wong, Allison R.			
Turcotte, Alan J. Rei			
Wilhelm, Matthew B.	W		
Hinch, Richard W.			
McKinney, Betsy Clerk		V	
Graham, John A.		V	
Hill, Gregory G.		·/	
Rice, Kimberly A.			
Greene, Bob J.		V.	·
TOTAL VOTE:	,		
Char	7	Le	

Rep. Wilhelm, Hills. 42 March 4, 2020 2020-1080h 10/08

Amendment to HB 1486

1 Amend subparagraph I(a) of section 2 of the bill by replacing it with the following: 2 3 (a) Three members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives. 4 5 6 Amend the bill by replacing section 3 with the following: 7 3 Duties. 8 9 I. The committee shall study information technology in the legislative process and shall: 10 (a) Review the current use of information technology in the legislative process including, but not limited to, public hearings, session days, committee and subcommittee meetings, and 11 12 communications. 13 (b) Develop a training needs assessment for legislators and staff to effectively utilize the currently available Microsoft Office or other similar commercial software applications for legislative 1415 work. 16 (c) Examine the potential for use of telecommunications for committee and 17 subcommittee meetings. 18 (d) Review the rules of the house of representatives to identify what uses of information 19 technology are currently permitted for session days, public hearings, committee and subcommittee 20 work, and communications. 21 (e) Hear testimony from stakeholders including, but not limited to, the department of 22 information technology and the house and senate clerks. 23 II. The committee shall also study the expansion of public testimony opportunities to remote 24 locations statewide and shall: 25 (a) Review laws and programs enacted in other states, counties, or municipalities 26 authorizing remote testimony to legislative committees. 27 (b) Make recommendations regarding the technologies, formats, policies, and procedures 28 used for remote testimony. 29 (c) Determine the administrative costs anticipated to establish and sustain remote 30 testimony procedures. 31 Make recommendations regarding administrative oversight of remote testimony 32 programs.

Amendment to HB 1486 - Page 2 -

1	(e) Study any other issue that the committee determines is relevant to its objective.
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3	deems relevant to its study, including but not limited to:
4	(a) The New Hampshire department of information technology.
5	(b) The clerk of the New Hampshire house of representatives.
6	(c) The clerk of the New Hampshire senate.
7	(d) The attorney general.
8	(e) The community college system of New Hampshire.
9	(f) The New Hampshire Disability Rights Center.
10	(g) Community Support Network, Inc.
11	(h) New Futures.
12	(i) The New Hampshire association of regional planning commissions.
13	(j) The New Hampshire Council on Development Disabilities.
14	(k) The University of New Hampshire's Carsey School of Public Policy.

Hearing Minutes

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 1486

BILL TITLE: establishing a committee to study information technology in the

legislative process.

DATE: February 13, 2020

LOB ROOM: 303 Time Public Hearing Called to Order: 11:12 a.m.

Time Adjourned: 11:25 a.m.

Committee Members: Reps. Wall, Ley, Bernet and Wilhelm

Bill Sponsors:

Rep. GriffithRep. WilhelmRep. JosephsonRep. FoxRep. StringhamRep. Muscatel

Sen. Feltes

TESTIMONY

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

Rep. Willis Griffith - Prime sponsor of the bill. Need analysis of technology. Not only reform, accessibility issue, Review rules. Scope broader than 1303. Happy to bring 1303 in. Available to help.

Paul Smith, Clerk of the House - Neutral on bill. Prefers study committee to commission., Needs correction, re: software. Could refer bill to interim study and study issue as committee. Says leg. accommodates for ADA. Rules need consideration. Happy to work with study committee over summer.

Terry Pfaff, COO - Working on tele-services for staff. Prefers committee studies. Ask for public input.

Chair Wall: Do you feel need for study committee? ANS: Needs to be studied, but can be done internally or committee. Everyone can participate.

Rep. Willis Griffith - Says numbers of membership not representative of population. Says House make-up influenced by access. Talks about accessibility to running for House. Says passing bill shows commitment to accessibility.

Respectfully submitted.

Rep. Jennifer Bernet Acting Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 1486

BILL TITLE:

establishing a committee to study information technology in the

legislative process.

