

Bill as Introduced

HB 1596-FN-LOCAL - AS INTRODUCED

2010 SESSION

10-2381
08/10

HOUSE BILL ***1596-FN-LOCAL***

AN ACT relative to the civil forfeiture of unlicensed dogs.

SPONSORS: Rep. Major, Rock 8

COMMITTEE: Municipal and County Government

ANALYSIS

This bill changes the time period during which dog owners who have failed to license their dogs shall be notified of the civil forfeiture of each unlicensed dog.

This bill also increases the cost of the service of the warrant.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the civil forfeiture of unlicensed dogs.

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

- 1 1 Civil Forfeiture; Warrants. Amend RSA 466:14 to read as follows:
2 466:14 Warrants; Proceedings. The town or city clerk shall annually, between [~~June 1 and June~~
3 ~~20~~] **May 15 and May 31**, present to the local governing body a list of those owners of dogs that have
4 failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body
5 shall, [~~within 20 days from June 20,~~] **by their next meeting and not later than June 10, sign**
6 **and** issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog.
7 The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The
8 civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog
9 owner. The cost of service shall not exceed [~~\$5~~] **\$10** and may be recovered by the city or town in
10 addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a
11 town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to
12 the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be
13 licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon
14 by the governing body of the town or city and the facility, for each day the dog has been kept and
15 maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit
16 of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall
17 be given to the dog owner.
18 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1596-FN-LOCAL - FISCAL NOTE

AN ACT relative to the civil forfeiture of unlicensed dogs.

FISCAL IMPACT:

The New Hampshire Municipal Association states this bill will increase local revenue by an indeterminable amount in FY 2010 and each year thereafter. There will be no fiscal impact on state and county revenue or on state, county, and local expenditures.

METHODOLOGY:

The New Hampshire Municipal Association states this bill changes the period each year in which town or city clerks shall present to the local governing body a list of those dog owners who have failed to license or to renew the licenses of their dogs. This window of time would change from between June 1 and June 20 to between May 15 and May 31. The Association also states this bill changes the period each year in which the local governing body shall issue warrants for the civil forfeiture of those unlicensed dogs and increases the recoverable cost of service for issuing such warrants from \$5 to \$10. The window of time to issue the warrants would change from within 20 days of June 20 to by the next meeting of the governing body and not later than June 10. The Association states these shortened time frames, given current resource levels, could impose some difficulty on local officials, but it estimates the bill would not increase costs for local governments. The Association also states the provision increasing the maximum recoverable cost will increase local revenue, but available data does not allow the Association to project the specific dollar amount of the increase.

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1596-FN-LOCAL

BILL TITLE: relative to the civil forfeiture of unlicensed dogs.

DATE: February 2, 2010

LOB ROOM: 301 **Time Public Hearing Called to Order:** 2:15 pm

Time Adjourned: 2:26 pm

(please circle if present)

Committee Members: Reps. Cooney, Gagnon, Osborne, L. Brown, Maliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins, Sterling and Cunningham

Bill Sponsors: Rep. Major, Rock 8

TESTIMONY

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

Rep. Major, sponsor, introduced the bill on behalf of the Town Clerk's Assoc.

Nancy Johnson, City and Town Clerk's Assoc.- Supports the bill. Registering dogs takes up a lot of Town Clerk's time and they asked to move the time they are due to give them a longer time to get the list of unlicensed dogs to whichever entity they need to report it to. The lists number into the hundreds in many towns. Dogs need to be licensed by April 30th. Also changing the fee from \$5 to \$10. Certified letter costs alone are \$5.10 now, so the \$5 does not even cover that cost.

Rep. Lauterborn: This reduces the grace period from 30 days to two weeks. Wouldn't the clerks have more work to do in less time? Ans.-I think those who don't register in time, most of them would do it within this timeframe or they just aren't going to register them at all.

Rep. Schuett: How many of the delinquent people are possibly in Florida? Ans.- I don't know.

Barbara Reid, NH Mun Assoc. Spoke to the bill, no position. Pointed out some possible problems with the shorter timeline.

Rep. Lauterborn: What about posting this as part of the selectmen's meeting? Ans.-Will ask, but doesn't it as a problem.

