

Bill as Introduced

HB 1516-FN-A - AS INTRODUCED

2010 SESSION

10-2168

09/03

HOUSE BILL **1516-FN-A**

AN ACT making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

SPONSORS: Rep. Leishman, Hills 3; Rep. Bergin, Hills 6; Rep. Dokmo, Hills 6; Rep. Harris, Sull 4; Rep. Stohl, Coos 1; Sen. Odell, Dist 8; Sen. Bragdon, Dist 11

COMMITTEE: Finance

ANALYSIS

This bill makes appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Ten

AN ACT making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

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

1 1 Appropriation; Judicial Branch. For the fiscal year ending June 30, 2011, the sum of \$199,879
2 is hereby appropriated to accounting unit 02-10-10-100010-1880, class 49 and the sum of \$114,515 is
3 hereby appropriated to accounting unit 02-10-10-100010-2034, class 50 for the purpose of
4 maintaining the Colebrook District Court, the Keene District Court, the Claremont District Court,
5 and the Milford District Court. The governor is authorized to draw a warrant for said sum out of any
6 money in the treasury not otherwise appropriated.

7 2 Appropriation; Transfer; Department of Administrative Services. For the fiscal year ending
8 June 30, 2011, the sum of \$199,879 is hereby appropriated to accounting unit 01-14-14-141510-2045,
9 class 22 for the purpose of maintaining the Colebrook District Court, the Keene District Court, the
10 Claremont District Court, and the Milford District Court. This appropriation shall be a transfer
11 from accounting unit 02-10-10-100010-1880, class 49.

12 3 Effective Date. This act shall take effect July 1, 2010.

LBAO
10-2168
11/23/09

HB 1516-FN-A - FISCAL NOTE

AN ACT making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

FISCAL IMPACT:

The Judicial Branch and Department of Administrative Services state this bill will increase state general fund expenditures by \$314,394 in FY 2011. There is no fiscal impact on county and local expenditures or state, county and local revenue.

This bill appropriates \$314,394 from the state general fund in FY 2011 to the Judicial Branch for purposes of this bill.

METHODOLOGY:

The Judicial Branch and Department of Administrative Services state this bill appropriates funds to the Claremont, Colebrook, Milford and Keene District courts in FY 2011. The Branch states it will need \$199,879 in general funds to cover the leases for the four district courts. The Branch will transfer the \$199,879 for the leases to the Department of Administrative Services, Bureau of Court Facilities, who has responsibility for the leased court facilities. In addition, the Branch will need \$114,515 in general funds to cover the per diem court security costs for the four district courts.

Amendments

Amendment to HB 1516-FN-A

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

2

3 AN ACT relative to funding the Claremont, Colebrook, Milford, and Keene District Courts
4 in fiscal year 2011.
5

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

7

8 1 Operation and Funding of Certain District Courts. For the fiscal year ending June 30, 2011
9 the judicial branch shall continue to operate the Colebrook District Court, the Keene District Court,
10 the Claremont District Court, and the Milford District Court, and shall fund the operation of such
11 courts within their existing appropriations.

12 2 Waiver of Fiscal Year 2011 Lease Payments. The department of administrative services shall
13 work with the municipalities leasing office space to the state for the Colebrook District Court, the
14 Claremont District Court, and the Keene District Court to obtain written agreements that waive the
15 state's obligation for fiscal year 2011 lease payments.

16 3 Effective Date.

17 I. Section 1 of this act shall take effect July 1, 2010.

18 II. The remainder of this act shall take effect upon its passage.

Amendment to HB 1516-FN-A

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2010-0470h

AMENDED ANALYSIS

This bill requires the judicial branch to continue to operate the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011 and to fund the operation of such courts within their existing appropriations. The bill also requires the department of administrative services to work with the municipalities leasing office space to the state for the Colebrook District Court, the Claremont District Court, and the Keene District Court to obtain written agreements that waive the state's obligation for fiscal year 2011 lease payments.

Committee Minutes

HOUSE FINANCE COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Wednesday, January 20, 2010

HOUSE BILL 1516-FN-A, AN ACT making appropriations to fund the Claremont, Colebrook, Milford and Keene District Courts in Fiscal Year 2011.

TESTIMONY OF:

Rep. Peter Leishman.	Pg. 1	Dale Trombley.	Pg. 20
Sen. Bob Odell	Pg. 6	Rep. John Cloutier	Pg. 22
Roland Cotnoir	Pg. 10	Donna Caron.	Pg. 25
Sen. John Gallus	Pg. 12	Rep. Jim McClammer	Pg. 28
Richard LaPointe	Pg. 13	Stephen Cass	Pg. 29
Rep. Eric Stohl.	Pg. 15	Rep. Laurence Rappaport	Pg. 31
Guy Santagate.	Pg. 17	Guy Scaife	Pg. 34
Rep. Gene Chandler	Pg. 18	Rep. Carla Skinder	Pg. 37

CHAIRMAN SMITH: That brings us to the next bill, open up the hearing on House Bill 1516, for which I have a feeling that there are many people who want to testify and I have no cards.

I'll open the hearing on House Bill 1516 and the Chair recognizes the prime sponsor, Representative Leishman.

PETER R. LEISHMAN, State Representative,
Hillsborough County, District #03: Thank you, Madam Chair. For the record, my name is Peter Leishman. I represent Hillsborough 3, which is Peterborough, Sharon, New Ipswich and Greenville.

Knowing that we have a work session on this bill coming up on January 26th, I will be brief as I know there are a number of people who have

travelled from as far away as Colebrook to be here, Claremont and the Milford and maybe Keene area as well. I do have one handout that I'd like to handout, if Mr. Kane --

MICHAEL W. KANE, MPA, Senior Budget Officer,
Office of Legislative Budget Assistant: Sure.

REP. LEISHMAN: Thanks. Again briefly, this is a result of a Study Committee that was included in House Bill 2. There is an addition to that. We included the District Court in Keene, which I understand this morning was included in discussions for a brand new facility with Cheshire County yesterday. So it seems not to make an awful lot of sense to shutdown the Keene District Court when, in fact, they're talking to the County of Cheshire to build a new facility in connection with the county court facilities in downtown Keene. The only thing that our study group looked at were the courts of Milford, Claremont, and Colebrook, which you'll see in the handout. And that being said, I'd like to relinquish my spot here and make sure this handout is passed out and I guess there is a question, Madam Chair.

CHAIRMAN SMITH: Representative Ober.

REP. OBER: Thank you, Madam Chairman. Thank you, Representative Leishman. As we all know you are the very able Chair of Division I. And Division I heard the judiciary budget last year. It was our decision, 'cause I sit on Division I, too, as you know, to add \$3.1 million above and beyond what the Governor had budgeted for the judicial system. At the time we had lengthy discussions with them about using that money for their top priorities. Would you say this, keeping these courts open is a top priority?

REP. LEISHMAN: Oh, absolutely, able clerk of Division I. At the suggestion as you'll see in the handout of Senator Odell, the two of us travelled to a number of communities and heard direct testimony. And we found that by closing these courts, you create a terrific impact on those communities affected. Not only the towns and cities where these courts are located, but the towns and communities they serve. The Committee also found as a whole that there was no real public discussion about these closures. There were no public hearings about these closures. And it took everyone off their feet.

REP. OBER: Follow-up, Madam Chair?

REP. LEISHMAN: To answer your question.

REP. OBER: I would agree with you and I thought at the time we talked about closing them that it wasn't the best thing. But given the fact that we have given them 3.1 million for their top priorities, wouldn't you think we can zero out this fiscal note for \$314,000 and allow them to take that money out of the 3.1 million we've already given them for top priorities? They, of course, will have to prioritize all of their priorities, but we asked them to do that when they came to us.

REP. LEISHMAN: I had that discussion -- actually, your question with the Chief Justice several months ago.

REP. OBER: We know he said no.

REP. LEISHMAN: And the Chief Justice informed me, which is now public information, certainly, that the Governor had asked them to cut an additional \$4.1 million from his budget. So in addition to what we added, the Governor -- or maybe

it was 3.1. Am I correct, 3.1?

CHAIRMAN SMITH: 3.4 I think. Ms. Trombley?

REP. LEISHMAN: It was sizeable, yeah. But it was well over \$3 million that he's been asked to eliminate from his budget which as you know the House and Senate position was to restore.

Again, directly answering your question, I would hope that they could find the funds. We also heard in our discussion that the cost of keeping these courts open, as you'll see in the fiscal note, is about \$199,000. And there's a line in there for \$145,000 for security. We understand the group of us, the Committee, that those court personnel security officers were not going to be eliminated because they would have to be moved to the new court facilities because of the need for additional security. And I think we were told that in Division I as well. But -- so I think the real impact is about 199,000. We can get more of that today from some of the discussion of people behind me.

REP. OBER: Thank you, Representative Leishman.

REP. LEISHMAN: Thanks.

CHAIRMAN SMITH: Any other questions?
Representative Scamman.

REP. SCAMMAN: Representative Leishman, yesterday our Committee had testimony that we had electronic arraignments that would save a considerable amount of money and time for small communities who live quite a ways from their -- where their court is. Did your subcommittee consider that to any degree as you reviewed this process?

REP. LEISHMAN: Actually, we did, Representative Scamman. There is no money for that at this point in time. So if the position of the House or Senate or the Governor wish to do that, appropriate funds and the cost of doing that would have to be established.

REP. SCAMMAN: Madam Chairman. Representative Leishman, did you determine what the cost might be for doing that for reaching --

REP. LEISHMAN: We did not. No.

CHAIRMAN SMITH: Representative Emerton.

REP. EMERTON: Thank you, Madam Chairman. Good afternoon. As a disclaimer, as you know I work in court, but not in one of these courts. My question is this. The security cost that you have or they have in their bill, are those AOC people or are they Deputy Sheriffs? If they are AOC, are they included in their new rate increase that the union negotiated?

REP. LEISHMAN: They are court. They're not sheriff personnel such as yourself. And that rate increase was included in that line. Yes, sir.

REP. EMERTON: Thank you.

CHAIRMAN SMITH: Thank you. Any other questions? If not, thank you very much, Representative Leishman.

I would like to remind everyone that there are a number of people who want to speak, and we particularly want to hear from those brave New Hampshireites who have travelled long distances and who aren't easily and frequently here. So I would

ask people to keep that in mind in terms of how long they speak. And with that introduction, I'd like to call Senator Odell.

BOB ODELL, State Senator, District #8: Thank you, Madam Chair. I will be brief.

Good afternoon, Committee members. I was with Peter Leishman, Representative Leishman, on the trips that we took to the various court sites. I also recall back in January, early February of last year, having a briefing with the Governor about the courts and where he was trying to save money and he indicated that one of those courts that would be closed would be in Claremont. He did reassure me that the motor vehicle office would stay in Claremont. But over the course of the budget process, it was clear that these courts had an important role to play for the communities that they serve. And so when the Committee of Conference created the Committee that Representative Leishman chaired, I think it was a good vehicle for us to learn more about the importance and impact of these community courts.

It's not just that they are criminal courts. They're also civil courts. And so it's debt collection, it's petty crimes, it's all kinds of things that go through that court system. In Colebrook, for example, it's a two-day a week court. On one day they're there for the civil side, and on the other day they're there for the criminal. One desk, the Judges share a desk. The drawers on one side belong to one judge and the drawers on the other side belong to another judge. Is this a fancy courtroom like we see on television? No, it's not. Is it the perfect courtroom? No, it's not. But it serves the need of those people. Something like 40 people turned out to see us when we were there in Colebrook.

Milford, we had a conversation in Milford about the court there which we had invested some money in a few years ago. They moved that court to -- the business of that court to Merrimack. That was the proposal. At our final meeting of our Study Committee, one of the final meetings, the Judge came in from -- that oversees the courts at the District level and we had a conversation. He said we have no dog in this to fight. We didn't choose which courts would be eliminated and given that Milford court, you know, what do you think about us putting that court in the barracks that the State Police are now giving up? So the process of this is not a clear process that's gone on in this case.

The third court, Claremont, most of the business of Sullivan County goes to the Claremont court. It's a very, very busy court. Is it an ideal court? Absolutely not. Prisoners are taken up in a elevator and then walked through the office to go out to go into the courtroom. Where are the files stored? This is hard to believe. They're stored in the old jail downstairs. So each cell is a filing cabinet. That's the New Hampshire District Court system as it sits today.

Is that court important? Yes, it's very important. Because if you look at the number of files there, juveniles, why is that court important? Because the high school, Stevens High School, is within walking distance. The teachers, the people that accompany the students, and they have a thirty minute turnaround. That's the commitment of Judge Yazinski. If they don't have, that's going to take a huge amount of time out of the day for those children as well as the administrators to say nothing of the police in places, like, Plainfield and Cornish and Claremont going over to Newport. Is it a perfect court? I

will say again no. That's why I think this is a good investment for the State of New Hampshire to keep these courts open. But here is another part of the story.

I serve on the Ways and Means Committee. I chair the Ways and Means Committee. I serve on the Finance Committee in the Senate. But I'm not on the Capital Budget Committee. So I had no idea that in the budget that we passed there's \$450,000; and what's that money for? To study our court system, where the courts should be located. What we ought to be doing electronically. Whether arraignments should be done by video, or whatever the technology is, less paper, more transparency, more availability. All of these are goals that, as I understand, and the people from Administrative Services, I'm sure, can address this today, but that study is going to be completed in the fall of next year and that will be the road map to tell us where the courts should be located. So if we close the court, like, Milford and they come back and say Milford with that population needs to have a court, and we need to have it there in Milford, would we then close part of the Merrimack Court to take the business of that court there or maybe put it at the State Police Barracks? I mean, these are all things that are going to be dealt with by a professional firm that the House and Senate approved in the Capital Budget in June just a few months ago. So I think we should not be closing courts at a time when they're being looked at on the basis of something we endorsed as a legislature and with that, Madam Chair, I will be available, questions, comments, complaints.

CHAIRMAN SMITH: Thank you very much, Senator Odell. Representative Emerton.

REP. EMERTON: Thank you, Madam Chairman. Good

afternoon, Senator. My only question is this. Some of your courts we are talking about here are remote areas; Colebrook, for example. Do they have juvenile courts there which they have to transport juveniles from, say, Errol or Pittsburg all the way to Lancaster or something?

SEN. ODELL: I can't speak specifically on the juveniles but the business of the court at one time was to have the business go to Lancaster which is a considerable distance away and I see people there from Coos County and I'm sure they'll address that issue of distance. It's a considerable amount of time. You know, you've got a police department with one officer and a couple of part-time officers. They kind of work it out with the court about their availability. But to drive from Pittsburg to Lancaster is a long way.

REP. EMERTON: One follow-up. I'm very familiar with the juvenile courts 'cause I work for them.

SEN. ODELL: Yep.

REP. EMERTON: You're taking young people from those areas there with all the accoutrements which we provide as a state to those courts. Is that correct? Do they get the proper treatment, so to speak?

SEN. ODELL: I can speak more about Claremont than other places and I can do that only from the standpoint that I have a regular interaction with Judge Yazinski and this is an area, especially serious one for him. And what he tries to do is when he continues a case for circumstances, to schedule it at a time that's convenient for the young person and can be accompanied by the school officer and come over and then he will make sure that that student comes in the door, his business

is addressed, and the student returns to the school. It's been -- and it's been working for years.

The City Manager from Claremont is here today and he can probably address that, also. But we have testimony from the sexual and domestic abuse people about the need for the courts to be close by. People don't have transportation. And yet, they live down street in the urban area, say a small city such as Claremont. So there are many people that found a special need for those courts to be located closer to them.

REP. EMERTON: Thank you.

CHAIRMAN SMITH: Thank you very much, Senator.

SEN. ODELL: Thank you, Madam Chair. Thank you, Committee.

CHAIRMAN SMITH: Thank you, and I would ask the people try to limit their comments to three minutes. We have found on the floor of the House that after three minutes you come pretty close to losing people's attention. So get those important points out there first.

I -- the Chair recognizes Roland Cotnoir. Have I completely mispronounced your name?

ROLAND COTNOIR, Selectman, Town of Colebrook: You said it absolutely perfect.

CHAIRMAN SMITH: Ha. Thank you.

MR. COTNOIR: Even my mom cannot pronounce it as well as you did, Madam Chairman.

Thank you very much and good afternoon

everyone. My name is Roland Cotnoir, and I'm one of the selectmen from the Town of Colebrook. And I'm here as one of the representatives of the town obviously, and I will be brief. I'm not here to ask that you consider really keeping our court system open. On behalf of the citizens that I've spoken to I'm here to beg that you keep our court system open.

We are in a sort of unique area in the upper Coos County. We're not anymore in the recession. We're in a depression. And the few major employers that were in the area are gone. Our last lifeline was Ethan Allan and as of December that's also closed. So we have nothing left. Now we beg to keep our court system open. That's the only thing that we have left. We're not asking for money or we're not asking -- we're simply asking that you don't take that away from us. We need it.

Now, if I can address a little bit as the impact of the crime that we feel that is going to increase. We have police officers here and I'm sure that they will address this so I'll let them speak on this. I'm also a small business person. I've got a small business. We're in the floor covering business. I employ five people. I fear that if by closing our court system and we move it either to Lancaster, which I presume, this is going to encourage people to -- well, people who really don't want to pay their bill or is going to encourage people to maybe be more neglect in paying their bills. As for example, if I need to take someone for small claims, if I have to travel 40 miles one way, wait for the court to say just to make an application for small claim, I'm going to be spending the better part of almost a day. Let's say that someone owes me \$500. If I have to drive to Lancaster to file a claim, then go back for a hearing, and then go back if it's rescheduled,

\$500, I might as well lose it. And it won't be long that folks will view this as a way of getting away from paying their obligation. To me by doing this we are going to encourage crime to develop somewhere. So basically that's my -- that's my plea. And I thank you all for your time.

