

LEGISLATIVE COMMITTEE MINUTES

# **HB641**

# Bill as Introduced

HB 641-FN - AS INTRODUCED

2015 SESSION

15-0454

05/03

HOUSE BILL            **641-FN**

AN ACT                relative to certain causes of action by inhabitants of this state.

SPONSORS:            Rep. Marple, Merr 24; Rep. L. Christiansen, Hills 37

COMMITTEE:          Judiciary

---

ANALYSIS

This bill provides a cause of action against public officials and employees who have failed to perform their official duties or otherwise committed fraudulent or dishonest acts.

-----

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to certain causes of action by inhabitants of this state.

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

1       1 Officials and Employees Bonds; When Required; Cause of Action. Amend RSA 93-B:1 to read  
2 as follows:

3       93-B:1 When Required.

4           I. Officials and employees of all departments and agencies of the state shall be bonded by  
5 means of a blanket undertaking or undertakings from any duly authorized corporate surety, such  
6 blanket undertaking or undertakings to indemnify against losses through one or both of the following  
7 conditions:

8           [~~I.~~] (a) Through the failure of the officers, clerks, and employees covered thereunder  
9 faithfully to perform their duties or to account properly for all moneys or property received by virtue  
10 of their positions or employment, or

11           [~~II.~~] (b) Through fraudulent or dishonest acts committed by the officers, clerks, and  
12 employees covered thereunder.

13           ***II. The inhabitants of this state shall not be discriminated against when seeking***  
14 ***damages against the state and shall have access to the bond covering the public servant or***  
15 ***employee who has engaged in conduct described in subparagraphs I(a) or (b).***

16       2 Effective Date. This act shall take effect January 1, 2016.

LBAO  
15-0454  
01/26/15

**HB 641-FN - FISCAL NOTE**

AN ACT            relative to certain causes of action by inhabitants of this state.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Justice and the Judicial Branch, who were contacted on 01/10/15. When completed, the fiscal note will be forwarded to the House Clerk's Office.

# Speakers



# Hearing Minutes



HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 641-FN

**BILL TITLE:** relative to certain causes of action by inhabitants of this state.

**DATE:** February 12, 2015

**LOB ROOM:** 208      **Time Public Hearing Called to Order:** 1:32 pm

**Time Adjourned:** 1:35 pm

(please circle if present)

**Committee Members:** Reps. Rowe, Hagan, Hopper, Sylvia, Takesian, Parsons, Palmer, Estevez, Hull, McLean, Rouillard, Wuelper, Wall, Horrigan, Berch, Heffron, Phillips, Woodbury, Wheeler and Kenison.

**Bill Sponsors:** Rep. Marple, Merr 24; Rep. L. Christiansen, Hills 37

TESTIMONY

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

**Rrep. Paul Berch**, introduced the bill to the committee as prime sponsor was not present.

No one appeared for the hearing.

Respectfully submitted,



Rep. Janet G. Wall, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 641-FN

BILL TITLE: relative to certain causes of action by inhabitants of this state.

DATE: 2-12-15

LOB ROOM: 208

Time Public Hearing Called to Order: 1:32 pm.

Time Adjourned: 1:33 pm.

(please circle if present)

Committee Members: Reps. ~~Rowe, Hagan, Hopper, Sylvia, Takesian, Parsons, Palmer, Estevez, Hull, McLean, Rouillard, Wuelper, Wall, Corrigan, Berch, Heddon, Phillips, Woodbury, Wheeler~~ and Kemison

Bill Sponsors: Rep. Marple, Merr 24; Rep. L. Christiansen, Hills 37

TESTIMONY

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

No one appeared for the hearing.  
Bill introduced by Rep. Paul Beck introduced

# Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 641-FN

**BILL TITLE:** relative to certain causes of action by inhabitants of this state.

**DATE:** February 19, 2015

**LOB ROOM:** 208

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Takesian

Seconded by Rep. Berch

Vote: 11-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: YES NO

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,



Rep. Janet G. Wall, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 641-FN

BILL TITLE: relative to certain causes of action by inhabitants of this state.

