

Bill as Introduced

SB 329 - AS AMENDED BY THE SENATE

03/24/10 1050s

2010 SESSION

10-2855
10/05

SENATE BILL **329**

AN ACT relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.

SPONSORS: Sen. Reynolds, Dist 2

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill transfers the approvals of and procedures for bonds of county officers from the superior court to the county commissioners. The bill also allows for a constitutional question on the ballot to include a summary of changes when the changes are solely to utilize gender neutral terms.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 bonds of county officers, and relative to the form of constitutional questions on the ballot.

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

1 1 Bonds of County Officers; Approvals. Amend RSA 27:3 to read as follows:

2 27:3 Approval.

3 I. The bonds of the sheriffs shall be approved by the [~~presiding justice of the superior court~~
4 ~~for the county~~] **county commissioners**.

5 II. County treasurers, county tax collectors appointed pursuant to RSA 81:1, II, registers of
6 deeds and their deputies shall be bonded by position under a blanket bond from a surety company
7 authorized to do business in this state. The bond shall indemnify against losses through the failure
8 of the officers covered to faithfully perform their duties or to account properly for all moneys or
9 property received by virtue of their positions; or against losses through fraudulent or dishonest acts
10 committed by the covered officers. A blanket bond may exclude the county treasurer if a separate
11 fidelity bond for the faithful performance of his *or her* duties is furnished by the surety writing the
12 blanket bond. Premiums shall be paid by the county. The required bonds shall provide for at least a
13 2-year discovery period from the date their coverage terminates. The commissioner of revenue
14 administration shall adopt rules under RSA 541-A concerning the amount and form of the surety
15 bonds required under this section.

16 III. The bonds of all other county officers shall be approved by the county commissioners.

17 IV. All bonds shall be deposited in the office of the [~~clerk of court for the~~] county
18 **commissioners**.

19 2 Forms. Amend RSA 27:9 to read as follows:

20 27:9 Forms. Printed forms of the bonds required by RSA 27:1 shall be provided by the [~~clerks of~~
21 ~~the superior court~~] **county commissioners** at the expense of the county.

22 3 Bonds; Reference to Court Changed. Amend RSA 27:12 to read as follows:

23 27:12 Evidence. The [~~clerk of court~~] **county commissioners** shall deliver to any person
24 applying and paying therefor an attested copy of such bond, which shall be evidence thereof in such
25 suit. If the execution of the bond is denied the court may order the original to be brought into court.

26 4 Repeal. RSA 27:6 through RSA 27:8, relative to court approval of the sheriff's bond, are
27 repealed.

28 5 Constitutional Amendments; Form of Ballot; Question. Amend RSA 663:3 to read as follows:

29 663:3 Form of Ballot. The following words shall be printed above the constitutional amendment

1 questions on all ballots containing such questions: "Questions Relating to Constitutional
2 Amendments Proposed by the Convention to Revise the Constitution." A constitutional question
3 shall include, in the text of the question, the text of the article of the constitution as it is proposed to
4 be amended, ~~and the~~ ***except where the proposed changes are solely to utilize gender neutral***
5 ***terms. In such case, the constitutional question shall include a summary of the proposed***
6 ***gender neutral changes. The constitutional question shall also include the*** results of the
7 vote taken on ordering the proposed amendment to third reading in both the senate and the house of
8 representatives or at the constitutional convention, whichever is appropriate.

9 6 Effective Date.

10 I. Sections 1-4 of this act shall take effect 60 days after its passage.

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

Amendments

Rep. Rowe, Hills. 6
April 19, 2010
2010-1450h
10/04

Amendment to SB 329

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

2

3 AN ACT relative to the bonds of county officers.

4

5 Amend the bill by replacing all after section 4 with the following:

6

7 5 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 329
- Page 2 -

2010-1450h

AMENDED ANALYSIS

This bill transfers the approvals of and procedures for bonds of county officers from the superior court to the county commissioners.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 329

BILL TITLE: (New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.

DATE: April 6, 2010

LOB ROOM: 208 **Time Public Hearing Called to Order:** 10:30 am

Time Adjourned: 10:40 am

(please circle if present)

Committee Members: Reps. D. Cote, Walt, Potter, Hackel, P. Preston, G. Richardson, L. Weber, Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith and Mead.

Bill Sponsors: Sen. Reynolds, Dist 2

TESTIMONY

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

Sen. Bette Lasky for Sen. Deb Reynolds – sponsor

Allows CACR 32 to be submitted to the voters without printing entire Constitution (a huge savings).

Howard Zibel, General Counsel to the Judicial Branch & Supreme Court – supports

Sections 1-4 were requested by the Judicial Branch as a housekeeping bill and used by the Senate to add Section 5 to reduce the cost of adopting CACR 32 by the voters. Purpose of the bill relates to the bonds of Sheriffs which originally were approved by the presiding justice of the Superior Court, with the bonds of all county officers filed in the office of the clerk. This is an anachronism from the time when the county courts were county institutions (until 12/31/1983). The County Commissioners now have that responsibility.

Respectfully submitted,



Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 329

BILL TITLE: (New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.

DATE: April 6, 2010

LOB ROOM: 208

Time Public Hearing Called to Order:

Time Adjourned:

(please circle if present)

Committee Members: Reps. O. Cote, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith and Mead mead

Bill Sponsors: Sen. Reynolds, Dist 2

TESTIMONY

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

FROM: Rep. Philip Preston, Clerk

DATE: Public hearing April 6, 2010

SUBJECT: Meeting minutes on SB 329, (New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.

Sen. Bette Lasky for Sen. Deb Reynolds - sponsor
Allows CACR 32 to be submitted to the voters without printing entire Constitution (a huge savings).