CHAIRMAN SMITH: Thank you very much. And thank you very much for taking the trip to come down here. Senator Gallus.

JOHN GALLUS, State Senator, District #1: Thank you very much, Madam Chair, Members of the Committee. For the record, I'm Senator John Gallus representing District 1, the 57 communities of the North Country of New Hampshire. And the District runs from Waterville Valley to Pittsburg, New Hampshire. If I drive across my district it takes two and a half hours for me to drive from Waterville to Pittsburg and I do it often.

I think it's about convenience for people in the North Country to keep the court system in Colebrook intact and alive. It's really asking a little much to have people, as Mr. Cotnoir said, drive from Pittsburg to Lancaster to a court system or from Errol. It creates some real problems. The costs of the Colebrook courthouse are very, very minimal. The cost of this entire legislation are quite minimal. The cost eventually to the towns to replace this court and ship people down to Lancaster with a police officer on the road daily when you have a facility in Pittsburg, New Hampshire, and the Chief is here today, he gets the award for travelling the farthest. I usually get that award. He's going to get it today, and usually it's in inclimate weather as it is today.

I want to thank Senator Odell and Representative Leishman. They did take the trip to

Pittsburg to talk to these folks and have firsthand seen the problems with transportation and the highway system, the condition of those roads in weather like this. I would ask that you support this particular piece of legislation. Again, the cost to the State of New Hampshire is minimal. Should we close that courthouse in Colebrook the cost to the people of the North Country of New Hampshire is immense. And I ask you to help us keep that facility and these courts open. And I thank you, Madam Chair.

CHAIRMAN SMITH: Thank you very much, Senator. Any questions? Thank you very much for being here always, Senator Gallus. The Chair recognizes Richard LaPointe.

RICHARD LAPOINTE, Chief of Police, Pittsburg, NH: Good afternoon, Ladies and Gentlemen. I did win the prize. I'm the Chief of Police for the towns of Pittsburg and Clarksville. I'm here today to urge you to keep the Colebrook District Court open. As you know, the North Country has suffered several economic blows with the closing of Ethan Allan factory and other businesses. We are struggling to keep our small schools open and our towns are either cutting budgets or holding their own. Pittsburg residents, some of them would have to travel 70 miles one way if you move the court to Lancaster. This means, to answer your question, we have juvenile court in Colebrook. That parent of a juvenile would have to take three trips to Colebrook to attend those hearings and any additional hearings on it and this is a hardship for them.

We deal with some people who have a hard time even coming to the Colebrook court because they don't have a license or they financially cannot afford to drive that far so we wonder what would

happen if they have to go to Lancaster, which is for me about an hour and twenty minute drive. I'm the only full-time officer in the Town of Pittsburg and Clarksville. And for me to be in Colebrook, I can respond back to Pittsburg in a very short order if an emergency arises. However, if I'm in Lancaster, it will be a long trip and I don't think that would be fair to my constituents.

The cost that you'll be saving to me is greatly smaller than the cost that's going to cost us to have to travel that distance and tie up officers. I thank you for your time and consideration and just want to point out mileage to you, which you probably already know. But say if somebody lived in Concord and they wanted to travel to court in Portsmouth, that's only 47 miles. To Lebanon it's 54. To Conway it's 68. To Lincoln it's 68. Keene, 52 and Claremont 51. All within the same distance that you'd be asking us to travel to the Lancaster. The only difference is you have nice roads. Mr. Obama's stimulus hasn't hit the North Country. So we have rough roads and it's a difficult trip to make within -- within less than an hour and 15 minutes like I said. So I would urge you to please keep the Colebrook court open. Thank you.

CHAIRMAN SMITH: Thank you very much for your testimony. I believe Representative Emerton has a question for you.

MR. LAPOINTE: Yes, sir.

REP. EMERTON: Thank you, Madam Chairman. Chief, I know a little bit, I lived in Berlin for three years, and is it true that sometimes the judge for whatever reason cancels court the last minute or doesn't get to tell your constituents. Then they've driven all that way for nothing and then come back another day like my court does sometimes?

MR. LAPOINTE: At certain times. I can't speak for the court, but I know that if there's a conflict or if the judge can't make it to court on time, that does happen and the people show up and they have to be told to go back home.

REP. EMERTON: Thank you.

MR. LAPOINTE: Thank you.

CHAIRMAN SMITH: Thank you very much, again, for coming. Representative Stohl.

ERIC G. STOHL, State Representative, Coos County, District #01: Thank you, Madam Chair, distinguished members. I have a two-page speech here that I'm not even going to talk on. I do have handouts here that I would like to hand out and I'd just like to point out in those handouts that has my speech on it. And it also has -- it has three maps. I handed it out to Senator Odell and Representative Leishman when they came up. And by the way, the Chief mentioned something about the poor roads we have up there. When they came to Colebrook for their Committee hearing, it was in October. And in my speech that I was going to do up there I stated, you know, that the people up here have to drive on roads that in the wintertime are very snowy and whatnot going on. In the summertime or fall or spring we've got to watch out for the moose. Well, Representative Leishman, lo and behold, entertained the situation of meeting both of those in October when he was up there for his meeting. I don't know if he relayed that to you, but he got -- he got a pure taste of what the citizens in the North Country have to do on the roads up there.

CHAIRMAN SMITH: Is it true, Representative

Stohl, that you had that moose on a leash?

REP. STOHL: He doesn't know that though, Madam Chairman. There are three maps. The first map shows towns in yellow and towns in blue. The towns in blue are the ones that have courts that are scheduled to close down. You'll notice the very tip top it's Colebrook and you'll notice just down the road down near Lancaster you're going to find Lancaster, Berlin, and Littleton courts. They're all within one town of each other. There's only one town in-between those three courts and they're all staying according to the plan.

The second map you'll see is a map of Coos, Carroll, and Grafton. And it will show a solid line going across which is the catchment area for the Colebrook District Court. And it will show the roads which there's very few up there, at least year round. It will show the routes that the citizens have to take to go to Colebrook. It's a little distance, but it's not too bad.

The third map will show you the routes that they would have to take to go all the way down to Lancaster, and that's what everybody's talking about and there's people behind me that are going to talk about the cost. The cost, I believe, that you're talking about the people keep the court open, I think it's \$13,000 a year. I mean, the downshifting that will take place, if this doesn't happen and this court closes, is tremendous to the citizens up there and it's just an undue hardship. And I thank you very much for hearing from me.

CHAIRMAN SMITH: Thank you very much for your testimony. Does anyone have any questions for Representative Stohl? If not, thank you again.

REP. STOHL: Thank you.

CHAIRMAN SMITH: The Chair recognizes Guy Santagate.

GUY A. SANTAGATE, City Manager, City of Claremont, NH: Thank you, Representative Smith. Guy Santagate, City Manager from Claremont. And by the way, I like this three-minute rule, and I'd love to use it for our City Council meetings. If you have success today, I'll try it.

CHAIRMAN SMITH: I would suggest to you that the reason lots of us are here because we choose not to be on the town council.

MR. SANTAGATE: I can see why. I'm delighted to be here and I want to thank Representative Leishman and Senator Odell not only for their work here today, but for coming to Claremont with many others to hear the testimony and I thank all of you for listening. I won't go belabor a lot of points. I want to talk about two major points. That's access and money. Access to the courts was touched upon by Representative Emerton if I'm saying that correctly, along as with Senator Odell, and that is the juvenile court in Claremont, the family court in Claremont works well.

Claremont is the only city in Sullivan County. It's twice the population of the next size city or town. And unfortunately, we have the customers, and especially with the family court when they have to be accessed by students, have to be accompanied by school personnel, it's time away from the classroom and the cost of travelling to some other community would add a burden to local people. But it's about access and money.

As far as the money is concerned, the State would save some money, but the community wouldn't,

of course, and that's always a battle on the "D" word of a downshifting. We don't have to talk about that today, but that's not really a net savings, I don't believe, in closing the Claremont court. But in addressing that issue, and I understand the struggle that the Governor has and you have in balancing your budgets like we're trying to do at the local level. We have had several lay-offs in order to balance that budget. By the way, we are not proud of that, but we took necessary steps early to try to avoid disaster. But we charge the State now \$53,000 a year rental for the Claremont courthouse. But in order to show that we are serious in true partnership between the local government and the state, we are willing to waive the \$53,000 rental from July 1st of 2010 till June 30th of 2011 so that the final report and an indepth report can be given regarding -- relating to the courts and we are pretty confident that if it's studied appropriately that that courthouse will remain open. That remains to be seen, but that's our projection. We are willing to waive that \$53,000 for this upcoming Fiscal Year in hopes that you'll have time to complete the study.

CHAIRMAN SMITH: Thank you very much. Thank you for that very generous offer. Does anyone have any questions? If not, thank you again for making the trip. The Chair recognizes Representative Chandler.

GENE CHANDLER, State Representative, Carroll County, District #01: Thank you very much, Madam Chairman, Members of the Committee. My name is Gene Chandler representing Carroll County, District 1. I reside in Bartlett which is almost in the North Country. Not quite. Some people think it is. But I clearly have learned from years ago from my friends that are in the North Country that I don't quite make it. But I do visit there a lot. And I wasn't going to speak on this even though I have an

interest and I'm speaking specifically just to the Colebrook court. Other people can very ably defend their other courts. But I think one thing that really impressed me when this first started coming out about this was there was some work needs to be done at the Colebrook court in order for it to continue. And it's my understanding and that the towns that are served by this court have gotten together and agreed to help finance that work at the Colebrook facility. And I just think that shows what can happen in the North Country when people are faced with trying to solve a problem. They got together, solved it. And what further impressed me was that they're going to do that work and I don't have the amount, but I'm sure people behind me can tell you, that they're going to do that even if just for one year. I thought, well, maybe they're going -- if they're going to spend this money to fix-it up, and to do the renovations that are necessary, handicap accessible bathrooms, et cetera, et cetera, they might want a longer commitment. But once again, it's my understanding they're willing to do this even for just the one year extension and shows their good faith hoping the State will eventually show some good faith, also. So with that, I will conclude my testimony. Thank you.

CHAIRMAN SMITH: Thank you very much, Representative Chandler. Representative Chandler, would North Conway be in the North Country?

REP. CHANDLER: No, no, that's even further away than Bartlett. They're even further.

CHAIRMAN SMITH: Just checking.

REP. CHANDLER: Thank you.

CHAIRMAN SMITH: Thank you. The Chair recognizes

Dale Trombley.

DALE TROMBLEY, Fiscal Manager, Administrative Office of the Courts: Good afternoon. My name is Dale Trombley. I'm a Fiscal Manager of the Judicial Branch. I'm here today to speak primarily about the need for the appropriation to maintain these leases. They were not included in our FY11 budget. What the Committee may not be aware of is that Senate Bill 460 has been introduced and that will require the Judicial Branch to reduce our budget for this biennium by \$3.1 million. We're currently finishing up labor negotiations with our court assistants, but we fully anticipate that we are going to have both voluntary and mandatory furloughs in addition to lay-offs. And those furloughs right now are in the range of 18 days over the remainder of the biennium. We are unable to find the funding for these leases and court security officers in any other area. The budget, as you know, was extremely tight.

Other things that we are faced with include a million dollar increase in our health insurance benefits, which we will struggle with enormously in FY11 to cover those benefits. And also, the first negotiation with our court security officers, as Representative Emerton asked, that contract was approved but is not funded. That's more than \$800,000 that's unfunded in our budget for this biennium. And Representative Emerton, just to clarify, this did not include the increase. These are at the current rates for court security officers in these locations. I'm here to answer any of your questions.

CHAIRMAN SMITH: Representative Emerton.

REP. EMERTON: Thank you, Madam Chairman. Good afternoon. I'm thinking, as I understand it, we had

testimony regarding the \$17 million asbestos removal bond, I believe, or whatever it was. I can't remember. And that came in quite a bit lower I'm told. I'm not sure. Just what I heard around here. Could we amend the bill somehow to assist you in that 3.1 million plus whatever else, do you think? I mean, do you know? Is there any differential between the bid and the 17 million or is it too early?

MS. TROMBLEY: I believe that was a capital appropriation for the asbestos removal. And typically our leases are funded in the operating budget. But I leave that to this Committee and others to decide whether that's an option.

REP. EMERTON: Okay. Thank you.

CHAIRMAN SMITH: Any other questions?

REP. ELLIOTT: I just have one.

CHAIRMAN SMITH: Certainly, Representative Elliott.

REP. ELLIOTT: Thank you, Madam. I just have one question. On Senate Bill 460, you kind of talked fast. We do that when we are nervous. All of us do that. Would you just tell me once again what is that bill requesting and how much?

MS. TROMBLEY: \$3.1 million in a reduction over this biennium. That is the same amount that we were anticipating in personnel reductions based on the Governor's \$25 million personnel reductions that affected all of state government.

REP. ELLIOTT: Is that amount, Madam, is that amount part of this 199,000? Is that included in that?

MS. TROMBLEY: No, it is not. It's separate.

REP. ELLIOTT: That's in addition to that.

MS. TROMBLEY: Yes, it is.

REP. ELLIOTT: Okay. Thank you.

CHAIRMAN SMITH: That is a bill -- if I could -- that's a bill that's been introduced by Senator Hassan in the Senate and it has two components. One is a cut of \$3.1 million in the judicial budget. The second component is on the same terms, a cut in the legislative budget. The legislative budget is obviously a smaller figure, and I truthfully at the moment can't remember exactly what it was in that bill. But those are two measures that the two branches, executive -- legislative, and judicial are taking, because the Governor's powers are focused in the executive branch. And in order for other branches to share the pain, this is the route that would be taken. Any other questions? Thank you very much for coming. Oh, I'm sorry. Representative Benn.

REP. BENN: I just wanted to ask, is that number, the 3.1 million, is that same amount that the legislature added above the Governor's Budget of last year to the Court's budget? Remember Division I we added something? That number sounds very familiar.

MS. TROMBLEY: I am not certain.

CHAIRMAN SMITH: Thank you. Thank you very much. The Chair -- thank you for coming. The Chair recognizes Representative Cloutier.

JOHN R. CLOUTIER, State Representative,

Sullivan County, District #04: Thank you, Madam Chair, Members of the Committee. For the record, I'm State Representative John Cloutier from Sullivan County, District 4, which comprises of the communities of Claremont, Leominster, and Unity, and I'm here today in favor of House Bill 1516 which would fund the Claremont, Colebrook, Keene, and Milford District courts for Fiscal Year 2011. And today I will confine my remarks to Claremont District Court with which I am most familiar and let other supporters, you know, tout the importance of keeping the three other district courts named in the bill.

In addition to serving as a State Representative, I have three other part-time positions, including working as a substitute teacher and property manager. And it's from my recent experiences in these two jobs that I've learned the value of keeping open the Claremont District Court. And a few years ago when I was subbing at the Claremont Middle School, I chatted with the then principal about his various responsibilities and surprised to, you know, admittedly surprised to understand from his conversation that his responsibilities included going to District Court, sometimes with other school staff, to help students involved in children in need of services cases, also known as CHINS. And that includes, you know, the five-minute drive to court. And he was complaining to me about having to do that, to be honest with you, and the fact that it took a lot of time away just going to court and spending time with court. He and the other staff had to spend -- he had to spend time away from the school building, time he could have spent working with either students, parents, or other school staff or even just, you know, doing paperwork. But he had to spend it in court instead on CHINS cases.

And imagine the inconvenience, the extra travel time. It's going to be at least 20 minutes if the Claremont District Court is merged with the Newport District Court, that he and other school administrators will have to spend if it's combined with Newport.

Now, as a property manager, I have had to go to Claremont court in order to either evict tenants, or collect back rent from such tenants. And I've had to deal with the court quite a bit lately. And I've always found the court staff to be very professional, polite and helpful, even though at times I think they were working in very overcrowded facilities. They were very understaffed, especially that's the times that I've been there. And frankly, I also appreciate the fact that I can walk to the court from my home now to deal with landlord/tenant disputes. I drive enough as it is in my various positions. I believe that a lot of busy landlords and busy property managers, like myself, also appreciate the fact that they can either walk or drive a very short distance to court. And it's just going to add to their time, you know, if they have to go to Newport.

But I also want to say, too, that while there are bad tenants, there are also bad landlords. And a lot of my constituent tenants are -- either cannot drive, cannot afford a motor vehicle, have limited mass transportation options, or cannot take a lot of time from their work to go to court to appear in such landlord/tenant disputes. Imagine if they have to travel as much as another 30 minutes to Newport to appear in various cases, could pose a major inconvenience to a lot of them.

But also aside from my personal employment experiences, I want to say strongly enough that keeping open the Claremont court is very important

to the Claremont Police Department as well as several other nearby municipal police departments. If Claremont and other police officers have to spend more time travelling to Newport to deal with the various cases they involve, it's going to mean more travel time, more employment time, and as a result municipalities are going to have to spend more money on extra employment and travel costs and what is ultimately going to happen is that they are going to have to either raise property taxes and/or cutback other municipal services, something which I assure you Claremont and other municipalities cannot afford to do at this time, especially in these tough economic times.

And in conclusion, I would strongly urge this Committee to pass House Bill 1516, not only for the sake of Claremont, but the three other communities named in this bill, we really need our courts, and while closing the courts might save the State money, it's not going to save any of our communities money. Thank you.

CHAIRMAN SMITH: Thank you very much for your testimony, Representative Cloutier. Any questions? If not, thank you again.