Respectfully submitted,

Rep Dianne E. Schuett

Rep. Dianne E. Schuett,
Cerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1596-FN-LOCAL

BILL TITLE: relative to the civil forfeiture of unlicensed dogs.

DATE: 2/2/2010

LOB ROOM: 301 **Time Public Hearing Called to Order:** 2:15 pm

Time Adjourned: 2:26 pm

(please circle if present)

Committee Members: Reps. Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins and Sterling.

Bill Sponsors: Rep. Major, Rock 8

TESTIMONY

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Hearing, minutes on
HB 1596 Feb. 2, 2010

Hearing opened at 2:15 p.m.

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Town Clerk's Assoc.

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Pointed out some possible problems with the shorter timeline.

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selectmen's meeting. Ans.-Will ask, but doesn't it as a problem.

Hearing closed at 2:26 p.m.

Respectfully submitted,

Rep. Dianne E. Schuett,
clerk

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1596-FN-LOCAL

BILL TITLE: relative to the civil forfeiture of unlicensed dogs.

DATE: February 4, 2010

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Lauterborn

Seconded by Rep. Patten

Vote: 18-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: Yes-vv

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

Rep. Dianne E. Schuett

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1596-FN-LOCAL

BILL TITLE: relative to the civil forfeiture of unlicensed dogs.

DATE: 2/4/2010

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:
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Sponsor: Rep. OLS Document #:

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

Moved by Rep. *Lauterborn*

Seconded by Rep. *Hatten*

Vote: 18-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE:

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

YB

Statement of Intent: Refer to Committee Report *Carlson/Lewis*

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: ^{HB} 1596 Title: unlicensed dogs

PH Date: 2 12 1 10

Exec Session Date: 2 14 2010

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	18	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R	6	
Carlson, Nancy L	7	
Lauterborn, Elaine M	8	
Lewis, Robert D	9	
Schuett, Dianne E, Clerk	10	
Patten, Betsey L	11	
Boyce, Laurie J	12	
Soucy, Connie M	13	
Sullivan, James M	14	
Crisler, Margaret M	15	
Ferrante, Beverly A <i>absent</i>		
Perkins, Amy Stasia	16	
Sterling, Franklin W <i>absent</i>	7	
Cunningham, Steven L	17	
TOTAL VOTE:	18	0

Committee Report

CONSENT CALENDAR

February 9, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred HB1596-FN-L, AN ACT relative to the civil forfeiture of unlicensed dogs. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Elaine M Lauterborn

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB1596-FN-L
Title:	relative to the civil forfeiture of unlicensed dogs.
Date:	February 9, 2010
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The intent of this bill was to move up by two weeks the date when the list of dog owners who failed to license is prepared, and to move up the date when the dog warrant is authorized by the local governing body. The bill would also double the cost of service that could be recovered by the city or town. Cities typically register hundreds of dogs during those last two weeks of May. This change would likely result in many disgruntled dog owners and a more lengthy dog warrant for officials to deal with.

Vote 18-0.

Rep. Elaine M Lauterborn
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB1596-FN-L, relative to the civil forfeiture of unlicensed dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine M Lauterborn for MUNICIPAL AND COUNTY GOVERNMENT. The intent of this bill was to move up by two weeks the date when the list of dog owners who failed to license is prepared, and to move up the date when the dog warrant is authorized by the local governing body. The bill would also double the cost of service that could be recovered by the city or town. Cities typically register hundreds of dogs during those last two weeks of May. This change would likely result in many disgruntled dog owners and a more lengthy dog warrant for officials to deal with. **Vote 18-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: HB 1596

TITLE: re civil forfeiture of unlicensed dogs

DATE: 2/4/2010 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

The intent of this bill was to move up by ^{two} weeks the date when the list of dog owners who failed to license is prepared, and to move up the date when the dog warrant is authorized by the local governing body. The bill would also double the cost of service that could be recovered by the city or town. Cities ^{typically} register hundreds of dogs during those last two weeks of May. This change would likely result in many disgruntled dog owners and a more lengthy dog warrant for officials to deal with.

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

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

Rep.

Elsaine Lauterborn
For the Committee

~~Elsaine~~ Lauterborn