Howard Zibel, General Counsel to the Judicial Branch & Supreme Court - supports Sections 1-4 were requested by the Judicial Branch as a housekeeping bill and used by the Senate to add Section 5 to reduce the cost of adopting CACR 32 by the voters. Purpose of the bill relates to the bonds of Sheriffs which originally were approved by the presiding justice of the Superior Court, with the bonds of all county officers filed in the office of the clerk. This is an anachronism from the time when the county courts were county institutions (until 12/31/1983). The County Commissioners now have that responsibility.

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 329

BILL TITLE: (New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.

DATE: April 20, 2010

LOB ROOM: 208

Amendments:

Sponsor: Rep. Rowe	OLS Document #:	2010	1450h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

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

Moved by Rep. O'Brien

Seconded by Rep. Nixon

Vote: 9-8 (Please attach record of roll call vote.)

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

Moved by Rep. Weber

Seconded by Rep. Preston

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

CONSENT CALENDAR VOTE: 18-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 329

BILL TITLE: (New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.

DATE: April 20, 2010

LOB ROOM: 208

Amendments:

Sponsor: Rep. O'Brien / Nixon OLS Document #: 1450h 94/8N

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Weber

Seconded by Rep. Preston

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

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

Phil Preston

JUDICIARY

Bill #: SB 329 Title: _____

PH Date: _____ / _____ / _____ Exec Session Date: 4 / 20 / 10

Motion: Amend SB 329 Amendment #: 2010 1450h

MEMBER	YEAS	NAYS
Cote, David E, Chairman		N
Wall, Janet G, V Chairman		N
Potter, Frances D		N
Hackel, Paul L	-	
Preston, Philip, Clerk		N
Richardson, Gary B		N
Weber, Lucy M		N
Browne, Brendon S		N
Nixon, David L	Y	✓
Thompson, Robert B		X
Watrous, Rick H	Y	
Rowe, Robert H	Y	
Elliott, Nancy J	Y	
DiFruscia, Anthony R	-	
Mead, Robert D	Y	
O'Brien, William L	Y	
Hagan, Joseph M	Y	
Perkins, Lawrence B	-	
Silva, Peter L	Y	
Smith, William B	Y	

TOTAL VOTE:

Printed: 12/18/2009

9Y

8N

JUDICIARY

Bill #: SB 329 Title: _____

PH Date: ____/____/____

Exec Session Date: 4/20/10

Motion: OTP/A

Amendment #: 14506

MEMBER	YEAS	NAYS
Cote, David E, Chairman	Y	
Wall, Janet G, V Chairman	Y	
Potter, Frances D	Y	
Hackel, Paul L	Y	
Preston, Philip, Clerk	Y	
Richardson, Gary B	Y	
Weber, Lucy M	Y	
Browne, Brendon S	Y	
Nixon, David L	Y	
Thompson, Robert B	Y	
Watrous, Rick H	Y	
Rowe, Robert H	Y	
Elliott, Nancy J	X	
DiFruscia, Anthony R		
Mead, Robert D	Y	
O'Brien, William L	Y	
Hagan, Joseph M	Y	
Perkins, Lawrence B		
Silva, Peter L	Y	
Smith, William B	Y	

TOTAL VOTE: 18Y ~~18N~~

Committee Report

CONSENT CALENDAR

April 29, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred SB329,
AN ACT (New Title) relative to the bonds of county officers,
and relative to the form of constitutional questions on the
ballot. Having considered the same, report the same with the
following amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.

Rep. Lucy M. Weber

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	SB 329
Title:	(New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.
Date:	April 29, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

Performance bonds of sheriffs are currently approved by the presiding judge of the superior court for the county. As amended, the bill transfers the responsibility for approval of the sheriff's bonds to the county commissioners, as the superior courts are no longer county institutions. The amendment also removed an unrelated portion of the bill which would have allowed constitutional amendments solely to change the terms of the Constitution to gender neutral terms to be presented to the voters in summarized form, rather than in full.

Vote 18-0.

Rep. Lucy M. Weber
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

SB 329, (New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for JUDICIARY. Performance bonds of sheriffs are currently approved by the presiding judge of the superior court for the county. As amended, the bill transfers the responsibility for approval of the sheriff's bonds to the county commissioners, as the superior courts are no longer county institutions. The amendment also removed an unrelated portion of the bill which would have allowed constitutional amendments solely to change the terms of the Constitution to gender neutral turns to be presented to the voters in summarized form, rather than in full. **Vote 18-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: SB 329

TITLE: relative to the bonds of county officers

DATE: 20 Apr 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. <u>1450</u>

STATEMENT OF INTENT:

This bill, as amended, provides that the bonds of sheriffs shall be approved by the county commissioners rather than

Performance bonds of ~~county~~ sheriffs are currently approved by the presiding judge of the superior court for the county. As amended, the bill transfers the responsibility for approval of the sheriff's bonds to the county commissioners, as ~~elect~~ ^{the superior courts are no longer} representatives of the ~~people~~. The amendment also removed an unrelated portion of the bill which would have allowed constitutional amendments solely to change the terms of the Constitution to gender neutral terms to be presented to the voters in summarized form, rather than in full.

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

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

Rep. Lucy Weber
For the Committee

OK-SD

Rep. Lucy M. Weber

SB 329, (New Title) relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.

Performance bonds of sheriffs are currently approved by the presiding judge of the superior court for the county. As amended, the bill transfers the responsibility for approval of the sheriff's bonds to the county commissioners, as the superior courts are no longer county institutions. The amendment also removed an unrelated portion of the bill which would have allowed constitutional amendments solely to change the terms of the Constitution to gender neutral turns to be presented to the voters in summarized form, rather than in full.

OK - [Signature]