REP. CLOUTIER: Thank you, Madam Chair, and Members of the Committee.

CHAIRMAN SMITH: I have a little reading problem here. I'd like to recognize Donna from Colebrook. And I hope that Donna will accept my apologies for not being sure about her last name.

DONNA CARON, Colebrook, NH: Hello, Madam Chairman. I probably need to apologize for not writing better. My last name is Caron. I'm the Town Manager in Colebrook. I have a letter here that I will pass out, but I guess I won't read my letter.

There's been a lot of testimony. I also have a letter from the School Board, the Superintendent of Schools, telling how important it is for the juveniles in his district that have to go to Colebrook. Right now his special coordinator, special-ed. coordinator and the teachers that go to court with these students would have to go all the way to Lancaster. They right now walk over to the Colebrook District Court, attend court with a student, go back to school and work. And if they have another case in the afternoon, they can walk back over. And if they have to go to Lancaster, they have to stay there probably all day for two cases like that.

It's the very same thing with our police departments. The Colebrook Police, if we have to start going to Lancaster, our town is going to be uncovered. And we also cover for the State Police. I don't know if you folks know it, but the State Police in the North Country sometimes have one officer on from Twin Mountain north. And when that officer is in Berlin, or Gorham, and somebody in Stewartstown or Colebrook needs an officer, Colebrook officer's going to back them up. They handle the situation till the State Police get there. If our officers are out of town and they're in Lancaster for court, the State Trooper's in Lancaster for court, there's not going to be anybody to cover up in that area. I don't know if the State is going to put on another Trooper to cover their own towns.

Our Town of Colebrook cannot afford to enlarge their police department. And we are going to -- we have two pharmacies. We have two banks. And if our officers it's known that they're in Lancaster two days a week, people are going to be -- they're going to -- the rate of their criminal activity is really going to increase. The drugs, the stealing,

we already have camps broken into. The economy is very bad as they've already testified. We just economically cannot stand to have our court closed.

We cut our budget 15% last year. The employees did not receive a raise. Our revenue is down again this year. We can't keep cutting. And the people in the area are so economically distressed they don't have the cars, they don't have the babysitters, some of them even to travel to Colebrook, say nothing about going all the way to Lancaster. The towns are like Errol and Wentworth Location. They have to go down Route 16. There are four different highways they have to go across to get from, say, like Wentworth to Lancaster. If any of you have ever been up Route 16 in the winter time when there's frost heaves, it takes them two hours that time of year.

I just think that it's such a big burden to the North Country. We really desperately need our court. And we appreciate it if you would vote for us to keep it. We receive \$13,000 for rent. If it came to that, we would give it up. We are going to put in another handicap bathroom. We already have one. But the ADA lady for the State wants a second one. We are willing to do that. And the towns have met and we are going to work together. Anything we can do to keep our court. Thank you for hearing me.

CHAIRMAN SMITH: Thank you very much, Ms. Caron, for your testimony.

MS. CARON: You're welcome.

CHAIRMAN SMITH: Any questions? No. Mr. Shea will take copies of what you brought down and he'll make sure that everyone on the Committee gets them. Thank you very much. Representative McClammer.

JIM MCCLAMMER, State Representative, Sullivan County, District #05: Thank you, Madam Chair. My name is Jim McClammer, Representative from Sullivan 5 which includes the towns of Charlestown, Langdon and Acworth. And I guess I got three points to make, too, which have been covered pretty well already, but I'll make them rather briefly. And just to set the stage, Charlestown is on the western frontier just south of Claremont. It's not the North Country but we got some of the same problems which is like fiscal issues. You know, Charlestown is a very poor town. And the number one issue being that the cost that this closing the Claremont District Court, and having our personnel, basically school people and police, having to travel the added distance to Newport would create a financial burden on the town in very tight economic times.

The number two issue is really is access to what I consider is justice in general. A lot of the people, and I've actually had the opportunity to sit in the court a number of times and watch Judge Yazinski in action and he's almost a community judge. He knows the people in the community and a lot of the people that come in there, I call them people, but a lot of them are adolescents, are children that come in unattended by any adult that have to get there some means, they're usually begging rides from friends or hitchhiking or something like that. These are people that really want to comply with the law. They do stupid little things. They get caught. They end up in front of Judge Yazinski but the issue is access. They don't have public transportation means out there. The people in Claremont, it's easier for them to walk over. The people in Charlestown have to travel the additional 12 miles; and again, next to Claremont, we probably provide the next most number of customers to the District Court there in Claremont.

And so it's just that access to justice and that, you know, the interaction between the Judge and his knowledge of the people there that I've seen him actually have impact on those adolescents that come in there because they know him and he knows them, and I think that personal attention will be lost and going to have a lot of more recidivism than we had in the past.

The third point is, and I'm surprised that the City Manager hasn't made it that, you know, personally I live in Charlestown and I'm really rooting for Claremont to see some turnaround, that downtown economic revitalization. And I believe that actually having a District Court there in the City of Claremont, in the downtown area, adds additional activity, okay, that use the resources there. There are some attorneys that have actually open office space there because they practice at the District Court. To remove that activity out of Claremont, put it in Newport, is going to, you know, make the probability of Claremont doing economic revitalization or turnaround more difficult and we would all love to see it happen. We need it on that side of the state. And I thank you, Madam Chairman.

CHAIRMAN SMITH: I thank you very much. That was even shorter than the --

REP. MCCLAMMER: Well, I speak quickly.

CHAIRMAN SMITH: Thank you very much. Hum -- Chief Cass.

STEPHEN R. CASS, Chief of Police, Colebrook, NH: Good afternoon, everybody. Just wanted to let -- I'm not just the Chief in Colebrook. I'm also a selectman in the Town of Columbia which I'm sure a lot of you probably never heard of or if you had

it's because of Representative Stohl. One of the things that also --

CHAIRMAN SMITH: Can you tell us anything more about Representative Stohl?

MR. CASS: I sure could. It would take a lot longer than three minutes. One of the things that I wanted to speak upon is the fact that, you know, dealing with my job as a selectman we also deal with the town poor. We have people coming to us for money just to be able to go and buy groceries and put gas in their vehicle to drive back and forth to Colebrook. And that would be a great burden to people who needed to have, say, domestic violence petition or go to a domestic violence hearing. You have to drive, I guess, the 74 miles round trip to go down to Lancaster. It makes it an additional hardship for them, and they're just seeking services.

One of the other things I wanted to remind the Board of is the fact that we have already, Chief LaPointe and myself, have generated a petition in a very short period of time, we circulated it in our communities and have 500 signatures on that petition to keep the Colebrook District Court open. And I believe we presented that to the Ways and Means Committee in Whitefield when everybody came up there. I'm not sure if anybody was on this was there.

CHAIRMAN SMITH: That would be the hearing of the House Finance Committee, which is this Committee, and joined by the Ways and Means Committee. And we went up so that we would make the trip at that time and you wouldn't have to.

MR. CASS: To almost the North Country as Chief LaPointe pointed out.

CHAIRMAN SMITH: Understood. And if you would like to suggest a place for this Committee to hold a hearing next time, you know, let me know.

MR. CASS: I would gladly host it.

CHAIRMAN SMITH: Columbia?

MR. CASS: Gladly. Gladly host it. We have a town hall. Gladly.

One of the -- my final point that I wanted to make in regards to the rent, the other points I had were already been beaten to death. The \$13,000 that you -- the State would save, my police department would eat up in over time and travel costs to go to Lancaster easily in a year's time. I have four full-time officers, besides myself, and three part-time officers, to include a prosecutor, and the overtime would eat up that \$13,000. So again, it would just be the State deferring the cost back to the communities and which I truly don't think is fair to the people in those communities 'cause they're not getting service that they deserve.

CHAIRMAN SMITH: Thank you very much for your testimony. Representative Emerton, did you want to say something?

REP. EMERTON: Thank you, Madam Chairman. I just wanted you to know I did two appraisals in Columbia and I almost ran into a darn moose there.

MR. CASS: So he knows where Columbia is.

CHAIRMAN SMITH: Thank you very much. Representative Rappaport.

LAURENCE M. RAPPAPORT, State Representative,

Coos County, District #01: Thank you, Madam Chair. And thank you, Members of the Committee. My name is Larry Rappaport. I'm a Representative from Coos, District 1, which along with Representative Stohl, that's the furthest north. I live in Colebrook.

I just wanted to hit on a couple of points. We told you that -- you've already been told that the Colebrook District Court is rented for \$13,000 a year, but what wasn't told to you was that there's space given to the State Police for free that's zero. We give space to the State Probation Officer for free, and we give space to the State Driver Licensing Bureau for free. So there's an awful lot of extra freebies that go along with this thing. And personally, I'd like to invite any one of you who would like to or all of you to the North Country to see how far it is, particularly from Lancaster to Pittsburg, because that's the range that people would have to go. And if you think of a woman who wants to file a domestic order of protection, she's going to have to go to Lancaster, find a judge, get the thing done; but, of course, to do that, she's got to find somebody to take care of her kids if she has any. She's got to find somebody to provide a car because the people that file these orders typically are the least financially able in our society.

So I think that the distance involved and the number of trips that it would take put an excessive hardship on people. It's not a question of moving it one town away. You're talking about a 72-mile round trip. If Chief LaPointe -- if the border patrol finds drugs, they're under orders not to prosecute unless the drugs are over a certain amount. So assuming they're not, they don't throw it away. They -- they'll notify Chief LaPointe who has to get a warrant, take the guy down to whatever it is, the county jail, and then he's going to have

to -- he would have to appear at hearings and a trial which would involve several trips and as I said, that's 72 miles each way. So that's 144 miles. That's an awful lot of driving for one person to ask one person to do.

But I think probably the most important thing that I can say to you today is that the District Court is where the people in the State of New Hampshire have contact with the State of New Hampshire. This is the point of contact. There are more people that go to the District Court -- well, of course, they go to the town clerk's for driver's licenses and to register their cars and boats and whatever. But people actually talk to the attorneys and the judges at the District Court level and this is where most people get their idea of what the State of New Hampshire is all about. We sit in Committee rooms. We sit isolated from them. Well, some of us do. And a lot of us try to go out in the community. But the greatest amount of people, far more than we can ever talk to, they meet the State of New Hampshire in the District Court. And consequently, if money is to be saved anywhere, and I commend your efforts in that direction, if money is to be saved anywhere, it is not to be saved in the area of essential domestic services. Thank you. And I'll take any questions.

CHAIRMAN SMITH: Thank you very much for your testimony. We appreciate it. Representative Elliott.

REP. ELLIOTT: Thank you, Madam. Very quick question, sir. What -- in comparison to the southern part of the state which is Salem and Windham where the median income is 58,000 in Salem and 98,000 in Windham, what is the population of Colebrook and what is the median income in that area which is the northern part of the state?

REP. RAPPAPORT: I don't know the median income. The population of Colebrook is around 2400 and the unemployment rate is around 20.6%.

CHAIRMAN SMITH: Thank you very much.

REP. ELLIOTT: Thank you.

CHAIRMAN SMITH: The Chair recognizes Guy Scaife. Thank you very much. And I'm sure that many of your points have been made. And I would hope you keep your testimony to three minutes or less. Thank you.

GUY SCAIFE, Town Administrator, Town of Milford, NH: Madam Chair, Committee Members, my name is Guy Scaife. I'm Town Administrator for Milford, and I testify today in support of House Bill 1516. I will restrict my remarks to the Milford court. This is a court that serves seven communities in excess of 42,000 people. I'd like to make three points, and I would ask for your consideration that some of these points may very well be representative to the other community courts that you're discussing.

The first point I'd like to discuss is the process that the executive branch chose in suggesting this court be closed. Secondly, the logic and common sense of how this impacts the people. And third, the financial impact not at the state level but to the taxpayers and municipalities of this court.

From a process standpoint, it's understandable when you are trying to make evaluations to reduce costs you look strictly at internal finances and inward look, but because this court is not there to serve the State, but to serve the people, I believe

at a minimum once it was announced there was an obligation to look further beyond the State level financing and evaluate how it impacted the people. That did not happen and to my knowledge today it has not happened in terms of understanding the impact to the citizenry.

Second point, the logic and common sense of closing this court. I'm not sure how long it's been there, but it was there when the population was at 25,000, 30,000, 35,000, and now over 42. So either something was very misguided to have opened that court many, many years ago, or it begs the question now that a population has grown, why would you take a function that is serving the people and move it farther away? The grocery stores do not move away when the population grows. They're there to serve the people. If this was, again, a back office function of the State that did not interact with the people, then it would make common sense to consolidate, but not a service to the people.

The gentleman before me spoke to it really is, and maybe unfortunately so, but it's a court that serves those less financially able. You look at just domestic violence, those in the middle and upper income, they can go off and hire a lawyer and they deal with their dispute in a different way. Those at the lower level don't have that opportunity.

The third point I'd like to drive home is really the economics of it. Judge Crocker, the presiding Judge over the Milford court, provided some data to me in terms of the individuals that visit that court on a daily basis. They have a metal detector system where people enter, and it has a counter. So these data points are hers, not mine. And the court chose a number to back out a full 20 percent of those who come through the door

have more than likely may go back out whether it be to make a telephone call or smoke break or for whatever reason. So this is a conservative number. But on a court day they have on average 178 people visiting that court. There's 176 court days. There nine court days which were about 64 is 51 on average. There are motions and petitions and other reasons that it's an extremely busy place, even on a non-court day. When you do the math and on an annual basis that's 34,590 people that are walking through that door.

Now to travel from Milford to Merrimack, the average commute time, not just for folks in Milford, but Lyndeborough, Wilton, Amherst, other communities is 28 minutes one way. So it is roughly one hour of lost productive time for every one of those 34,500. So you could easily see something in excess of 34,000 hours of lost productivity. It's hard to place a true dollar value on that. But if you assume at a minimum a fourth of those attending that court are municipal law enforcement, prosecutor type people, most times they're on overtime, a conservative average labor rate would be in the neighborhood of \$35 per hour. That does not take into consideration vehicle cost. But the math of that is in excess of \$300,000 strictly in labor costs for those seven communities. I don't dare to try to place a value on the 75% of the other people, the citizenry of this state that are also using this court. But you can well imagine their time is equally valuable. So it is truly a significant downshifting of cost when you look at what the State may save versus what will be passed down and how it does, in fact, not a service but a disservice to the people of this state. Thank you.

CHAIRMAN SMITH: Thank you very much for your testimony. Any questions? If not, thank you again for coming. And the last card I have is

Representative Skinder, who will be very brief.

CARLA SKINDER, State Representative, Sullivan County, District #01: Yes, I will. Something different though. Madam Chair, Honorable Members of the Finance Committee, for the record, my name is Carla Skinder. I represent Sullivan 1 which is Grantham, Plainfield, and Cornish.

I would love to see a court in every town. That would be great. Get it over with and get it quick. People have to travel from many towns to get to a court. I would argue that today perhaps our courts are dinosaurs in many areas. I feel that this bill, if we could keep the courts around for a bit, but then start thinking about arraignments by video, teleconferencing, perhaps a dedicated bus to get people places, because every time that a police officer or a person that is alleged to be a perpetrator or a victim has to go to court it costs them money and time and perhaps sometimes even their job. Many of these people that we're seeing in courts, they have a job that's tenuous at best. And if they have to spend time in court, and they can't get to their job, oftentimes they're going to be fired or they're going to be reprimanded. It's a way of saving money in the long run.

Teleconferencing is not new, and certainly videoing so that in your own little police department you can do your arraignments. And you can do your teleconferencing from your town halls or whatever it is and then, of course, we will have to have some courts for the major cases and things. And that way we can cut down on the cost of people driving back and forth with people. Keeping our police officers where they need to be which is in the towns and cities, and not driving back and forth on the roads to sit in court. I know our police officer in Cornish, he has to spend his own

time, his personal time to do this, and that's totally inappropriate.

CHAIRMAN SMITH: Representative Skinder, this bill is about these four courts and whether they should be kept open.

REP. SKINDER: Yes.

CHAIRMAN SMITH: There are other vehicles that exist where we are discussing those very issues, including a \$450,000 Capital Budget grant to look at the state of the courts and all of these very important issues that you're talking about.

REP. SKINDER: And that's great and I'm at the end of my statement.

CHAIRMAN SMITH: Good.

REP. SKINDER: I was just saying it's time that we do start looking at getting rid of some of the courts. They are dinosaurs or keeping them for just part-time and renting them out for other things.

CHAIRMAN SMITH: Thank you very much for taking the time to come in. I had no other pink cards. Is there anyone else who would like to testify on House Bill 1516? If not seeing anyone, close the hearing on 1516. The work session will be at 1:00 o'clock on the 26th of January.

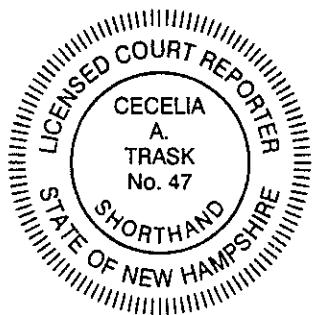
{Hearing concluded}

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.

Cecelia A. Trask

Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire
License No. 47



House Finance Committee

January 20, 2010

House Bill 1516-FN-A

HOUSE COMMITTEE ON FINANCE

WORK SESSION ON HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: January 26, 2010

LOB ROOM: 210-211 **Time Work Session Called to Order:** 1:31

Time Adjourned: 2:08

(please circle if present)

Committee Members: Reps. M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJoie, Bucco, Foote, Mitchell, Keans, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Rodeschin, Wendelboe, L. Ober, Dokmo, Bergin, Belvin and R. Elliott

Bill Sponsors: Rep. Leishman, Hills 3; Rep. Bergin, Hills 6; Rep. Dokmo, Hills 6; Rep. Harris, Sull 4; Rep. Stohl, Coos 1; Sen. Odell, Dist 8; Sen. Bragdon, Dist 11

TESTIMONY

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

Chairman M. Smith: All communication in support. There are new submissions in bill folder. Read Claremont's offer to waive fee. Colebrook also waived fee. What should we discuss?

