

Bill as Introduced

SB 329 - AS INTRODUCED

2010 SESSION

10-2855
10/05

SENATE BILL **329**

AN ACT relative to the bonds of county officers.

SPONSORS: Sen. Reynolds, Dist 2

COMMITTEE: Judiciary

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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.

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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.

SB 329 - FINAL VERSION

03/24/10 1050s
05May2010... 1450h

2010 SESSION

10-2855
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Amendments

Sen. Sgambati, Dist. 4
March 16, 2010
2010-1001s
10/05

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, and relative to the form of constitutional
4 questions on the ballot.

5

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

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2010-1001s

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2010-1050s

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Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

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

Date: January 6, 2010

HEARINGS

Tuesday

1/12/2010

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

2:00 PM SB330

relative to the court accreditation commission and the interbranch criminal and juvenile justice council.

2:25 ~~2:15~~ PM SB329

relative to the bonds of county officers.

2:30 PM SB346-FN-L

relative to sheriffs' fees for service of civil process.

2:45 PM SB356-FN

relative to civil actions in the trial courts.

3:00 PM SB363

requiring the suspension of boating privileges for refusing a blood alcohol test.

Sponsors:

SB330

Sen. Deborah Reynolds

SB329

✓ Sen. Deborah Reynolds

SB346-FN-L

Sen. Bob Odell

Rep. Beverly Rodeschin

SB356-FN

Sen. Deborah Reynolds

SB363

Sen. Robert Letourneau

Sen. Peggy Gilmour

Sen. Sharon Carson

Sen. Jeb Bradley

Rep. Robert Williams

Rep. Stephen Nedeau

Rep. Sherman Packard

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **SB 329** – *AN ACT relative to the bonds of county officers.*

HEARING DATE: January 12, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Lasky, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Senator Reynolds

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

Who supports the bill: Senator Reynolds; Attorney Howard Zibel, Legal Counsel for the Judicial Branch; Attorney Betsy Miller, Executive Director of the NH Association of Counties

Who opposes the bill: No one

Summary of testimony received:

- Senator Reynolds introduced the legislation and explained that this was a request of the Judicial Branch. She explained that instead of the Courts making approval of county sheriff bonds, that this function be provided by the county commissioners.
- Attorney Zibel explained that this legislation is purely housekeeping and that the Chief Justice is in support. By way of background, he explained that the superior courts used to be a function of each of the counties, and when this was the case, it made sense for them to approve bonds. Since the superior courts haven't been part of the county system in 26 years, this doesn't make sense any longer.
- Senator Reynolds inquired whether anyone had been in touch with the county commissioners. Attorney Zibel responded that he assumes that they are okay with this proposed change.

- Attorney Miller testified that she had sent this legislation out to each of the county commissioners and received a few comments in support, and none in opposition.

Fiscal Impact: Not applicable

Future Action: The Committee took the bill under advisement.

sfd

[file: SB 329]

Date: January 12, 2010

Date: January 12, 2010
Time: 2:25 p.m.
Room: State House Room 103

RSB

The Senate Committee on Judiciary held a hearing on the following:

SB 329 relative to the bonds of county officers.

Members of Committee present: Senator Reynolds
Senator Lasky
Senator Houde
Senator Roberge
Senator Letourneau

The Chair, Senator Bette R. Lasky, opened the hearing on SB 329 and invited the prime sponsor, Senator Reynolds, to introduce the legislation.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Senator Lasky. For the record, my name is Deb Reynolds and I have the honor and privilege of serving as the New Hampshire State Senator for Senate District 2.

This is a bill that was requested to be filed by the Judicial Branch. What the bill does is it indicates that, in lieu of the approval of bonds of the sheriff by the presiding justice of the superior court, that it be done for the county, by the county commissioner. There is a couple of other tweaks of language in this, but that is the primary purpose of this underlying legislation.

Again, Mr. Zibel is here and will probably like to speak for a few minutes regarding the bill and I would ask to defer questions to Mr. Zibel. Thank you very much.

Senator Bette R. Lasky, D. 13: I'm sorry. I will call Mr. Zibel.

Howard Zibel, Esquire: Thank you, Madam Chair. Again, Howard Zibel, General Counsel to the Supreme Court and the Judicial Branch. Again, thank you to Senate Reynolds for sponsoring the bill and I will try to catch you up to be on time for your 2:30 hearing.

RMB

This is a pure housekeeping measure. And, if you will remember last year, we had one of those and Ray Taylor, the Clerk of the Rockingham County Superior Court, came and testified. Ray Taylor is the one with the eagle eyes for these issues. This was also his suggestion, but he couldn't come here to testify and this went through the courts' process for sponsoring bills and the Chief Justice of the Superior Court agrees with this bill. It is pure housekeeping.

At a time when the Superior Court was a county institution, the Superior Court judges were in charge of the sheriff's bond and, as you can see in the statutes, which date back many years, while the Superior Court hasn't been a county institution now for twenty-five, actually twenty-six years as of January 1st when all courts were unified under state run. So, it really makes no sense to have the Superior Court judges in charges of sheriffs' bonds and the appropriate place is the County Commissioner.