DATE: 2/19/15

LOB ROOM: 208

Amendments:

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

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

Moved by Rep. *Takesian*

Seconded by Rep. *Borch*

Vote: 11-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
*Janet G. Wall*  
Rep. Janet G. Wall, Clerk



2015 SESSION

JUDICIARY

Bill #: 641 Title: relative to certain causes of action by inhabitants of the state  
PH Date: 2/12/15 Exec Session Date: 2/19/15  
Motion: ITC Amendment #: —

MEMBER	YEAS	NAYS
Rowe, Robert H., Chairman	11	
Hagan, Joseph M., V Chairman	absent	
Hopper, Gary S	absent	
Sylvia, Michael J.	1	
Takesian, Charlene F.	2	
Parsons, Robbie L.	absent	
Palmer, Barry J.	absent	
Estevez, Eric P.	absent	
Hull, Robert	absent	
McLean, Mark	absent	
Rouillard, Claire A.	3	
Wuelper, Kurt F.	absent	
Wall, Janet G., Clerk	4	
Horrigan, Timothy O.	absent	
Berch, Paul S.	5	
Heffron, Frank H.	6	
Phillips, Larry R.	7	
Woodbury, David	8	
Wheeler, Deborah H.	9	
Kenison, Linda B.	10	
<b>TOTAL VOTE:</b>	11	0

11-0 (consent)

# Committee Report

**CONSENT CALENDAR**

**February 25, 2015**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on JUDICIARY to which was referred**

**HB 641-FN,**

**AN ACT relative to certain causes of action by**

**inhabitants of this state. Having considered the same,**

**report the same with the following Resolution:**

**RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Charlene F. Takesian<sup>#</sup>**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB641-FN
Title:	relative to certain causes of action by inhabitants of this state.
Date:	February 25, 2015
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

Neither sponsor of the bill came to present information with regards to what the purpose of this bill is. Based on the wording of the bill it wasn't clear what the sponsor's intent was. With no information available and no one to testify on either side, the Committee voted to Inexpedient to legislate this bill.

Vote 11-0.

Rep. Charlene F. Takesian  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### JUDICIARY

**HB641-FN**, relative to certain causes of action by inhabitants of this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlene F. Takesian for JUDICIARY. Neither sponsor of the bill came to present information with regards to what the purpose of this bill is. Based on the wording of the bill it wasn't clear what the sponsor's intent was. With no information available and no one to testify on either side, the Committee voted to Inexpedient to legislate this bill. **Vote 11-0.**

COMMITTEE REPORT

cc

COMMITTEE: Judiciary

BILL NUMBER: 641

TITLE: Relative to certain causes of action by inhabitants of this state

DATE: 2-19-15 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
------------------------

STATEMENT OF INTENT:

NEITHER SPONSOR OF THE BILL CAME TO PRESENT INFORMATION WITH REGARDS TO WHAT THE PURPOSE OF THIS BILL IS. BASED ON THE WORDING OF THE BILL IT WASN'T CLEAR WHAT THE SPONSORS INTENT WAS. WITH NO INFORMATION AVAILABLE AND NO ONE TO TESTIFY ON EITHER SIDE THE COMMITTEE VOTED TO ILL THE BILL

COMMITTEE VOTE: 11-0

RESPECTFULLY SUBMITTED,

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

Rep. Charlene Stahn  
For the Committee



HB 641, relative to certain causes of action by inhabitants of this state.

**RECOMMENDATION: INEXPEDIENT TO LEGISLATE**

**VOTE: 11-0**

**REP. CHARLENE F. TAKESIAN**

Neither sponsor of the bill came to present information with regards to what the purpose of this bill is. Based on the wording of the bill it wasn't clear what the sponsor's intent was. With no information available and no one to testify on either side, the Committee voted to Inexpedient to legislate this bill.