Rep. Foster: Wilton and Mt. Vernon Police Chiefs here to support Milford. Would like to keep courts open to avoid downshifting.

Rep. Baroody: During road trip we heard about burden this would placed on towns. We should keep them open; towns have stepped up.

Chairman M. Smith: Should we close Manchester?

Rep. Baroody: No one wants Manchester.

Rep. Harris: Concur with discussion. Claremont closing would be a real hardship.

Rep. D. Scamman: Wants to support what's been said so far; electronic hearing may help.

Chairman M. Smith: Who pays? Colebrook and Claremont will help. Money has to come from somewhere.

Rep. Leishman: When we investigated, no line to support closing in current budget. Staff members were going to be relocated. Received letter from Rep. Daniels; asked that it be submitted.

Chairman M. Smith: File full of letters from Milford.

Rep. Kurk: Will we deal with this separately from HB 1664 or combine? Not asking for answer.
Rep. Harris, how much will Claremont save?

Rep. Harris: Huge difference but not quantifiable.

Rep. Emerton: Tomorrow bids on Hillsborough County, no other will be opened. May be savings.
Could we hold and use savings?

Chairman M. Smith: We're not voting until next Thursday. HB 1664 and HB 1672 are different.
This bill must be acted on by February 18. We could split into two parts. Keep courts open but not funded.

Rep. Benn: Madam Chair, you made my point.

Chairman M. Smith: Anyone from courts who could answer?

Rep. Foster: Is budget of court flexible enough?

Atty. Howard Zibel, General Counsel, NH Supreme Court: We have no ability to transfer out without approval of Department of Administrative Services.

Chairman M. Smith: Commissioner will consider appropriate transfers.

Rep. Emerton: How many employees laid off?

Atty. Zibel: Don't know.

Rep. Benn: Colebrook owned by town.

Atty. Zibel: Don't forget Plaistow.

Rep. Kurk: Why no layoffs when courts closed?

Atty. Zibel: Savings will be by attrition. We have 40 court sites.

Rep. Kurk: Will you reverse attrition if courts kept open?

Atty. Zibel: Yes, we will maintain 59 unfunded positions.

Rep. Kurk: If courts closed will you get more savings?

Atty. Zibel: Yes.

Rep. Dokmo: Cost to move courts?

Atty. Zibel: Closing paid from court fund's escrow fund. Managed by court.

Rep. D. Scamman: Send us 6 years of vacancies if you have it.

Rep. Kurk: How much in fund?

Atty. Zibel: \$500k, \$300k encumbered last week.

Chairman M. Smith: RSA 490.26?

Rep. Benn: How were closing costs done?

Chairman M. Smith: \$350k influx into fund each year, could this account fund temporary expenses?

Atty. Zibel: Money used for ADA purposes.

Rep. Dokmo: Can we have breakdown?

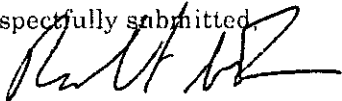
Chairman M. Smith: Mr. Connor?

Mr. Connor, Director, Plant and Property Management, Department of Administrative Services
(DAS): Yes.

Rep. Kurk: We should be mindful of inequities between Claremont, Colebrook, Keene on one hand
and Milford if we have funding.

Work session adjourned.

Respectfully submitted,



Rep. Randy Foose, Clerk

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

Moved by Rep.

Seconded by Rep.

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.)

HOUSE COMMITTEE ON FINANCE

WORK SESSION ON HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: Type Date

LOB ROOM: 210-211

Time Work Session Called to Order: {Time} 1:31

Time Adjourned: {Time} 2:08

(please circle if present)

Committee Members: Reps. M. Smith, Nordgren, Foster, Calon, Baroody, Ben Leishman, DeJoie, Bucco, Roose, Mitchell, Keans, Casey, Harris, Kurk, D. Seaman, B. Anderson, Emerton, Rodeschin, Wendelboe, L. Ober, Dokmo, Bergin, Belvin and R. Elliott.

Bill Sponsors: Rep. Leishman, Hills 3; Rep. Bergin, Hills 6; Rep. Dokmo, Hills 6; Rep. Harris, Sull 4; Rep. Stohl, Coos 1; Sen. Odell, Dist 8; Sen. Bragdon, Dist 11

TESTIMONY

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

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

Moved by Rep.

Seconded by Rep.

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.)

1516

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Read Claremonts offer to waive fee
Colebrook also waived fee

What should we discuss

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would like to keep courts open to
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(3)

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Smith - Mr Connor

Mr Connor - Yes

Kirk - we should be mindful of inequities between Claremont, Colbrook keene on one hand and Milford if we have funding

1/26/2016

Dear Rep. Smith,

Last year a subcommittee of Finance held a public hearing in Milford regarding the closing of the Milford District Court and the proposal to transfer the Milford Court business to Merrimack.

The driving point behind this proposal seemed to be savings of rental expense with the Milford Court.

This hearing was very well attended by local officials and department heads of those towns that use the Milford court. As you deliberate the fate of HB 1516, please take the testimony from that hearing seriously in consideration. The testimony was very good, varied, and ~~so~~ filled with many overwhelming reasons how closing the court disenfranchises the local citizenry.

The closure of the Milford District Court will cost local towns far more ~~that~~ than the savings to the state, both monetarily and in terms of their right.

Again, please review the testimony presented by those in Milford and support the efforts to keep the court in Milford.

Thank you,

Rep. Gary Daniels (also a Milford Selectman)



City Manager's Office
58 Opera House Square
Claremont, New Hampshire 03743
Ph: (603) 542-7002 Fax: (603) 542-7014
Email: citymanager@claremontnh.com
www.claremontnh.com

January 22, 2010

House Finance Committee
Chairman Peter Leishman
39 Birch Rd.
Peterborough, NH 03458-1900

Dear Chairman Leishman:

I am writing to confirm that the City of Claremont will waive the \$53,000 rental fee for the Claremont Courthouse. This waiver will be effective from July 1, 2010, through June 30, 2011.

I am hopeful that this action will demonstrate Claremont's interest in a fair plan for the Court system.

If you have any questions, or if I can be of any further assistance, please contact me at (603)542-7002.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy A. Santagate", with a long horizontal line extending to the right.

Guy A. Santagate
City Manager

cc: Senator Bob Odell
Mary Walter, Finance Director

Clayman, Janet

From: Smith, Marjorie
Sent: Tuesday, January 26, 2010 6:14 AM
To: Clayman, Janet
Subject: FW: HB1516

From: chiefmvpd@comcast.net [mailto:chiefmvpd@comcast.net]
Sent: Tue 1/26/2010 5:18 AM
To: Smith, Marjorie
Subject: HB1516

Dear Representative Smith,

I am writing to express my support for HB1516, which maintains funding for the Milford District Court in it's current location.

I am the Chief of Police for the Town of Mont Vernon and reside in Amherst, two towns which are served by the Milford District Court.

If the court were to be relocated to Merrimack, the towns would incur additional overtime costs, and because of the increased travel time, Mont Vernon could be without police coverage for significant periods of time. In addition, victims of crimes such as domestic violence, would be dissuaded from appearing at court hearings due to the increased travel time and distance. I also do not believe that a court located in Merrimack could be as "user-friendly" as our current one in Milford.

I would ask that the finance committee fully support funding for the Milford District Court in Milford.

Respectfully,

Kyle Aspinwall
Chief of Police
Mont Vernon Police Department

1/26/2010

From: Smith, Marjorie
Sent: Tuesday, January 26, 2010 12:04 PM
To: Clayman, Janet
Subject: FW: Milford district court

From: Mike Putnam [mailto:MikePut@msn.com]
Sent: Tuesday, January 26, 2010 10:33 AM
To: Smith, Marjorie
Cc: Daniels, Gary; Guy Scaife; Nate Carmen; timothyfinan; kbauer513
Subject: Milford district court

Ms. Marjorie Smith
Chairman, Finance Committee
P.O. box 136
Durham NH 03824

1/26/10

Dear, Madam Chair,

By way of introduction, my name is Mike Putnam, I live at 50 Knight St. in Milford. I have been a citizen of this state for fifty three years and a Selectman in town for three. As stated in the subject line, I am writing in reference to keeping the Milford District Court open. If you have made your mind up to do so then read no further. However, if you have not made up your mind, then I urge you to read on and if you have decided to close the court I pray that you re-think the decision.

I hope you remember that you are representing the citizens of this great State and your decisions are made with their best interest in mind. I know from personal experience that a politician can lose sight of this fact from time to time. Especially in this economic climate. And with the closing of the Milford district court you will be impacting seven towns with a population of approximately 42,000. There would be a 56 minute drive round trip from any of the seven towns to Merrimack at a minimum. The impact of just fuel consumption and green house gases alone should be enough to make you think that the shorter the drive the better off the State would be.

The State has also added a substantial burden to the local taxpayers with the loss of the rooms and meals revenue and the reduced percentage of the retirement system contributions. The taxpayers have had about all they can take. The States downshifting of their economic issues on to the local taxpayers needs to stop and it should stop now. The State needs to keep the Milford district court open and not burden the citizenry with any more costs that they cannot bear. I strongly urge you to make sure you are using common sense when making this decision and not just the bottom line of the budget.

I would appreciate you passing this on to the rest of the committee. Thanks for taking the time to listen and I pray that you will do what's right for the taxpayers of this fine State.

Sincerely,

Mike Putnam
50 Knight St.
Milford NH 03055

365-1969

Smith, Marjorie

From: Kathy Bauer [k.bauer513@comcast.net]
Sent: Monday, January 25, 2010 12:35 PM
To: Smith, Marjorie
Cc: Timothy Finan; Nate Carmen; Mike Putnam; Guy Scaife; Daniels, Gary; Fred Douglas
Subject: Keeping Milford District Court Open

Dear Chairman Smith,

I was at the hearing held in Milford regarding keeping the Milford District Court open. The hearing, run by Peter Leishman, was well attended and many people from the affected towns testified.

I thought at the time that we had created a complete record. Now it seems that we should have attended the hearing last Tues. to further testify. Word of this did not get out.

As a Milford selectman I would like to emphasize again that the current Milford location as a hub for surrounding towns is the most practical for all involved in terms of time, distance and therefore cost. I am in complete agreement with Police Chief Douglas' reasons for keeping the Milford District Court open as stated in his Jan. 23, 2010 e-mail.

I hope that you will seriously consider all of our testimony regarding this issue.

Sincerely,

Katherine Bauer, Milford Selectman

Clayman, Janet

From: Smith, Marjorie
Sent: Sunday, January 24, 2010 11:11 AM
To: NATE CARMEN
Cc: Clayman, Janet
Subject: RE: Milford District Court

Thank you for your message. I will share it with the committee.
Marjorie Smith

From: NATE CARMEN [mailto:natecarmen@msn.com]
Sent: Sun 1/24/2010 8:36 AM
To: Smith, Marjorie
Subject: Milford District Court

Dear Chairman Smith,

I am a first year Selectman with the town of Milford. Over the past year I have watched as the Board of Selectman and town administration has worked diligently through a challenging economic time to cut expenses to the bone to offset the loss of revenue we have seen. Local revenue reductions were exacerbated by those monies that the State has already cut that has impacted us greatly. While I am proud that we have worked hard at an attempt to overcome these financial difficulties, the closure of the Milford District Court would most definitely impact the town financially, and would have a detrimental on the local business's in this town, in my opinion. I realize that many valid points to the negative financial affects of the potential closure of the court and other issues that would be a detriment to our community have been previously detailed to your Committee, but I felt it necessary to voice my opinion as to those issues that I have seen, and foresee, first hand.

I put forth a personal plea that the Milford District Court remain open for all of the reasons previously presented, and beg of the committee to give serious consideration to preserving the present District Court in Milford a sustained life by allowing it to remain. To close this court would definitely put the Town of Milford in a precarious financial position.

Thank you for your consideration in this matter.

Respectfully,

Selectman Nathaniel Carmen
Milford, NH

Hotmail: Trusted email with powerful SPAM protection. [Sign up now.](#)

1/25/2010

Town of Milford

POLICE DEPARTMENT



Milford Police Department
19 Garden Street
Milford, NH 03055
(603) 249-0630
(603) 672-6025
www.milford.nh.gov

Fred Douglas, Chief of Police

January 23, 2010

Ms. Marjorie Smith
Chairman, Finance Committee
P.O. Box 136,
Durham New Hampshire 013824-0136

Dear Madam Chairman,

In response to the current proposal to move the Milford District Court to Merrimack, I offer the following concerns for your consideration.

The Milford District Court is currently accessed by approximately 40,000 citizens each year. The demographics of Milford dictate that a large percentage of the residents of Milford who seek assistance from and access this very court are due to the many housing complexes and affordable housing that is available in the community. Many of these victim/citizens are involved in domestic violence situations and because of their economic situation it would be difficult, if not impossible, for them to find transportation to Merrimack. We have been successful in encouraging the victims/citizens and families to seek assistance through the Milford court because it is so close and convenient for them. I strongly believe that this has limited some of the recidivism rate relative to domestic violence in our community. If the court moves to Merrimack and these victims/citizens are not able to access it without placing additional burdens upon them, they may very well continue to live in abusive and dangerous situations exacerbating an already tenuous situation.

This move would also impact the prosecution of cases due to a necessitated increase in work hours, lack of quick access to the court and a subtle pressure to plea cases as a means to save money and because victims and/or witnesses would not want to travel back and forth to Merrimack.

EQUAL AND EXACT JUSTICE TO ALL

Town of Milford

POLICE DEPARTMENT

The department would see an increase in the overtime budget as quite often many of the on-duty officers are called to court on any given day. Obviously the town would need additional coverage in their absence because now they would be out of town. This move would also seriously impact the fuel budget, the cruiser maintenance budget and add considerable mileage to all of the vehicles thus necessitating earlier replacement.

It is also my opinion that the citizens involved with civil cases, landlord disputes, and small claims proceedings would also be seriously inconvenienced should they need to travel to travel to Merrimack.

The financial impact of this decision on the town of Milford alone would be considerable but more importantly many citizens would not have the access to the district court and legal system that they now have. This move would negatively impact a great many citizens in Milford and surrounding communities and unfortunately a high percentage of those impacted are the very ones that need the court the most.

Sincerely,



Frederick G. Douglas
Chief of Police



Town of Milford

BOARD OF SELECTMEN

AB 1516

January 24, 2010

Ms. Marjorie Smith
Chairman, Finance Committee
P.O. Box 136
Durham, NH 03824

Dear Madam Chairman,

I am writing to you today to respond to the current proposal to close the Milford District Court and move its operations to Merrimack. I have several concerns with this proposal and would appreciate the opportunity to share them with you.

There are many operational and logistical concerns that we have with this proposal, and our Chief of Police, Frederick Douglas, has contacted your office to communicate these concerns. Rather than merely repeating those same concerns in this letter, I will instead focus my comments on what I find

to be the profound unfairness of the recent downshifting of costs by the state, as well as a concern I have with the direction that the district court system appears to be taking.

As you are no doubt aware, with the passage of the most recent state budget, cities and towns are now being asked to shoulder a much greater financial burden than it had before. The suspension of the promised sharing of Room and Meals Tax cost Milford taxpayers in excess of \$229,000 this year alone. In addition, the state lowered its contribution to the NH Retirement Plan from 35% to 30% last year, and then will lower it again this year to 25% leaving the cities and towns to pickup that extra 10%. Keep in mind this was all done during a year which was the most economically challenging year in a very long time. Milford is also facing dramatic decreases in practically every other town revenue source which makes absorbing the state decreases that much more difficult. Throughout this difficult year, department heads and staff across the board stepped up to the challenge, tightened their belts, cut expenses where they could and came together to meet these challenges. Now the state is telling us that even after all of the difficulties of the past year, Milford now faces the possibility of losing our district court.

Of course we all must share in the pain when facing economic challenges, we all understand that. However, when the State continues to solve its own financial problems by downshifting those burdens to the cities and towns, it becomes patently unfair to the local taxpayers. Closing the Milford District Court will result in significant extra costs for manpower, travel expenses, fuel and vehicle maintenance, not to mention the added costs for the taxpayers who also must travel further to reach the court. The effect on smaller surrounding communities with much smaller police forces will be even more significant. This is an unfair burden piled on the backs of communities who are already struggling to bear the costs of other state cuts.

Town Hall
1 Union Square
Milford, NH 03055-4240
(603) 673-2257
Fax (603) 673-2273

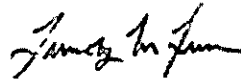
www.milford.nh.gov

TDD Access:
Relay NH 1-800-735-2964

It is also my opinion that we are moving in a counter intuitive direction. The district courts should be reaching out to provide service to more and more citizens, not consolidating inward, requiring citizens to travel further to reach these courts. The nature of much of the need for these courts, especially for communities such as Milford, is to provide recourse for people involved in civil and domestic violence cases. These people are in very vulnerable situations and in many cases are very reluctant to, and sometimes unable to, travel too far in order to go to court. We should not be making a difficult situation even more difficult for these victims.

In closing, I would urge you to keep the Milford District Court open. The financial costs to the affect communities and the financial and social costs to the citizenry who utilize the court far outweigh any costs savings that the state may reap from closing this facility. I very much appreciate the opportunity to express my opinions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Finan".