My kudos to Legislative Services because I did submit a draft of this bill to Senator Reynolds, actually through Senator Reynolds to Legislative Services and they found some other ones that my eyes didn't find that needed to be changed. They improved on my draft and that is the whole purpose, is to reflect 2010 reality.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Mr. Zibel. I had a quick question. I think it is pretty clear that this is a housekeeping measure, but has anybody had any conversation with the county commissioners about this? Do they know about it? Are they in agreement?

Attorney Zibel: I assume they have their people who look at the bills and, if they are not here opposed, I would assume they are in agreement.

Senator Deborah R. Reynolds, D. 2: Okay. I say that because I probably would want to ask our county commissioners about that. I see somebody getting up. You have to sign up if you want to speak; I can't just call upon you from the audience. If you would like to sign up, we would be happy to have you...

Attorney Betsy Miller: the county commissioners don't have any problem with it.

Senator Deborah R. Reynolds, D. 2: Okay. Why don't we, just for purposes because we do have a record, and before we come to you, I just want to ask if anybody else on the Committee has any questions of Mr. Zibel. If not, thank you very much.

Attorney Zibel: Thank you.

Senator Deborah R. Reynolds, D. 2: And, if you could sign in for us so that we can get your name on the record. If you would tell us your full name and who you represent.

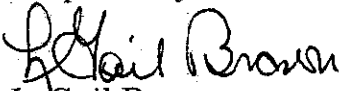
Attorney Miller: Madam Chair, members of the Committee, I'm Betsy Miller and I am the Executive Director of the Association of Counties. I did, as part of our legislative committee and function relative to legislation, send this out to all the county commissioners and our legislative committee and heard nothing negative back. So, when I hear nothing, I do nothing and I assume there is no opposition. I did hear some positive things that it was okay with them.

Senator Deborah R. Reynolds, D. 2: Thank you very much. And, before you leave, does anybody have any questions of Ms. Miller? Seeing none, thank you for signing in. We appreciate that input.

Is there anybody else who is here who would like to give testimony relative to SB 329? Okay. Seeing none. Any other questions? If not, I am going to close the hearing. Thank you very much.

Hearing concluded at 2:30 p.m.

Respectfully submitted,



L. Gail Brown

Senate Secretarial Supervisor

1/20/10

Speakers

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # SB 329

Hearing date: 4/19/10

Executive session date: 3/16/10

Motion of: amendment

VOTE: 4-0

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Motion of: OTP/A

VOTE: 4-0

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Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
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 Letourneau
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: 1001 Sen. Spambati

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 16, 2010

THE COMMITTEE ON Judiciary
to which was referred Senate Bill 329

AN ACT relative to the bonds of county officers.

Having considered the same, the committee recommends that the Bill:
OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1050s

Senator Sheila Roberge
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of SB329

Docket Abbreviations

Bill Title: (New Title) relative to the bonds of county officers.*Official Docket of SB329:*

Date	Body	Description
01/06/2010	S	Introduced 1/6/2010 and Referred to Judiciary Committee; SJ 1 , Pg.5
01/07/2010	S	Hearing: January 12, 2009, Room 103, State House, 2:15 p.m.; SC2
03/17/2010	S	Committee Report: Ought to Pass with Amendment 1050s, NT, 3/24/10; SC12
03/24/2010	S	Committee Amendment 1050s, NT, AA, VV; SJ 11 , Pg.254
03/24/2010	S	Ought to Pass with Amendment 1050s, NT, MA, VV; OT3rdg; SJ 11 , Pg.254
03/24/2010	S	Passed by Third Reading Resolution; SJ 11 , Pg.255
03/24/2010	H	Introduced and Referred to Judiciary; HJ 30 , PG.1520
03/31/2010	H	Public Hearing: 4/6/2010 10:30 AM LOB 208
04/13/2010	H	Executive Session: 4/20/2010 10:00 AM LOB 208
04/29/2010	H	Committee Report: Ought to Pass with Amendment #1450h (NT) for May 5 (Vote 18-0; CC); HC 34 , PG.1624
04/29/2010	H	Proposed Committee Amendment #1450h (New Title); HC 34 , PG.1642
05/05/2010	H	Amendment #1450h (New Title) Adopted, VV; HJ 38 , PG.1893
05/05/2010	H	Ought to Pass with Amendment #1450h (NT): MA VV; HJ 38 , PG.1893
05/19/2010	S	Sen. Reynolds Concurs with House Amendment 1450h, NT, MA, VV
06/02/2010	H	Enrolled
06/02/2010	S	Enrolled

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB329 ORIGINAL REFERRAL

_____ RE-REFERRAL

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

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1050 _____ - AMENDMENT # _____
 - AMENDMENT # 1001 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

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

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 7/10/10

Deirdre Brown
COMMITTEE SECRETARY