2 13 20

ROOM:

104

Time Public Hearing Called to Order: 10:30 11:12

Time Adjourned: 11:25

(please circle if present)

Committee Members: Reps Wall, Ley McKinney, T. Smith Bernet, Frost, Nutting-Wong, Turcotte, Wilhelm, Hinch, Graham, Hill, Rice and Greene

Bill Sponsors:

Rep. Griffith

Rep. Wilhelm

Rep. Josephson

Rep. Fox

Rep. Stringham

Rep. Muscatel

Sen. Feltes

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.
REPGREETH: Need analysis of technology. Not only
reform, accessibility issue. Periew whes, Scope
proader than 1303. Happy to brig 1303 in. Available
to help.
Paul Smith House Clerk: New tral on bill prefer study
committee to comission weeds correction re: software
Could retur bill to interior study and study issue as committee
Says les accomodates for ADA. Rules need consideration
Happy to unk with Study committee our summ.
Terry Pfaff CDO: Working on tele-services for
Staff. Prefes committee studies. Ask for public
input.
Charr Wall grestion: Do you feel need for study committee?
Chank Wall greston: Do you feel need for state committee? Mr. Pfaff: Needs b be studied, what but can be done internally or committee everyone can participate.

Pep Griffith: Says #5 of membership not representative of population.
Says House make-up influenced by access. Talks about
accessibility to running for House. Says passing bill
shows commitment to accessibility

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1486 Date 2/13/20		
Bill # HB 1486 Date 2/13/20 Committee Legislative Administration		
** Please Print All Information **		
Name Address Phone Representing	Pro	Con
hourse Spencer 3 Kent St. Conrad Self	X	
Meximo	X	
hourse Spencer 3 Kent St. Conrad Self Meuronomore Melissa Honesbauch Concord Self Jerry Stringham Rep, Lincoln	X	
Terry Stringlam Bes Lacely	1	
Jerry) have the first the		

Testimony

103 N.H. 397 Supreme Court of New Hampshire.

MONITOR PUBLISHING COMPANY, Inc., et al.

v.

Leonard S. HILL, Comptroller, et al.

Argued Sept. 6, 1961.

Decided Sept. 14, 1961.

Synopsis

Action against Comptroller and State Treasurer challenging constitutionality of statutory scheme for allowing mileage to state legislators. The trial court, Morris, J., transferred without ruling questions of law raised by reserved case. The Supreme Court, Kenison, C. J., held that statute, which allowed round trip mileage for each day of attendance at the rate of 25¢ per mile for the first 45 miles and 8¢ per mile for any excess for over 45 miles, with a minimum basis of 20 miles per round trip, bore no reasonable relation to the cost of travel and was unconstitutional as violating the constitutional limitation on compensation of legislators to \$200 exclusive of mileage.

Cause remanded.

West Headnotes (2)

[1] Public Employment

- Travel expenses, mileage, and per diem

States

Constitutional restrictions

Statute allowing state legislators round trip mileage for each day of attendance at the rate of 25 cents per mile for the first 45 miles and 8 cents per mile for any excess over 45 miles, with a minimum basis of 20 miles per round trip, bore no reasonable relation to the cost of travel and violated constitutional limitation on compensation of legislators to \$200 exclusive of mileage. Laws 1961, c. 203, § 1; RSA 14:15 (supp); Const. pt. II, art. 15.

1 Cases that cite this headnote

[2] Parties

Constitutional challenges and actions against government in general

Action against Comptroller and State Treasurer challenging constitutionality of statutory scheme for allowing mileage to state legislators was a representative action and, where presiding officers of both houses of Legislature intervened as parties defendant, interests of all legislators were fairly represented and joinder of each and every legislator was not required.

3 Cases that cite this headnote

**725 *398 Bill in equity, and petition for temporary injunction brought by the plaintiffs as taxpayers against the State Comptroller and the State Treasurer. These proceedings were instituted for the purpose of declaring Laws 1961, chapter 203, 'An act relative to legislative mileage' unconstitutional and sought to enjoin the payment of any claims thereunder. At the hearing in the Superior Court the President of the Senate and the Speaker of the House of Representatives, individually and as presiding officers, intervened as party defendants, entered a general appearance and were represented by counsel.

The petition for temporary injunction was denied by the Trial Court (Morris, J.) who reserved and transferred without ruling the following questions of law:

- '(1) Are the individual members of the General Court as prospective payees necessary parties to the action?
- '(2) Is Chapter 203, Laws of 1961, on its face in conflict with the State Constitution, or are actual findings by the Superior Court as to the actual cost of travel necessary to a decision of this issue?
- '(3) If any provision of Chapter 203, Laws of 1961, is unconstitutional *399 on its face, is such provision severable, or does the act become null and void in toto?'

The case was entered in this court on August 17, 1961. The rules of the Supreme Court relative to the time for filing briefs (rules 5 and 6) were waived and the case was expedited and advanced for hearing and oral argument on September 6, 1961.