Tim Finan
Chairman
Milford Board of Selectmen

Clayman, Janet

From: msmithpen@aol.com
Sent: Friday, January 22, 2010 5:38 PM
To: Taylor, Cissy; Clayman, Janet
Subject: Re: Milford District Court

Thanks

-----Original Message-----

From: Taylor, Cissy <Cissy.Taylor@leg.state.nh.us>
To: Smith, Marjorie <msmithpen@aol.com>; Nordgren, Sharon <sharon.nordgren@valley.net>; Nordgren, Sharon <sharon.nordgren@leg.state.nh.us>
Sent: Fri, Jan 22, 2010 4:28 pm
Subject: FW: Milford District Court

FYI

Cissy Taylor

House Information Officer
New Hampshire House of Representatives
(603) 271-3664
cissy.taylor@leg.state.nh.us

From: Kelly, Stan (stan.kelly@leg.state.nh.us)
Sent: Friday, January 22, 2010 4:25 PM
To: Taylor, Cissy
Subject: FW: Milford District Court

Can you pass this on to the committee?

Stan Kelly stan.kelly@leg.state.nh.us
New Hampshire General Court
State House Room 31
Concord, NH 03301
(603) 271-2180 Cell (603) 396-4472 Fax (603) 271-2177
WWW.GENCOURT.STATE.NH.US

From: Becky Jamison [<mailto:milford@bridgesnh.org>]
Sent: Friday, January 22, 2010 4:24 PM
To: Kelly, Stan (stan.kelly@leg.state.nh.us)
Subject: Milford District Court

Dear Mr. Kelly,

I would like to strongly encourage you to attend the Finance Committee meeting scheduled for Tuesday January 26th if at all possible.

I am the Program Coordinator for Bridges Domestic Violence and Sexual Assault Support in Milford. It is so important to us to keep the Milford District Court open. Our office is just 5 minutes down the road from the Court, which allows the clerks to call us if someone needs our support to fill out a Protective Order. This initial contact is vital in helping area residents connect with Bridges and get the help and

1/25/2010

support they need to heal.

Our clients already face the giant hurdle of getting to a nearby court, frequently overcoming years of emotional abuse on top of the physical violence and threats they have recently experienced. They often have to do this after the kids get on the bus, before the baby's nap, and be home in time to pick up the kindergartener at noon. Sometimes they have to beg for rides from neighbors because they are deprived of a car. We at Bridges fear that if the court is moved to Merrimack, many of these women, already totally isolated by their abuser, will find it impossible to make that leap and get the legal protection that they deserve.

Please do whatever you can to help keep Milford District Court open.

Thank you,

Becky Jamison
Milford Program Coordinator for Bridges
16 Elm St, Suite 2
Milford, NH 03055
672-9833

Clayman, Janet

From: Smith, Marjorie
Sent: Friday, January 22, 2010 2:13 PM
To: Clayman, Janet
Subject: FW: Milford District Court and Amherst Police Dept
Attachments: KMBT35020100122133501.pdf

From: Peter Lyon [mailto:plyon@amherstnh.gov]
Sent: Friday, January 22, 2010 1:57 PM
To: Smith, Marjorie
Subject: Milford District Court and Amherst Police Dept

Ms. Smith -

I am Peter Lyon, Chief of the Amherst Police Department. I have attached a letter written to you regarding the committee's consideration of court closures. I apologize that I was not in attendance early this week at the public hearing. I was unaware of the hearing until after the fact - yesterday. Had I been aware, I certainly would have been happy to attend and provide my thoughts and opinions, as expressed in the attached letter. Please feel free to share my letter with anyone that would be interested. This is an important issue to our towns and I hope that your committee will understand the adverse effects of making such a move.

Thank you,

Chief Peter Lyon

Amherst Police Department

603-673-4900

AMHERST POLICE DEPARTMENT

P.O. BOX 703

175 AMHERST STREET
603/673-4900

AMHERST, NEW HAMPSHIRE 03031
FAX 603/672-8477



PETER A. LYON
CHIEF OF POLICE

January 22, 2010

Ms. Marjorie Smith
Chairperson House Finance Committee
New Hampshire House of Representatives
Concord, NH

Dear Ms. Smith:

Because I was not present during this week's public hearing concerning the closure of certain courts, I would like to take a moment to express my thoughts. Over the recent months I, along with other area police chiefs have made our opposition to the relocation of the Milford District Court well known. Both in writing and orally, we have expressed concern that the possibility of moving the Milford District Court to Merrimack will have a profound impact on the service provided to our citizens and to the cost of our local taxpayers.

A few months ago, Representative Peter Leishman hosted a public meeting at the Milford town hall regarding this issue. Area police chiefs, victim advocates, juvenile probation officers, lawyers, selectmen and local representatives attended the meeting and many voiced their concern and displeasure with the state's plan to move the court, all in an effort to save a relatively small amount of money. What became abundantly clear is that any costs saved at the state level will be shifted down to the local entities by way of travel expenses and overtime costs.

While Amherst would not be impacted with travel costs nearly as much as other outlying towns, I anticipate the scheduling of court sessions in a court which would be much busier would be far less efficient, thereby increasing the amount of time required of police officers appearing as witnesses, and costing the town of Amherst alone, at least \$9,000. The state too would bear increased witness costs for these officers, as the state reimburses the town for a small portion of witness fees.

Because Merrimack District Court is not centrally located for any of the towns now served by the Milford District Court, the extra travel would be a real issue for many of these police departments. First, mileage reimbursement costs to the state for police witnesses would increase significantly as many of the towns involved are a distance from Merrimack. Second, towns such as Mont Vernon, Brookline, Wilton and Lyndeborough

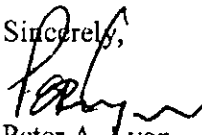
would be adversely impacted when an on-duty officer is called to Merrimack as a witness, leaving those towns either without any patrol coverage or coverage cut in half.

Currently, with the court in Milford, it is centrally located for the towns which fall within its jurisdiction, thereby making it convenient and cost efficient for all the towns served by the court. However, by moving the court to Merrimack, the court will be located a distance from all the towns (Amherst would actually be closest to the court), leading to the problems I have described above.

In addition, whatever minimal savings may take place for the state, after figuring in the extra witness fees and witness mileage costs to the state, and keeping in mind the increased costs for the localities, the move to Merrimack would have a profound effect upon the service provided to our residents. Many of the citizens that find themselves served by the court do not have access to ready transportation. Whether they are defendants in criminal and motor vehicle cases, victims of domestic violence seeking protective orders, litigants in landlord and tenant cases, or juveniles trying to make their way to their juvenile probation officer at the court, many of these people will find it very difficult to make the extra trek to Merrimack from Milford, Lyndeborough or Brookline.

I think it is obvious that the benefits designed to be provided by a *district* court system to our citizenry will no longer exist if the court is moved to a town located outside the jurisdiction of the Milford District Court. And, it is questionable what little savings will occur if this change takes place.

Thank you for your time and consideration of these issues as you undoubtedly wrestle with many difficult decisions.

Sincerely,

Peter A. Lyon
Chief of Police

HOUSE COMMITTEE ON FINANCE

WORK SESSION ON HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: February 02, 2010

LOB ROOM: 210-211 **Time Work Session Called to Order:** 3:20

Time Adjourned: 3:35

(please circle if present)

Committee Members: Reps. M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJole, Bucco, Foose, Mitchell, Keans, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Rodeschin, Wendelboe, L. Obey, Dokmo, Bergin, Belvin and R. Elliott

Bill Sponsors: Rep. Leishman, Hills 3; Rep. Bergin, Hills 6; Rep. Dokmo, Hills 6; Rep. Harris, Sull 4; Rep. Stohl, Coos 1; Sen. Odell, Dist 8; Sen. Bragdon, Dist 11

TESTIMONY

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

* Rep. L. Ober: Referenced bill for court bailiffs. Raises for bailiffs deferred in first amendment. Second amendment keeps courts open but appropriates no money.

Chairman M. Smith: Can amendment #2010-0365h be reformatted to reference renegotiation of rental and operating to save costs?

Mr. Chris Shea, Legislative Budget Assistant (LBA): It can be.

Chairman Smith: Can we ask Mr. Shea to draft amendment stating courts shall stay open?

Work session adjourned.

Respectfully submitted,


Rep. Randy Foose, Clerk

HOUSE COMMITTEE ON FINANCE

WORK SESSION ON HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: February 02, 2010

LOB ROOM: 210-211

Time Work Session Called to Order:

3:20

Time Adjourned:

3:35

(please circle if present)

Committee Members: Reps. M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJoie, Bucio, Pooso, Mitchell, Keans, Casey, Harris, Kurk, Scamman, C. Anderson, Emerton, Rodeschin, Wendelboe, C. Ober, Dokmo, Bergin, Belvin and R. Elliott.

Bill Sponsors: Rep. Leishman, Hills 3; Rep. Bergin, Hills 6; Rep. Dokmo, Hills 6; Rep. Harris, Sull 4; Rep. Stohl, Coos 1; Sen. Odell, Dist 8; Sen. Bragdon, Dist 11

TESTIMONY

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

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

Moved by Rep.

Seconded by Rep.

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.)

Ober: Referenced bill for court budgets
situation raises for ~~courts~~ ~~the~~ budgets
deferred in first amendment.
second amendment keeps courts open
but appropriates no money.

Smith: Can ~~this~~ 10365 be reformatted
to reference renegotiation of rental
and operating to save costs

Shea: ^{It} can be

Smith: Can we ask Mr Shea to draft
amendment stating courts shall stay open

§1362

Amendment to HB 1516-FN-A

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

2

3 AN ACT relative to funding the Claremont, Colebrook, Milford, and Keene District Courts
4 in fiscal year 2011.
5

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

7

8 1 Operation and Funding of Certain District Courts. For the fiscal year ending June 30, 2011
9 the judicial branch shall continue to operate the Colebrook District Court, the Keene District Court,
10 the Claremont District Court, and the Milford District Court, and shall fund the operation of such
11 courts within their existing appropriations.

12 2 Effective Date. This act shall take effect July 1, 2010.

Amendment to HB 1516-FN-A
- Page 2 -

2010-0365h

AMENDED ANALYSIS

This bill requires the judicial branch to continue to operate the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011 and to fund the operation of such courts within their existing appropriations.

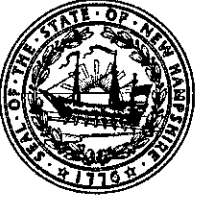
Rep. L. Ober, Hills. 27
January 28, 2010
2010-0362h
09/04

Amendment to HB 1516-FN-A

1 Amend the bill by replacing section 1 with the following:

2

3 1 Appropriation; Judicial Branch. For the fiscal year ending June 30, 2011, the sum of \$199,879
4 is hereby appropriated to accounting unit 02-10-10-100010-1880, class 49 for the purpose of
5 maintaining the Colebrook District Court, the Keene District Court, the Claremont District Court,
6 and the Milford District Court. The governor is authorized to draw a warrant for said sum out of any
7 money in the treasury not otherwise appropriated.



The Senate of the State of New Hampshire

107 North Main Street, Room 302, Concord, N.H. 03301-4951

MOLLY M. KELLY
District 10

Office 271-2111

TTY/TDD
1-800-735-2964

February 3, 2010

Representative Marjorie Smith
P.O. Box 136
Durham, NH 03824

Dear Representative Smith,

On behalf of the Keene District Court Task Force, I am writing to you in support of House Bill 1516-FN-A. The Task Force has been working with the Judicial Branch as well as the State of New Hampshire Administrative Services, Cheshire County Commissioners and the City of Keene officials on a plan to build a Court Complex in Keene, NH that will include Keene District Court. It is essential that appropriations be made for the purpose of maintaining Keene District Court in Keene City Hall until the Court Complex is complete.

Thank you for all of your work on this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Molly Kelly".

Molly Kelly

cc: Representative Peter Leishman

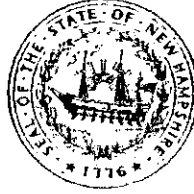
THE STATE OF NEW HAMPSHIRE
SUPREME COURT
OFFICE OF GENERAL COUNSEL

File

HOWARD J. ZIBEL
GENERAL COUNSEL

BARBARA A. SWEET
STAFF ATTORNEY
DIRECTOR OF JUDICIAL BRANCH EDUCATION

ONE CHARLES DOE DRIVE
CONCORD, N.H. 03301-6160
(603) 271-2646
1-888-535-1946
FAX: (603) 271-2503
TTY/TDD RELAY 1-800-735-2964
www.state.nh.us/courts/supreme.htm



February 3, 2010

Representative Marjorie K. Smith, Chair
House Finance Committee
Legislative Office Building
Concord, NH 03301

Representative Peter E. Leishman, Chair Division I
House Finance Committee
Legislative Office Building
Concord, NH 03301

Re: HB 1516 (funding leases and security for Claremont, Colebrook,
Keene, and Milford District Courts)

Representatives Smith and Leishman:

Unfortunately, I could not stay at yesterday's full committee work-session on the above bill since I had to return to the office for an important conference call. I understand that Rep. Ober has proposed an amendment to the bill (amendment #0365h) which would require the judicial branch to keep the four courts in question open but fund the FY 11 security costs and whatever lease payments still need to be paid from existing appropriations. The purpose of this letter is to state for the record that no existing appropriations are available for this purpose.

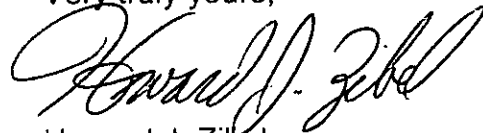
As you are aware, the judicial branch announced a furlough program last week. A tentative collective bargaining agreement has since been reached with the SEA, which if ratified would allow the furlough program to operate system-wide. Very close to 100% of our judges have voluntarily agreed to participate in the furloughs. The only source of funding the judicial branch would have for the leases and security costs in question would be to require more furlough time of judicial branch employees. In fact, if the only lease that actually needs to be paid is Milford since the lessor is a private entity, the unfunded costs of this bill as it is proposed to be amended (the Milford lease plus all security costs for the four

Representative Marjorie K. Smith, Chair
Representative Peter E. Leishman, Chair Division I
February 3, 2010
Page 2

courts) would just about exactly equal one system-wide furlough day. I am not certain that the supreme court would consider that an appropriate purpose for a furlough day.

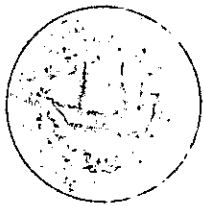
For this biennium, the budget compromise of last June left the judicial branch operating with 59 unfunded vacant positions in order to allow the Governor to fill then existing judicial vacancies. Since then, the supreme court has agreed with the Governor to reduce the compromised appropriation by \$3.1 million over the biennium. A bill to accomplish that reduction, SB 460, has today passed the Senate. The furlough program is needed to reach the new budget reduction. At some point, government must either fund or abandon that which it wants to do. This is such a point. Thus, the judicial branch urges the Finance Committee to either fund the operation of these courts or close them. Asking the judicial branch to operate these courts without funding is just not a viable option at this time.

Very truly yours,



Howard J. Zibel

cc: Representative Lynne M. Ober
Hon. John T. Broderick, Jr.
Hon. Edwin W. Kelly



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF THE COMMISSIONER
25 Capitol Street – Room 120
Concord, New Hampshire 03301

LINDA M. HODGDON
Commissioner
(603) 271-3201

JOSEPH B. BOUCHARD
Assistant Commissioner
(603) 271-3204

January 29, 2010

Chairman Marjorie K. Smith
House Finance Committee
Room 210-211, LOB
Concord, NH 03301

Dear Representative Smith,

file

At a recent work session for HB 1516, you requested documentation regarding the court escrow fund established under RSA 490:26-c for court facility improvements. Enclosed is a summary of the court escrow account including a description of the revenues and expenditures in FY 10. In addition, we have also included a description of the projects that are underway or recently approved at the Court Accreditation meeting last week leaving us with an available balance of \$203,103. We never deplete this fund due to the need for an emergency reserve. There are 40 courts we have responsibility for of varying ages in their life cycle, 18 are owned and 22 leased.

Over the years, this fund has been instrumental to ensure that court facilities are properly maintained and safe for the public that visit them. With this fund we have made great strides to ensure all state owned court facilities are ADA accessible and have completed timely emergency repairs. Examples of such emergency repairs include replacing individual failed security systems, replacing leaky hot water tanks, making repairs to hazardous steps at the Manchester District Court and replacing defective boilers.

With the use of this fund, we have been able to respond quickly to maintenance issues that occur at the various court facilities located throughout the state and pay for building maintenance costs that would have required additional funding through the operating or capital budget. In some cases, we might have needed to close courts if these funds had not been available. I am very concerned about the potential use of this fund for any other purpose than what it was initially established for. Depleting this fund to pay for court leases and or operating expenses would leave us with no safety net and jeopardize our ability to properly maintain the court buildings under our care. I request your support in rejecting a request to utilize the escrow account to fund court leases which were unfunded in the budget.

Sincerely,

Linda M. Hodgdon
Commissioner

Enclosure

cc: Governor John H. Lynch
Kristyn Van Ostern
Chief Justice Broderick
Rep. Candice Bouchard

COURT FACILITIES ESCROW ACCOUNT

SUMMARY FY 2010

January 13, 2010

Funds Available as of 7/1/09	517,332.87
Revenue	207,277.09
Expenditures	(104,981.79)
Expense forwarded	-
Encumbrances	(118,149.84)
Encumbrances forward	5,398.75
Indirect Costs	-
Funds Available as of 1/8/2010	<u><u>506,877.08</u></u>

Encumbered Balances Include:	Encumbered Balance
GUARDIAN TECHNOLOGIES LLC	\$28,450.00
NU-VISION TECH LLC	\$29,726.92
STATE OF NH- CORRECTIONAL IND	\$2,485.00
GUARDIAN TECHNOLOGIES LLC	\$47,480.00
OFFICE INTERIORS	\$10,007.92
Total Encumbrances	<u><u>\$118,149.84</u></u>

Administrative Services Expenses by Court

Derry District Court	\$ 8,534.50
Hillsborough County Courthouse- Manchester	\$ 7,751.84
Hillsborough County Courthouse- Nashua	\$ 14,160.44
Hooksett District Court	\$ 500.00
Littleton District Court	\$ 21,500.00
Manchester District Court	\$ 2,481.00
Plymouth District Court	\$ 8,237.00
Rockingham County Courthouse	\$ 6,770.00
Salem District Court	\$ 16,529.24
Admin. Svcs. Total	<u><u>\$86,464.02</u></u>

A.O.C. Expenses

Misc. Vendors - Attached	\$18,517.77
A.O.C. Total	<u><u>\$18,517.77</u></u>
Total expenses	<u><u>\$104,981.79</u></u>

Escrow Fund Summary
January 27, 2010
FY10 Uses of Fund

Encumbrances:			
<u>Location:</u>		<u>Description</u>	<u>Amount</u>
Berlin		Security Equipment	\$28,450.00
Berlin		Tables for Courtrooms	\$2,485.00
Berlin		Workstations - re-fabric used workstations	\$10,008.00
Hillsborough South		Security Equipment e.g. recording devices, cameras	\$47,480.00
Manchester Family		Telephone System	\$29,727.00
Current Encumbrances Balance as of January 8, 2010			\$118,150.00

DAS Uses of Escrow Fund:			
Derry Courthouse		Carpeting/painting in clerical office	\$8,535.00
Hillsborough North		Emergency repair to State-owned transformer in building	\$5,479.00
Hillsborough North		Asbestos testing - exterior shell for major renovation bid	\$2,070.00
Hillsborough North		Move related - Manchester to Nashua	\$203.00
Hillsborough South		Renovation of Hills South for the move	\$14,160.00
Hooksett DC		ADA-required door and counter changes	\$500.00
Littleton District		ADA-required public restroom renovations	\$21,500.00
Manchester Courthouse		Window replacement	\$2,481.00
Plymouth District		Clerical workstations and door replacement	\$8,237.00
Rockingham County		Water heater replacement	\$850.00
Rockingham County		Replace cooling tower	\$5,920.00
Salem DC		Emergency replacement of boiler	\$16,529.00
Total DAS Expenses in FY10 as of January 8, 2010			\$86,464.00

AOC Uses of Escrow Fund:			
NH Supreme Court		Electrical supplies	\$965.00
Derry District Court		Workstation wiring	\$326.00
Goffstown Courthouse		Interior signage	\$1,350.00
Hillsborough North		Shelving (for move to Nashua)	\$700.00
Hillsborough South		Building permit	\$85.00
Laconia Courthouse		Security equipment	\$125.00
Manchester Family		Shelving and computer related	\$2,724.00
Plymouth District		Security equipment	\$384.00
Portsmouth District		Security equipment and glass	\$2,996.00
Rockingham County		Lower counter and glass at counters	\$8,862.00
Total ACO Expenses in FY10 as of January 8, 2010			\$18,517.00

Total Expenses and Encumbrances in FY10 at 1/8/2010 \$223,131.00

Escrow Fund Summary January 27, 2010

		<u>Balance</u>
Escrow Funds Available as of January 8, 2010		\$ 506,877
Previously Approved Requests with outstanding balances to spend:		
<u>Location</u>	<u>Description</u>	<u>Estimated Balance To Spend</u>
Berlin DC	Courtroom recording systems, refabric workstations, tables	\$ (7,800)
Coos County	Security recording equipment	\$ (25,000)
Grafton County	Modify interior signage per ADA requirements	\$ (500)
Hillsborough So	Fit-up needed for temp. consolidation of Manchester staff	\$ (25,000)
Hillsborough So	Upgrade security cameras and recording devices	\$ (37,000)
Hillsborough So	Exterior walkway repair	\$ (6,000)
Hillsborough So	Repair exterior decorative ledging that goes around the building	\$ (50,000)
Keene	Video arraignment equipment	\$ (20,000)
Keene	Upgrades/adjustments to improve security in current location	\$ (16,213)
Manchester	Paint exterior window trim and repair parapet	\$ (30,000)
Newport DC	Repair staff lounge	\$ (3,000)
Sullivan County	Fit-up if consolidation of district courts occur	\$ (14,000)
Supreme Court	Exterior fence to surround condenser	\$ (4,000)
Various	Security glass funding	\$ (20,000)
Various	Design and modify doors and counters per ADA	\$ (32,500)
Various	Install plexiglass at counters	\$ (12,851)
Sub-Total Committed Escrow Funds		<u>\$ (303,864)</u>
Non-Committed Escrow Balance at January 8, 2010		\$ 203,013

Speakers

Hearing Minutes

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: January 20, 2010

LOB ROOM: 210-211 **Time Public Hearing Called to Order:** 2:08

Time Adjourned: 3:15

(please circle if present)

Committee Members: M. Smith, Nordgren, Foster, Eaton, Baroody, Bens, Leishman, DeJoie, Bucco, Foose, Mitchell, Keans, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Rodeschin, Wendelboe, L. Ober, Dokmo, Bergin, Belvin and R. Elliott

Bill Sponsors: Rep. Leishman, Hills 3; Rep. Bergin, Hills 6; Rep. Dokmo, Hills 6; Rep. Harris, Sull 4; Rep. Stohl, Coos 1; Sen. Odell, Dist 8; Sen. Bragdon, Dist 11

TESTIMONY

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

* Rep. Peter Leishman, Peterborough, NH, prime sponsor, representing Hillsboro/3, introduced the bill and spoke in support. Written materials were submitted.

Sen. Bob Odell, co-sponsor, representing Dist 8, spoke in support of the bill.

Mr. Roland Cotnoir, Colebrook, NH, representing the Town of Colebrook, spoke in support of the bill.

Sen. John Gallus, representing Dist 1, spoke in support of the bill.

Mr. Richard Lapoint, 420 Back Lake Road, Pittsburg, NH, representing Pittsburg Police, spoke in support of the bill.

* Rep. Eric Stohl, co-sponsor, representing Coos/1, spoke in support of the bill and submitted written testimony.

Mr. Guy Santagate, City Hall, Claremont, representing the City of Claremont, spoke in support of the bill.

Rep. Gene Chandler, Bartlett, NH, representing Carrol/1, spoke in support of the Colebrook portion of the bill.

Ms. Dale Trombley, Fiscal Manager, Judicial Branch, Admin. Office of the Courts, spoke in support of the bill.

* Rep. John Cloutier, 10 Spruce Ave, Apt. #1, Claremont, NH, representing Sullivan/4, spoke in support of the bill and submitted written testimony.

* Ms. Donna Caron, Town Manager for the Town of Colebrook, spoke in support of the bill and submitted written testimony.

Rep. Jim McClammer, 391 River Rd., Charlestown, NH, representing Sullivan/5, spoke in support of the bill.

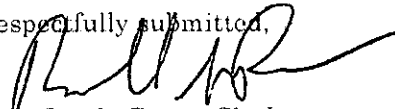
Chief Stephen R. Cass, representing Colebrook Police, spoke in support of the bill.

Rep. Larry Rappaport, Box 158, Colebrook, NH, representing Coos/1, spoke in support of the bill.

Mr. Guy Scrafe, Milford, NH, representing the Town of Milford, spoke in support of the bill.

Rep. Carla Skinder, representing Sullivan/1, spoke in support of the bill.

* Written testimony was received from Mr. Robert Mills, Superintendent of Schools, Colebrook, NH, in support of the bill.

Respectfully submitted,

Rep. Randy Foose, Clerk

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: {Type HEARING DATE here} 1/20/10

LOB ROOM: 210-211 Time Public Hearing Called to Order: {Time} 2:08
Time Adjourned: {Time} 3:15

(please circle if present)

Committee Members: M. Smith, Nordgren, Foster, Eaton, Baroody, Ben Leishman, DeJoi, Buco, Foose, Mitchell, Keans, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Rodeschin, Wendelboe, G. Ober, Dokmo, Bergin, Belvin and R. Elliott

Bill Sponsors: Rep. Leishman, Hills 3; Rep. Bergin, Hills 6; Rep. Dokmo, Hills 6; Rep. Harris, Sull 4; Rep. Stohl, Coos 1; Sen. Odell, Dist 8; Sen. Bragdon, Dist 11

TESTIMONY

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

- 1 Peter Leishman* prime sponsor
- 2 Senator Odell for
- 3 Roland Cotvair for
- 4 John Gallus for
- 5 Richard Lepoint for
- 6 Rep Eric Stohl* for
- 7 Guy Sawtgate for
- 8 Gene Chandler for
- 9 Dale Trombley* for
- 10 John Cloutier* for
- 11 Donna Carin* for
- 12 Rep Jim McClannan for
- 13 Christ Stephen Cass for
- 14 Rep Larry Rappaport for
- 15 Guy Scarfe for
- 16 Rep Carla Skinder for

Testimony



State of New Hampshire

①

GENERAL COURT

CONCORD

MEMORANDUM

DATE: January 7, 2010

TO: Honorable John H. Lynch, Governor
Honorable Terie Norelli, Speaker of the House
Honorable Sylvia B. Larsen, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Representative Peter R. Leishman, Chairman

SUBJECT: Final Report on HB 2, Chapter 144:58, Laws of 2009

Pursuant to Chapter 144:58, Laws of 2009, enclosed please find the Final Report of the Committee to Evaluate the Physical Consolidation of the Claremont and Newport District Courts and Family Division Sites and the Closing of the Colebrook and Milford District Courts.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

PRL/dm
Enclosure

cc. Committee Members

RE: HB2 (Chapter 144:58, Laws of 2009) COMMITTEE TO EVALUATE THE PHYSICAL CONSOLIDATION OF THE CLAREMONT AND NEWPORT DISTRICT COURTS AND FAMILY DIVISION SITES AND THE CLOSING OF THE COLEBROOK AND MILFORD DISTRICT COURTS

The Committee met on September 22, October 13, October 20, October 28, November 19, and December 2, 2009.

At the committee's organization meeting on September 22, Senator Bob Odell suggested that the committee would be well served if we traveled to all of the courts affected by the proposed closings/consolidations.

On October 13, Senator Odell and I traveled to Colebrook to conduct a hearing at the Colebrook elementary school and to visit the Colebrook district court which is leasing space in the Colebrook town hall. This hearing and site visit was very well attended. Nearly sixty people attended the hearing and twenty speakers gave testimony in opposition to the closing of this court which serves as the criminal and family court for the far northern reaches of the State. The closing of this court would create an unfair burden to all the communities from Stratford to Pittsburg. For instance, the one way travel time between Pittsburg and Lancaster (the Lancaster district court being the proposed location to administer justice should Colebrook close) is an hour and fifteen minutes on a good day. If one lives on the Maine border plan on two hours and thirty minutes to get to the Lancaster district court. This area has been severely impacted by the economic downturn and now has an unemployment rate of more than 20%. Closing this court would only add to the area's economic difficulties. The lease cost of this court is slightly more than \$12,000.00 a year.

We also learned that these northern communities have only one police officer on duty at any given time or rely on a State Trooper. The closing of this court would strain a limited law enforcement community and endanger public safety. Clearly, the impact on these northern communities if this court is closed would be unacceptable.

On October 20, the committee ventured to the Milford district court and held a hearing at the Milford town hall. This hearing was also well attended and nineteen people spoke in opposition to the closing of this court. Milford is a very busy court and in 2008 had 4,541 filings and generated \$438,205.43 in fines and fees for the State. This court also serves a number of very small communities that have limited resources which limits their on-duty police coverage to one officer. The Merrimack district court has been suggested as the likely location to send cases now handled by Milford. The travel time to the Merrimack district court from a town such as Lyndeborough is an hour. The Milford district court is now leasing space in Milford which is centrally located in this district. The annual lease cost is \$80,623.00.

On October 28, the committee held its final court visit in Claremont. This court is located in the city hall directly above the police department. Thirteen people spoke against the closing of this court, and the local sheriff offered support to closing this court and consolidating this court with Newport. The sheriff suggested this consolidation would save the county money by alleviating his need to travel between these courts. Although Claremont and Newport are only ten miles apart, the Claremont district court serves the largest city in the county and is within a short walk from the high school and the domestic violence shelter. Last year, 226 truant cases were presented to the Claremont court. The cost to have these cases heard in Newport would have a profound impact on the school district. The local domestic violence shelter helped 150 women obtain stalking orders from this court. This center has limited funds and relies on donations and volunteers – closing this court would put this center and the women and children they serve at an even greater risk. The annual lease cost for Claremont is \$52,044.

These court visits were more than just educational; they should be required for those who believe the court system of our State is not professionally managed and does not serve as a fabric of the communities they serve. The judges and staff of these courts serve as the local regulators and often know those who have been arrested or those who have had a bad day. Judge Edwin Kelly is right when he called these “community courts”. They provide safety and serve as an anchor in their community. They serve as the first line of defense for those seeking access to justice. More often than not, they serve low and moderate income people, people who have lost employment, and families in strife.

It is clear from the testimony and information received that the cost to these communities in dollars and public safety will far exceed any State savings and will further reduce State fine and fee revenues. Also, the committee learned from Commissioner Hodgdon that a complete study of court facilities is now under way with a report due at the end of this year.

The committee found that the closing of these three courts would not be in the best interest of either the State or the communities they serve and in light of the study mentioned above would in fact be premature.

The committee would like to thank Howard Zibel (General Counsel for the Supreme Court) for providing the committee with valuable information and venturing to Claremont and Milford. Also, thanks to Commissioner Linda Hodgdon (Dept. of Administrative Services) and her staff for their assistance.

Finally, I would like to especially thank Senator Odell who by his suggestion to visit these district courts helped us to see the real picture.

Respectfully submitted by: Peter R. Leishman, Chair

JUDICIAL BRANCH DISTRICT COURT CONSOLIDATION DATA

Court	Date to Close	FY 10 Lease Budgeted	FY 10 Amt to Restore	FY 11 Amt to Restore	FY 10 Full Year Lease	FY 11 Full Year Lease
Colebrook District *	10/31/2009	\$ 4,041	\$ 8,083	\$ 12,487	\$ 12,124	\$ 12,487
Milford	04/30/2010	\$ 65,229	\$ 13,046	\$ 80,623	\$ 78,275	\$ 80,623
Claremont	02/28/2010	\$ 33,685	\$ 16,843	\$ 52,044	\$ 50,528	\$ 52,044
Keene	03/31/2010	\$ 39,841	\$ 13,280	\$ 54,715	\$ 53,121	\$ 54,715
New London	10/31/2009	\$ 11,648	\$ 23,296	\$ 35,992	\$ 34,944	\$ 35,992
Plaistow	11/30/2009	\$ 17,897	\$ 25,056	\$ 44,242	\$ 42,953	\$ 44,242

* costs to make court ADA compliant \$70k

Court	Date to Close	CSOs Budgeted FY 10	FY 10 Amt to Restore	FY 11 Amt to Restore	Full Year CSO Cost
Colebrook District	10/31/2009	\$ 5,417	\$ 10,833	\$ 16,250	\$ 16,250
Milford	04/30/2010	\$ 13,542	\$ 2,708	\$ 16,250	\$ 16,250
Claremont	02/28/2010	\$ 16,250			\$ 16,250
Keene	03/31/2010	\$ 65,765			\$ 65,765
New London	10/31/2009	\$ 5,417	\$ 10,833	\$ 16,250	\$ 16,250
Plaistow	11/30/2009	\$ 8,125	\$ 8,125	\$ 16,250	\$ 16,250

When we analyzed the security needs for Keene & considered the rollout of the FD, we assumed that there would be no change in security provided by the sheriff. Keene has a full-time CSO Regional Supervisor and 9 per diem days budgeted weekly. If any court consolidates into Jaffrey, these CSOs would be moved to Jaffrey. No additional amounts have been budgeted in the sheriff reimbursement line. Keene is one of the busiest courts in the State.

Madam Chair and committee members:

My name is Eric Stohl and I co-represent 16 towns that comprise Coos District 1 in the very northern tip of the state along with Rep. Laurence Rappaport. Here with me today are some citizens from my district that wish to speak to you also so I will be short. These are good people that work a good day's worth of work.

I would like to address the issue of the proposed closing of the Colebrook District Court. This court serves the all the towns north of Northumberland, which is also called Groveton, to the Canadian border and east to the Maine state line. In addition to being a criminal court, which handles criminal cases as well as small claims, it is also a Family Court. Many people that are served by both courts in our economically depressed area find it difficult to find a means of transportation to the nearby Colebrook Court say nothing of trying to get to Lancaster. The concept of closing the Colebrook District Court and requiring everyone to travel to the Lancaster District Court from up here is irresponsible thinking.

There are some issues of disability access and services to the present location that have been presented as the main reason for the closure of the court. In June, the towns that are serviced by the Colebrook District Court had a meeting and agreed to assist the Town of Colebrook with whatever financing was needed to address these disability issues. A meeting with Judge Kelly followed to relay this information and a working relationship was created from that meeting. The only issue of concern now appears to be is there going to be a long-term commitment by the state to keep the court in Colebrook to warrant these additional expenditures?