Attorneys and Law Firms

Upton, Sanders & Upton, Richard F. Upton, Concord, for plaintiffs.

**726 Gardner C. Turner, Atty. Gen., for defendants.

Arthur G. Marx, Alstead, for intervening defendant Samuel Green, as a member and President of the Senate.

R. Wayne Crosby, Hillsboro, for intervening defendant Stewart Lamprey, as a member and Speaker of the House of Representatives.

Opinion

KENISON, Chief Justice.

This is a taxpayers' suit brought by the Monitor Publishing Company, Inc., a newspaper, and an editor thereof, James M. Langley individually, against Leonard S. Hill, Comptroller and Alfred S. Cloues, State Treasurer, seeking a determination as to the constitutionality of Laws 1961, c. 203, § 1, 'An act relative to legislative mileage.' While the reserved case transferred questions relating to the entire act the argument of counsel was confined to section 1 thereof and our decision is likewise so confined. This statute, which was approved June 28, 1961 and made effective retroactively as of January 4, 1961, reads in pertinent part as follows: 'A member of the general court shall be allowed for mileage per mile of the round trip to and from his town or city ward each day of attendance at the following rates, for the first forty-five miles thereof twenty-five cents per mile, and for all miles in excess of forty-five miles eight cents per mile, provided, however, that mileage shall be computed on a minimum basis of twenty miles per round trip.' The obvious effect of this statute was to guarantee each legislator a minimum mileage of five dollars. The plaintiffs claim that this mileage is excessive in amount and violates New Hampshire Constitution, Part II, Article 15th, as amended November 30, 1960, which limits the compensation of members of *400 the Legislature to 'the sum of two hundred dollars and * * * mileage for actual daily attendance on legislative days.' The intervening defendants claim that the statute is not in conflict with the State Constitution.

In 1949 the Legislature was advised (Opinion of the Justices, 95 N.H. 533, 64 A.2d 204) that mileage rates of four dollars for the first mile and five cents for each successive mile thereafter on a daily roundtrip basis were neither compensation nor mileage as those terms were used in Article

15th of our Constitution and therefore were prohibited. In Opinion of the Justices, 95 N.H. 552, 65 A.2d 45, a graduated mileage schedule was sustained. The minimum mileage schedule proposed by the 1961 amendment of twenty-five cents for the first forty-five miles and a minimum mileage allowance of five dollars are in excess of any mileage payments allowed in any state of the Union.

While the Legislature has the power to determine any mileage rate that bears a reasonable relation to the cost of travel, it has no power to increase its compensation by means of mileage payments which do not have a reasonable relation to the cost of travel. We have been unable to find any precedent in any other state legislature for a mileage rate of twentyfive cents or a minimum mileage payment of five dollars. The mileage allowed federal employees when traveling by private automobiles under Public Law 87-139 signed by the President August 14, 1961, cannot exceed twelve cents per mile. The highest rate allowed in any other state that has been called to our attention is twenty cents per mile. Granting the full force of inflation, we cannot say that a minimum mileage rate of five dollars per day regardless of the distance traveled or a daily rate of twenty-five cents a mile complies with the constitutional mandate set forth in New Hampshire Constitution, Part II, Article 15th. In this state compensation of legislators for a legislative term was fixed at two hundred dollars in another century. Under present conditions it is grossly inadequate. This antediluvian standard for the compensation of the legislators has been almost universally criticized by both experts and laymen alike. Zeller, American State Legislatures, pp. 76–78 (1954); Walker, The Legislative Process in the United States, pp. 156-157 (1948); **727 Graves, State Constitutional Revision, p. 208 (1960). Significantly legislators themselves have taken a similar view as appears in the final report of the Committee on Legislative Processes and Procedures of the National Legislative Conference entitled, 'American State Legislatures in Mid-Twentieth Century,' published by the Council of State *401 Governments, April 1961. Presumably this group of representative legislators are particularly qualified to speak from experience and their recommendations cannot be dismissed out of hand as theoretical, impractical or obsolete. Recommendation 4 of this report, which appears at page 12 thereof, reads as follows: '4. Legislative Compensation. From the viewpoint of good public service, and in light of the increasing amounts of time that legislators must devote to their duties both during and between sessions, their compensation in most states is now much too low. Likewise the pay of legislative leaders, faced with even greater demands on their time in most jurisdictions is notably out of

173 A.2d 725

line. Flat salaries rather than a per diem allowance should be paid. Salary and reimbursement of necessary expenses should be provided in amounts sufficient to permit and encourage competent persons to undertake growingly important and time-consuming legislative duties. Actual amounts of salary and expense money should be provided by statute rather than specified in the constitution.'

More than a century ago a wise judge made the following observation: 'Judges are not necessarily to be ignorant in Court of what every one else, and they themselves out of Court are familiar with.' Lumley v. Gye, 2 El. & Bl., Q.B., 216, 267 (1853). By the same token this court is not unaware of the public service performed by legislators and their need for realistic compensation. But this need cannot be remedied by statutes providing for mileage in the face of the rigidity of the constitutional limitation in Part II. Article 15th of our Constitution, which this court is sworn to uphold.

[1] We conclude that Laws 1961, chapter 203, § 1 is unconstitutional on its face for the reasons set forth in Opinion of the Justices, 95 N.H. 533, 64 A.2d 204, decided in 1949. Inasmuch as this section of the statute is invalid in its entirety it follows that RSA 14:15 (supp) as amended by Laws 1957, 272, § 1 is the presently effective statute under which mileage is to be paid to members of the State Legislature. Williams v. State, 81 N.H. 341, 125 A. 661, 39 A.L.R. 490. As previously indicated nothing in this opinion is to be construed as casting any doubt as to the validity of other sections of chapter 203, Laws 1961.

[2] There remain only subsidiary matters to be considered. All counsel were in agreement that this court had the power to determine the constitutionality of section 1 of chapter 203, Laws 1961 without the necessity of findings by the Superior Court as to the actual cost of travel, which by any test is far

below the mileage allowance specified in the 1961 statute. The further question was raised as *402 to whether all of the 424 members of the Legislature were required to be made parties to this proceeding. We think that this is a representative suit and that the intervening defendants, individually and in their capacity as the presiding officers of the two branches of the Legislature, could and did fairly represent the interests of all legislators in the mileage payments proposed under the 1961 statute. See Textile Workers Union v. Textron, Inc., 99 N.H. 385, 111 A.2d 823.

Exception was taken to the refusal of the Trial Court to grant a temporary injunction in the present case. In view of the expedition with which this case was heard in the Trial Court and transferred to this court, there is no occasion to reconsider the case of Musgrove v. Parker, 84 N.H. 550, 153 A. 320, which discouraged the issuance of temporary injunctions in cases where constitutional issues are presented. That case does not absolutely forbid such injunctions but it places a heavy burden on **728 the court before exercising that power, and we find nothing in the circumstances of the present case which required the issuance of an injunction.

The plaintiffs are entitled to an order declaring Laws 1961, c. 203, § 1 null and void and to an injunction preventing the defendants and their deputies from paying any sums out of the state treasury pursuant to that section of the statute.

Remanded.

All concurred.

All Citations

103 N.H. 397, 173 A.2d 725

End of Document

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HB 1486 - AS INTRODUCED

2020 SESSION

20-2649 10/08

HOUSE BILL

1486

AN ACT

establishing a committee to study information technology in the legislative

process.

SPONSORS:

Rep. Griffith, Hills. 18; Rep. Wilhelm, Hills. 42; Rep. Josephson, Graf. 11; Rep.

Fox, Merr. 23; Rep. Stringham, Graf. 5; Rep. Muscatel, Graf. 12; Sen. Feltes, Dist

15

COMMITTEE:

Legislative Administration

ANALYSIS

This bill establishes a committee to study information technology in the legislative process.

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 Twenty

AN ACT

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establishing a committee to study information technology in the legislative process.

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

- 1 Committee Established. There is established a committee to study information technology in the legislative process.
 - 2 Membership and Compensation.
 - I. The members of the committee 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.
 - II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.
 - 3 Duties. The committee shall:
 - I. Review the current use of information technology in the legislative process including, but not limited to, public hearings, session days, committee and subcommittee meetings, and communications.
 - II. Develop a training needs assessment for legislators and staff to effectively utilize the currently available Microsoft Office applications for legislative work.
 - III. Examine the potential for use of telecommunications for committee and subcommittee meetings.
 - IV. Review the rules of the house of representatives to identify what uses of information technology are currently permitted for session days, public hearings, committee and subcommittee work, and communications.
 - V. Hear testimony from stakeholders including, but not limited to, the Department of Information Technology and the house and senate clerks.
 - 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.
- 5 Report. The committee shall report its findings and any recommendations for proposed legislation and rule changes 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 1, 2020.

HB 1486 - AS INTRODUCED - Page 2 -

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

1