For someone in Pittsburg to travel to Lancaster District Court it would take them an hour and fifteen minutes to get there. And that is only from the village of Pittsburg, not for the people that live north of the village. This same timeline would play out if you were to go from Wentworth Location, which is on the Maine state line, to the Lancaster District Court. This would mean an average of two and a half hours of just straight driving time to and from court. Then add in the time spent in the court itself will add up to most of the day. With the additional caseload, Lancaster District Court would be required to schedule additional days

during the week which would then tie up even more time of the personnel to towns which Colebrook District Court now covers. Both courts have the same judge, but on different days.

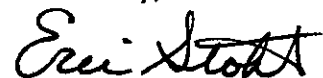
To require the citizens of this part of the state to travel those great distances to receive judicial decisions whether criminal, civil, or in Family Court is unfair. This will require municipalities through their police departments and schools through their special education coordinators to increase their budgets to accommodate this requirement. This will mean police officers will need to be hired to provide coverage of the different towns while the other officer(s) are away at court in Lancaster. It will take the special education coordinator away from her duties for most of the day also.

The driving in this part of the state can be a little tricky at times, especially during the winter months and dodging moose in the highways the rest of the year. Please do not allow the Colebrook District Court to be closed. The small amount of funds that the state may save isn't worth the safety issues and the large burden that would be placed upon the municipalities and citizens of the North Country.

Please find included (1) a copy of a map of the state with the existing district courts highlighted; those in yellow will remain open and those in blue are slated to be closed; (2) copies of highway maps depicting the routes of travel for citizens and public personnel to the existing Colebrook District Court and then those that would need to be taken to the Lancaster District Court should the Colebrook court be closed. On these maps I have highlighted the locations of the three existing courts to the south of Colebrook District Court that are separated by only one town.

Thank you.

Sincerely,



Rep. Eric G. Stohl
Coos District 1

73°00'W




72°00'W

71°00'W





New Hampshire Statewide Map Atlas

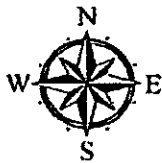
BASE MAP

Boundaries

-  State Boundary
-  County Boundary
-  Town Boundary

Routes

-  Interstate Route
-  U.S. Route
-  State Route
-  Other Route

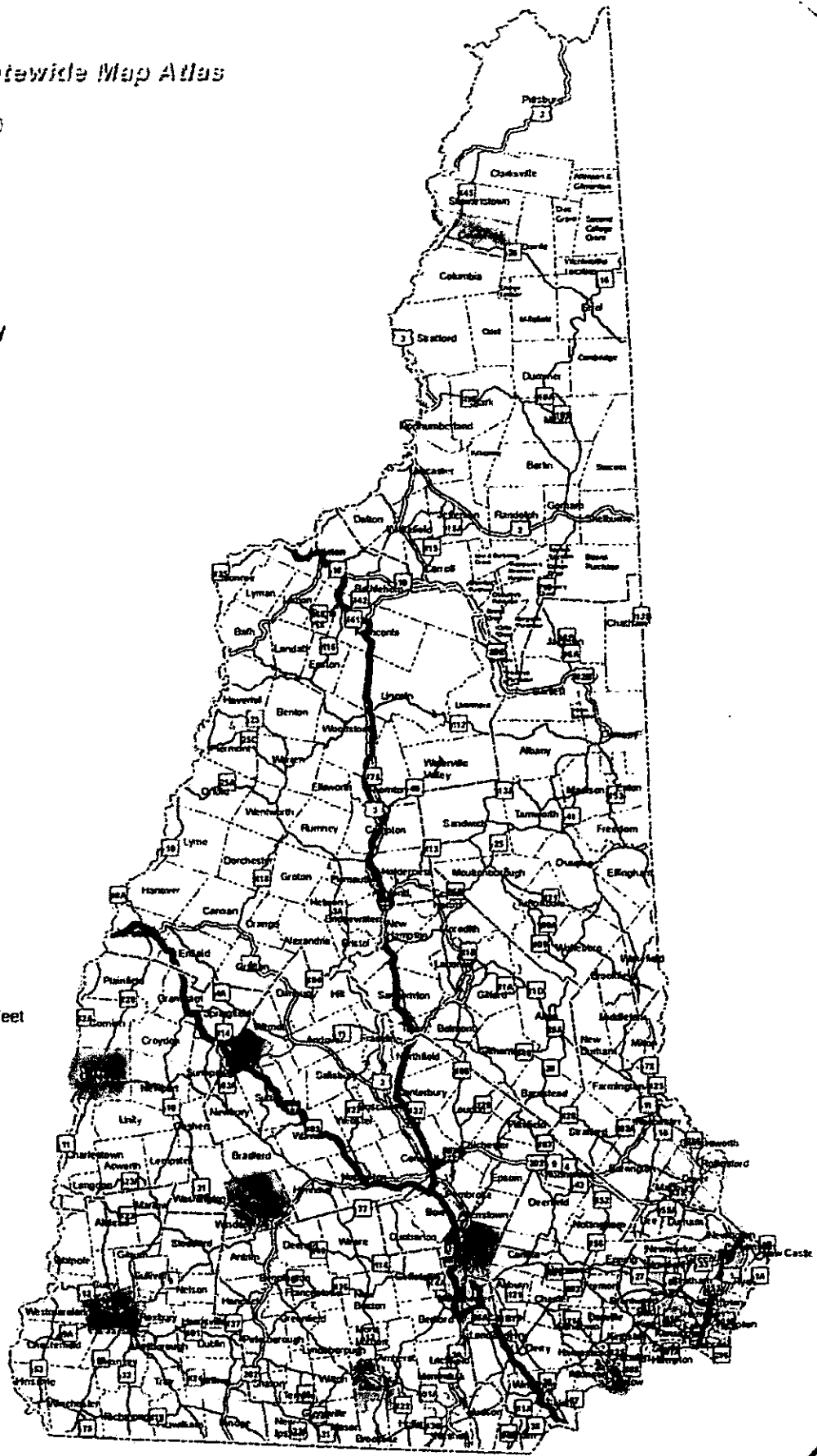


Data Sources:

All data extracted from the NH GRANIT database, Complex Systems Research Center, University of New Hampshire.

NH GRANIT

November, 2007



44°00'N

44°00'N

43°00'N

45°00'N

44°00'N

43°00'N

73°00'W

72°00'W

71°00'W

STATE OF NEW HAMPSHIRE STATE HIGHWAY SYSTEM

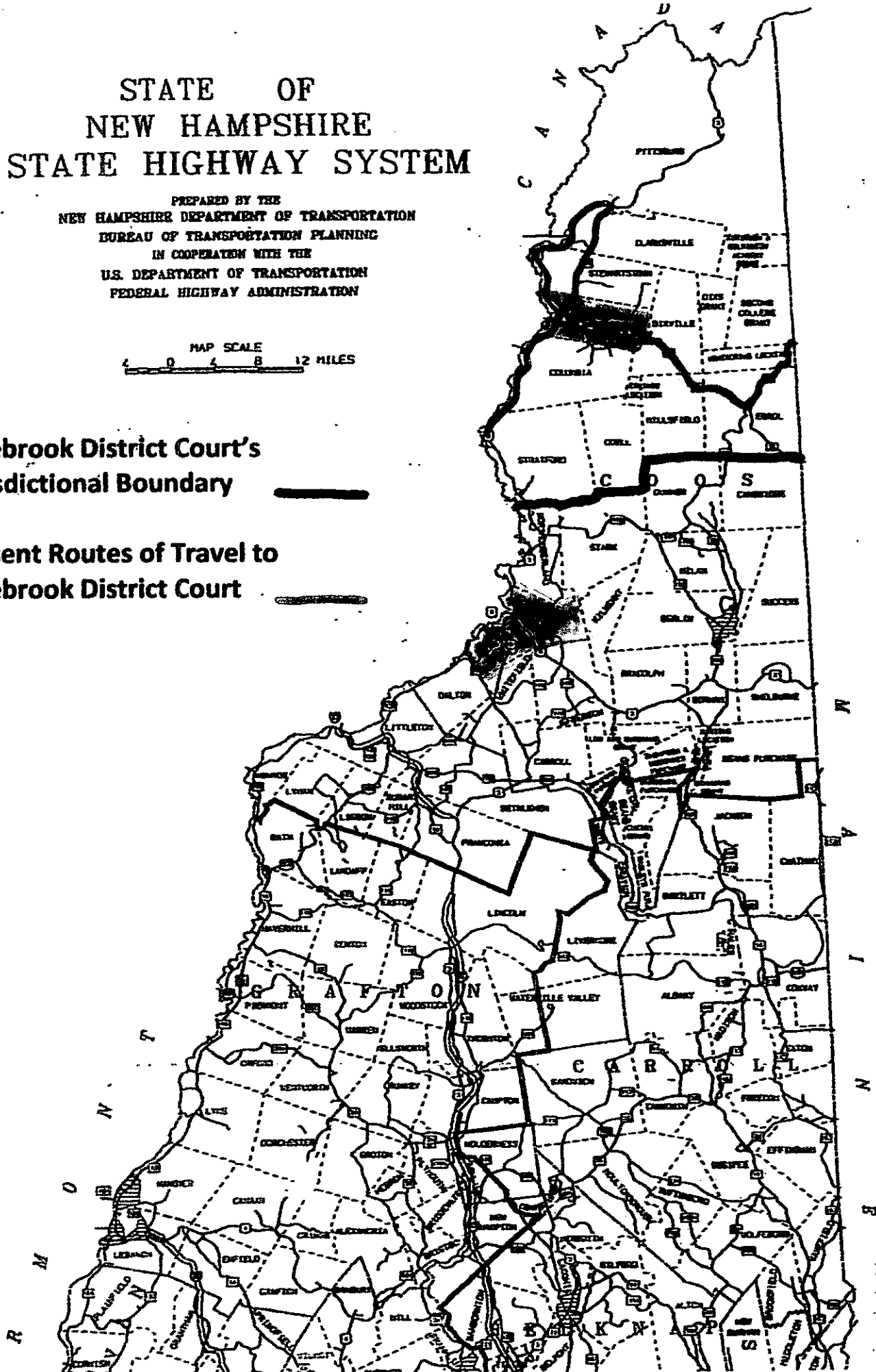
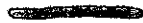
PREPARED BY THE
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

MAP SCALE
0 4 8 12 MILES

**Colebrook District Court's
Jurisdictional Boundary**



**Present Routes of Travel to
Colebrook District Court**



STATE OF NEW HAMPSHIRE STATE HIGHWAY SYSTEM

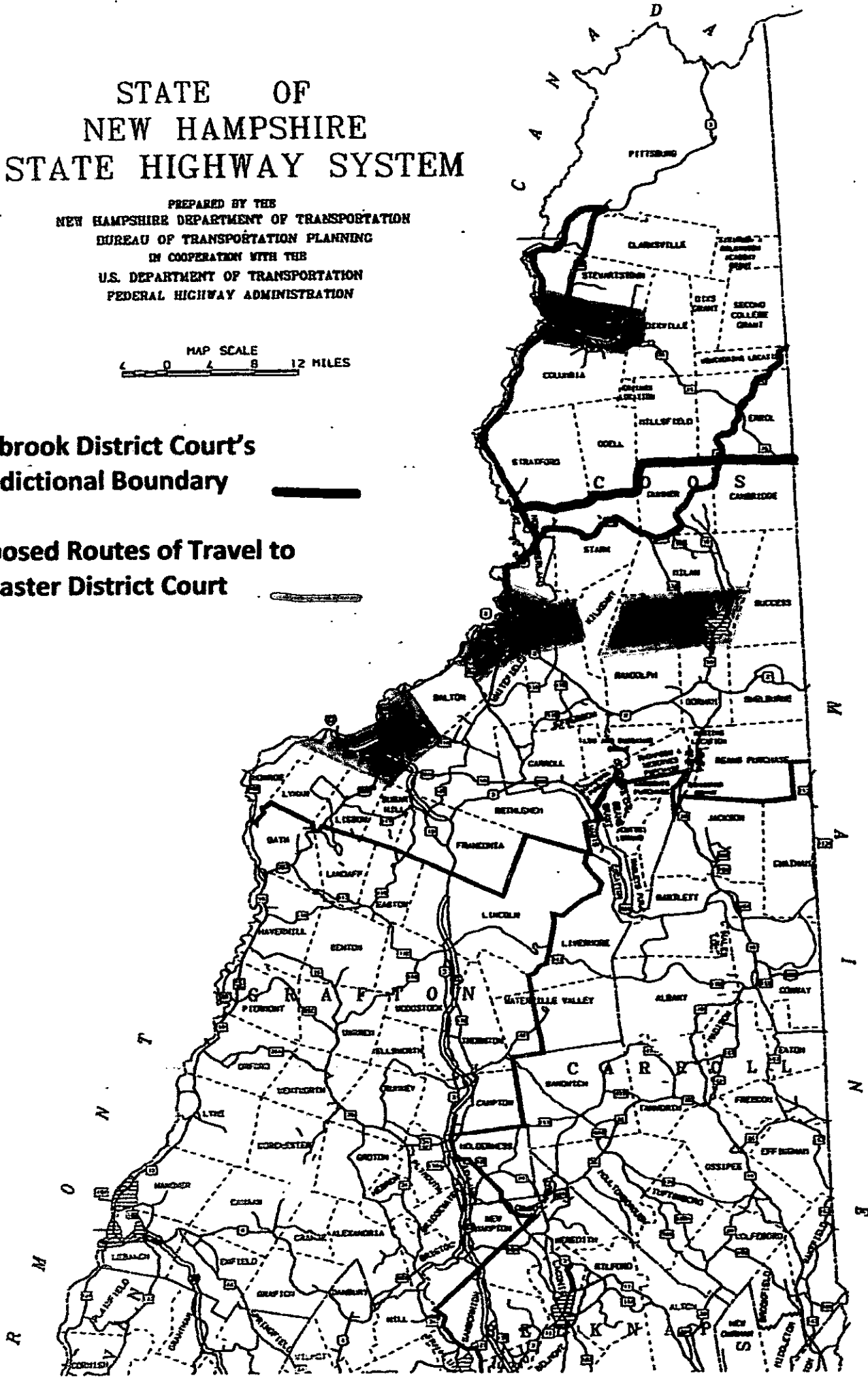
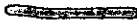
PREPARED BY THE
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

MAP SCALE
0 4 8 12 MILES

**Colebrook District Court's
Jurisdictional Boundary**



**Proposed Routes of Travel to
Lancaster District Court**



HOUSE FINANCE COMMITTEE
JANUARY 20, 2010

I am here today in favor of House Bill 1516, which would fund the Claremont, Colebrook, Keene and Milford District Courts for Fiscal Year 2011. Today I will confine my remarks to the Claremont District Court, with which I am most familiar, and let other supporters tout the importance of keeping open the three other district courts named in the bill.

In addition to serving as a state representative, I have three other part-time positions, including working as a substitute teacher and property manager. It's from my recent experiences in these two jobs that I have learned the value of keeping open the Claremont District Court. A few years ago while subbing at the Claremont Middle School, I chatted with the then principal about his various responsibilities. These responsibilities included going to the district court, sometimes with other school staff, to help students involved in Children In Need of Services, better known as CHINS cases. This principal complained to me about the amount of time taken away from dealing with students, parents, and other school staff by having to go to court for CHINS cases, including the five-minute drive to the court. Imagine the additional time, including extra travel time of at least 20 minutes, that Claremont Area school staff will have to devote to CHINS cases, if the Claremont Court is combined with the Newport District Court.

As a property manager, I have had to go to the Claremont Court in order to evict a tenant as well as then recover back rent from that tenant. I've always found the court staff to be professionals-polite and helpful even though they appeared to be understaffed at many of the times I've been in court.

Frankly, I appreciate the fact that I can presently walk to the district court from my home to deal with such landlord-tenant disputes. I believe that a lot of busy landlords and property managers like myself also appreciate either walking or driving a very short distance to court. Now while there are some bad tenants, there are also some bad landlords. Many of my constituent tenants either cannot drive, cannot afford a motor vehicle, have limited mass transportation options, or cannot take a lot of time off from work in order to appear in court for such disputes. Requiring these tenants to travel about 30 minutes to Newport to appear in court could pose a major inconvenience for many of them.

Aside from my personal employment experiences I also believe keeping open the Claremont Court is vital for the Claremont Police Department now served by the court as well as several other neighboring police departments. If Claremont and some other municipal police officers have to appear in the combined Newport District Court as part of their duties – they will have to spend more time away from their municipalities. Consequently, this situation will result in higher labor and travel costs for Claremont and the other municipalities. Such higher costs would likely mean higher local property taxes and/or cutbacks in other services – none of which these municipalities can afford right now.

In conclusion, I strongly urge this committee to approve House Bill 1516 for the sake of Claremont Area citizens and the citizens served by the three other district courts in the bill. Thank you.


State Representative John R. Cloutier

Town of Colebrook
17 Bridge Street
Colebrook, NH 03576
(603) 237-4142 voice
(603) 237-5069 fax
www.colebrook-nh.com

January 19, 2010

New Hampshire General Court
House of Representatives
Finance Committee
Concord, NH 03301

Dear Legislators and Senators:

I am Donna Caron, Town Manager for the Town of Colebrook. I am here to state why I consider closing the Colebrook District Court to be very detrimental to the entire North Country Citizens, Municipalities, law enforcement agencies and also the State of New Hampshire.

First, I want to thank Senator Bob Odell and Representative Peter Leishman for traveling to Colebrook to look at the court facility and listening to the general public speak of the hardships it is going to cost them if they are required to travel to Lancaster for court issues and proceedings. Mr. Leishman experienced a moose and a snow storm in his travels to the Great North Woods.

- It will emotionally and economically overwhelm the citizens north of Groveton to the Canadian border and east to Errol and the Maine border.
- Colebrook Police Department is located 37 miles, one way, above Lancaster.
- The Pittsburg PD is 18 miles north of Colebrook and the Pittsburg/Canadian Border is another 23 miles north of the PD for a total of 78 miles one way.
- Errol is 48 miles north of Lancaster and Wentworth Location is another 8 miles north of Errol. Millsfield, Errol and Wentworth Location citizens travel on Routes 26, 16, 110 and Route 3 to reach Lancaster. During the frost heave season, it will take the Wentworth Location citizens at least two hours one way to reach Lancaster. If

any of you have traveled Route 16 and parts of Route 26 during frost heave season, you know how atrocious the roads are.

- Town budgets do not allow for several officers to be on duty at the same time, therefore while officers are in Lancaster Court, word will spread quickly about the towns being unprotected. The towns will be ripe for increased drug sales and usage as well as thefts and vandalism while the officers are in Lancaster. The North Country Towns already have a prevalent prescription drug problem and do not need it to escalate.
- Colebrook has two pharmacies and two banks, which will be unprotected at least two days a week and there will be robberies. Camps, homes and vehicle break-ins are already a problem and they will escalate along with all other problems.
- Closing Colebrook Court hits the budget through mileage, vehicle maintenance, telephone calls, regular and overtime wages. All municipal budgets are suffering just like the State of Hampshire's budget. Currently officers come to court for 1 or 2 hrs. Traveling to Lancaster will require ½ day at least and maybe all day waiting for spread out cases – for example one in the morning and one in afternoon. This not only ties up the officers but the prosecutor, JPO, School Special Ed Coordinator and sometimes the teacher.
- All orders or warrants will require a special trip to Lancaster.
- Bail Commissioners – Will they travel to Lancaster with cash for each incident or will more people be bailed on personal recognizance only and be a menace to society?
- State Police cover from Twin Mountain north to the Canadian border, east to Errol and Berlin. If they are quite a distance away from a call for service, they request Colebrook to provide police backup coverage until they reach the incident. At least two days a week, Colebrook police will no longer be in town to do this. Does the state plan to increase their budget to hire more troopers to provide police protection to these towns?
- The State of New Hampshire is going to incur higher costs with probation officers and state troopers traveling from the Northern Areas of Coos County to Lancaster. Currently Colebrook provides an office, in its town building, for the troopers to work out of and to see their clients. Between court cases, the officers go back to the office to file paperwork.

- Please evaluate the humanitarian aspect of this proposed closing as well as the economics of it. Citizens have trouble finding transportation and child care to travel to Colebrook for half a day say nothing about the extra miles to Lancaster and extra hours to drive it. Per a court clerk - Last week one lady had a traffic violation with a must appear at court, she called the clerks crying and said she lived in Colebrook, had a must appear and no way to get to court. She did not know what to do. The clerks worked with her and the police and held off her hearing until she finally found a ride. Thank goodness she did not have to worry about finding a ride to Lancaster.
- Ethan Allen Manufacturing closed, laying off more than 400 employees since 1/1/09. This on top of Groveton Papers and Tillotson's recent closings has devastated the area.
- In these tough economic times domestics are rising. The people needing to be protected by the court system are going to continue being abused and unprotected because they do not have the means to travel to Lancaster for a restraining order. The abuse is going to escalate because the abusers will know their victims do not have a readily accessible court system. The children will suffer the effects of this abuse and grow up to be emotionally unstable or abusers themselves.
- So many of the social economic issues have a snowball effect. In the long run, it is going to cost not only the citizens of the North Country and the Municipalities but also the State of New Hampshire more money to close the Colebrook District Court than to keep it open.

Thank you for taking the time to listen to our concerns about the proposed court closing.

Respectfully,

Donna J. Caron
Colebrook Town Manager

School Administrative Unit No. 7

21 Academy Street • Colebrook, New Hampshire 03576
603 / 237-5571 • 603 / 237-4961 • Fax: 603 / 237-5126

CHERYL A. COVILL
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super7bm@ncia.net

BETH A. BISSONNETTE
Bookkeeper
super7bookeep@ncia.net

ROBERT C. MILLS
Superintendent of Schools
super7supt@ncia.net

PATRICIA E. GROVER
Administrative Secretary
super7@ncia.net

SUZANNE D. GRAY
Payroll/Personnel Clerk
super7pr@ncia.net

January 19, 2010

New Hampshire General Court
House of Representatives
Finance Committee
Concord, N H 03301

Dear Sirs and Madams:

I am Robert C. Mills, Superintendent of Schools for SAU #7, consisting of Clarksville, Colebrook, Columbia, Pittsburg, and Stewartstown. I apologize for not being able to speak to you in person on January 20th on the very important issue of the proposed closing of the Colebrook District Court.

The Colebrook District Court closing would have a serious financial impact on the school districts of SAU #7. The Special Education Coordinator for SAU #7, Theresa Lord, has already made 57 appearances in the Colebrook Court since the start of the school year. She represents the school districts of SAU #7 in cases in which juveniles have been charged, or in which the juvenile must have a periodic hearing in the court. Theresa can walk from the SAU office to the Colebrook Court. If she has more than one case in a day, she can return to the office between cases and do some other work. If she needs to go to Lancaster Court for these cases, it is a 36 mile drive or 72 miles round trip. That is at least one half of her work day by the time the case is heard. At the IRS mileage rate, each trip costs \$39.60. If those 57 court appearances were on separate days, that would have cost \$2,257.20 thus far and we are only half way through the school year. When you factor in her time to travel to Lancaster at a per diem rate of \$185.06, this would be a very expensive change for the school districts.

An additional concern is the problem created if school officials or parents needed to travel to Lancaster to file a CHINS (child in need of services) petition with the court. The process potentially requires at least eight court appearances. First is filing the petition; second is the first hearing, called the initial appearance; third is the adjudicatory hearing; and the fourth is the dispositional hearing. There are also quarterly reviews by the court, requiring four more appearances. This is a valuable process for both parents and school officials to get help for a child, but if the travel time to court is between 45 minutes and one hour, it may not be as readily used.

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The closing of the Colebrook Court is not in the best interest of the towns or school districts in this area. It will cost the school districts, towns, and individuals far more to travel to Lancaster than what the state would be saving. Shifting the costs down to the local level, while at the same time reducing services, is not sound economic planning.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Robert C. Mills". The signature is written in a cursive style with a large, prominent initial "R".

Robert C. Mills
Superintendent of Schools

RCM/peg

Clayman, Janet

From: Smith, Marjorie
Sent: Friday, January 22, 2010 2:13 PM
To: Clayman, Janet
Subject: FW: Milford District Court and Amherst Police Dept
Attachments: KMBT35020100122133501.pdf

From: Peter Lyon [mailto:plyon@amherstnh.gov]
Sent: Friday, January 22, 2010 1:57 PM
To: Smith, Marjorie
Subject: Milford District Court and Amherst Police Dept

Ms. Smith -

I am Peter Lyon, Chief of the Amherst Police Department. I have attached a letter written to you regarding the committee's consideration of court closures. I apologize that I was not in attendance early this week at the public hearing. I was unaware of the hearing until after the fact - yesterday. Had I been aware, I certainly would have been happy to attend and provide my thoughts and opinions, as expressed in the attached letter. Please feel free to share my letter with anyone that would be interested. This is an important issue to our towns and I hope that your committee will understand the adverse effects of making such a move.

Thank you,

Chief Peter Lyon

Amherst Police Department

603-673-4900

AMHERST POLICE DEPARTMENT

P.O. BOX 703

175 AMHERST STREET
603/673-4900

AMHERST, NEW HAMPSHIRE 03031
FAX 603/672-8477



PETER A. LYON
CHIEF OF POLICE

January 22, 2010

Ms. Marjorie Smith
Chairperson House Finance Committee
New Hampshire House of Representatives
Concord, NH

Dear Ms. Smith:

Because I was not present during this week's public hearing concerning the closure of certain courts, I would like to take a moment to express my thoughts. Over the recent months I, along with other area police chiefs have made our opposition to the relocation of the Milford District Court well known. Both in writing and orally, we have expressed concern that the possibility of moving the Milford District Court to Merrimack will have a profound impact on the service provided to our citizens and to the cost of our local taxpayers.

A few months ago, Representative Peter Leishman hosted a public meeting at the Milford town hall regarding this issue. Area police chiefs, victim advocates, juvenile probation officers, lawyers, selectmen and local representatives attended the meeting and many voiced their concern and displeasure with the state's plan to move the court, all in an effort to save a relatively small amount of money. What became abundantly clear is that any costs saved at the state level will be shifted down to the local entities by way of travel expenses and overtime costs.

While Amherst would not be impacted with travel costs nearly as much as other outlying towns, I anticipate the scheduling of court sessions in a court which would be much busier would be far less efficient, thereby increasing the amount of time required of police officers appearing as witnesses, and costing the town of Amherst alone, at least \$9,000. The state too would bear increased witness costs for these officers, as the state reimburses the town for a small portion of witness fees.

Because Merrimack District Court is not centrally located for any of the towns now served by the Milford District Court, the extra travel would be a real issue for many of these police departments. First, mileage reimbursement costs to the state for police witnesses would increase significantly as many of the towns involved are a distance from Merrimack. Second, towns such as Mont Vernon, Brookline, Wilton and Lyndeborough

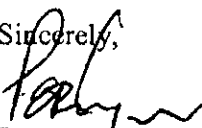
would be adversely impacted when an on-duty officer is called to Merrimack as a witness, leaving those towns either without any patrol coverage or coverage cut in half.

Currently, with the court in Milford, it is centrally located for the towns which fall within its jurisdiction, thereby making it convenient and cost efficient for all the towns served by the court. However, by moving the court to Merrimack, the court will be located a distance from all the towns (Amherst would actually be closest to the court), leading to the problems I have described above.

In addition, whatever minimal savings may take place for the state, after figuring in the extra witness fees and witness mileage costs to the state, and keeping in mind the increased costs for the localities, the move to Merrimack would have a profound effect upon the service provided to our residents. Many of the citizens that find themselves served by the court do not have access to ready transportation. Whether they are defendants in criminal and motor vehicle cases, victims of domestic violence seeking protective orders, litigants in landlord and tenant cases, or juveniles trying to make their way to their juvenile probation officer at the court, many of these people will find it very difficult to make the extra trek to Merrimack from Milford, Lyndeborough or Brookline.

I think it is obvious that the benefits designed to be provided by a *district* court system to our citizenry will no longer exist if the court is moved to a town located outside the jurisdiction of the Milford District Court. And, it is questionable what little savings will occur if this change takes place.

Thank you for your time and consideration of these issues as you undoubtedly wrestle with many difficult decisions.

Sincerely,

Peter A. Lyon
Chief of Police

Voting Sheets

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: February 04, 2010

LOB ROOM: 210-211

Amendments:

Sponsor: Rep. Finance OLS Document #: 2010 0470h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Leishman

Seconded by Rep. Bergin

Vote: 24-1/hands (Please attach record of roll call vote.)

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

Moved by Rep. Leishman

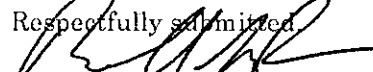
Seconded by Rep. Bergin

Vote: 24-1 (Please attach record of roll call vote.)

(REGULAR or CONSENT CALENDAR VOTE: (Please circle one.)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Robert A. Foose, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 1516-FN-A

BILL TITLE: making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

DATE: {Type DATE}

LOB ROOM: 210-211

Amendments:

Sponsor: Rep. *ober*

OLS Document #: *070-H*

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

*show. of hands
24-1*

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

Moved by Rep. *Leishman*

Seconded by Rep. *Bergin*

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.)

REGULAR or CONSENT CALENDAR VOTE: (Please circle one.)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Robert A. Foose, Clerk

FINANCE

Bill #: 1516-FN-A Title: _____

PH Date: 01/20/10

Exec Session Date: 02/04/2010

Motion: OTR/A

Amendment #: 0470-A

MEMBER	YEAS	NAYS
Smith, Marjorie K, Chairman	23	
Nordgren, Sharon, V Chairman <i>LeRondeau</i>	22	
Foster, Linda T	1	
Eaton, Daniel A	2	
Baroody, Benjamin C	3	
Benn, Bernard L	4	
Leishman, Peter R	5	
DeJoie, John	6	
Buco, Thomas L	7	
Foose, Robert A, Clerk	8	
Mitchell, Bonnie	9	
Keans, Sandra B		1
Casey, Kimberley S	10	
Harris, Sandra C	11	
Kurk, Neal M	12	
Scamman, W. Douglas	13	
Anderson, Eric	14	
Emerton, Larry A	15	
Rodeschin, Beverly T		
Wendelboe, Fran	16	
Ober, Lynne M	17	
Dokmo, Cynthia J	18	
Bergin, Peter F	19	
Belvin, William S	20	
Elliott, Robert J	21	
	23	1
TOTAL VOTE:		

Committee Report

REGULAR CALENDAR

February 4, 2010

HOUSE OF REPRESENTATIVES
REPORT OF COMMITTEE

The Committee on FINANCE to which was referred HB1516-FN-A,

AN ACT making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Peter R Leishman
FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	FINANCE
Bill Number:	HB1516-FN-A
Title:	making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.
Date:	February 4, 2010
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

The testimony presented to the committee was consistent and persuasive, that closing of these courts would cause serious problems and significantly increased cost for the towns and the citizens of those towns who would no longer have reasonable access to the state's courts. In two of the cases the local jurisdiction has agreed to absorb additional costs in order to keep the courts open this year.

Vote 23-1.

Rep. Peter R Leishman
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

FINANCE

HB1516-FN-A, making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011. OUGHT TO PASS WITH AMENDMENT.

Rep. Peter R Leishman for FINANCE. The testimony presented to the committee was consistent and persuasive, that closing of these courts would cause serious problems and significantly increased cost for the towns and the citizens of those towns who would no longer have reasonable access to the state's courts. In two of the cases the local jurisdiction has agreed to absorb additional costs in order to keep the courts open this year. Vote 23-1.

Original: House Clerk
Cc: Committee Bill File

HB 1516 DRAFT

otp w amendment

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Peter Leishman

OK

MKS

New Hampshire General Court - Bill Status System

Docket of HB1516

Docket Abbreviations

Bill Title: (New Title) relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

Official Docket of HB1516:

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Finance; HJ 6 , PG.243
1/5/2010	H	Public Hearing: 1/20/2010 2:00 PM LOB 210-211
1/5/2010	H	Full Committee Work Session: 1/26/2010 1:00 PM LOB 210-211
1/28/2010	H	Full Committee Work Session: 2/2/2010 10:00 PM LOB 210-211
1/28/2010	H	Executive Session: 2/4/2010 10:00 AM LOB 210-211
2/4/2010	H	Committee Report: Ought to Pass with AM #0470h (New Title) for Feb 10 RC (vote 23-1); HC 13 , PG.536
2/4/2010	H	Proposed Committee Amendment #0470h (New Title); HC 13 , PG.571-572
2/10/2010	H	Special Ordered to Beginning of Feb 17 Regular Calendar: MA Without Objection; HJ 16 , PG.783
2/17/2010	H	Amendment #0470h (New Title) Adopted, VV; HJ 18 , PG.983-984
2/17/2010	H	Ought to Pass with Amendment #0470h (New Title): MA VV; HJ 18 , PG.983-984
3/17/2010	S	Introduced and Referred to Finance, SJ 10 , Pg.172
3/25/2010	S	Hearing: April 1, 2010, Room 100, State House, 11:10 a.m.; SC13
4/6/2010	S	Committee Report: Ought to Pass with Amendment 1253s, 4/7/10; SC14A
4/7/2010	S	Without Objection, Chair moved to Special Order to the end of the Calendar; SJ 13 , Pg.275
4/7/2010	S	Committee Amendment 1253s, AA, VV; SJ 13 , Pg.281
4/7/2010	S	Ought to Pass with Amendment 1253s, MA, VV; OT3rdg; SJ 13 , Pg.281
4/7/2010	S	Passed by Third Reading Resolution; SJ 13 , Pg.283
4/14/2010	H	House Non Concurs with Senate AM #1253s, Request Comm of Conf (Rep M.Smith): MA VV; HJ 32 , PG.1587
4/14/2010	H	Speaker Appoints Reps Leishman, Anderson, L.Weber & Keans; HJ 32 , PG.1587
5/19/2010	S	Sen. D'Allesandro Accedes to House Request for Committee of Conference, MA, VV; SJ 20 , Pg.649
5/19/2010	S	President Appoints: Senators Kelly, Janeway and Odell; SJ 20 , Pg.649
5/20/2010	H	Conference Committee Meeting: 5/25/2010 10:00 AM LOB 212
5/25/2010	H	Conferee Change: Rep Baroody(CH) Replaces Rep Leishman; HJ 46 , PG.2246
5/27/2010	H	Conferee Change: Rep Davis Replaces Rep Anderson; HJ 46 , PG.2247
5/27/2010	S	Conference Committee Report 2231; Senate Amendment, Filed
6/2/2010	S	Conference Committee Report 2231; Adopted, VV; SJ 21 , Pg.689

6/2/2010	H	Conference Committee Report #2231 Adopted, VV; HJ 51 , PG.2316
6/2/2010	S	Enrolled; SJ 21 , Pg.778
6/2/2010	H	Enrolled; HJ 51 , PG.2322
7/2/2010	H	Signed by the Governor 07/01/2010; Effective 07/01/2010; Chapter 0235

NH House

NH Senate
