

LEGISLATIVE COMMITTEE MINUTES

SB575

Bill as Introduced

SB 575 - AS INTRODUCED

2020 SESSION

20-3079
04/01

SENATE BILL

575

AN ACT

relative to appeals from the victims' assistance commission.

SPONSORS:

Sen. Kahn, Dist 10; Sen. Watters, Dist 4; Sen. Reagan, Dist 17; Rep. Hatch, Coos 6; Rep. Williams, Hills. 4; Rep. P. Schmidt, Straf. 19

COMMITTEE:

Judiciary

ANALYSIS

This bill states that a claimant denied compensation by the victims' assistance commission may appeal such decision to the attorney general.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to appeals from the victims' assistance commission.

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

1 1 New Paragraph; Victims' Assistance Fund; Claimant Eligibility. Amend RSA 21-M:8-h by
2 inserting after paragraph IV the following new paragraph:

3 IV-a. If the commission determines the claimant is ineligible for compensation, in whole or
4 in part, the claimant may petition the attorney general for a rehearing pursuant to RSA 541:3. The
5 attorney general, or designee, shall review the complete record before the commission and may
6 affirm or reverse, in whole or in part, the commission's decision. An appeal of the attorney general's
7 decision may be taken directly to the supreme court pursuant to RSA 541:6.

8 2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Martha Hennessey, Chair
Sen Shannon Chandley, Vice Chair
Sen Melanie Levesque, Member
Sen Sharon Carson, Member
Sen Harold French, Member

Date: March 4, 2020

HEARINGS

Tuesday	03/10/2020	
(Day)	(Date)	
Judiciary	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 509	relative to complaint procedures in cases before the commission for human rights.
9:15 a.m.	SB 575	relative to appeals from the victims' assistance commission.
9:30 a.m.	SB 755	relative to superior court judgments in actions against the state.
10:00 a.m.	SB 551	adding a bail commissioner to the commission on pretrial detention, pretrial scheduling, and pretrial services, and relative to the release of a defendant pending trial.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 509

Sen. Levesque
Rep. Cleaver

Sen. Fuller Clark
Rep. Radhakrishnan

Sen. Sherman

Sen. Hennessey

SB 575

Sen. Kahn
Rep. Williams

Sen. Watters
Rep. P. Schmidt

Sen. Reagan

Rep. Hatch

SB 755

Sen. Hennessey

Rep. M. Smith

SB 551

Sen. Levesque

Rep. Welch

Rep. Rodd

Jennifer Horgan 271-2609

Martha S. Hennessey
Chairman

Senate Judiciary Committee
Jennifer Horgan 271-2609

SB 575, relative to appeals from the victims' assistance commission.

Hearing Date: March 10, 2020

Time Opened: 9:54 a.m.

Time Closed: 10:00 a.m.

Members of the Committee Present: Senators Hennessey, Chandley, Levesque, Carson and French

Members of the Committee Absent : None

Bill Analysis: This bill states that a claimant denied compensation by the victims' assistance commission may appeal such decision to the attorney general.

Sponsors:

Sen. Kahn
Rep. Hatch

Sen. Watters
Rep. Williams

Sen. Reagan
Rep. P. Schmidt

Who supports the bill: Senator Watters; Senator Kahn

Who opposes the bill: No one

Who is neutral on the bill: Scott Eaton, Legislative Services

Summary of testimony presented in support:

Alan Raff on Behalf of Senator Kahn (provided written testimony)

- This bill states that a claimant denied compensation by the victims' assistance commission may appeal such decision to the Attorney General.
- This stems from a desire to align the statute with the need for an appeals process.
- This was drafted with the assistance of the Department of Justice and the Attorney General.

Summary of testimony presented in opposition:

None

Neutral Information Presented:

Scott Eaton (Legislative Services-Administrative Rules) (provided written testimony)

- Provided a transcript of a meeting of the Joint Legislative Committee on Administrative Rules.

- At that meeting the Committee reviewed the rules of the Department of Justice in relation to victims' compensation.
- Provided a copy of the rules that prompted this bill, Jus 603.03 (u), which states "Appeal from the decision of the attorney general or designee shall be taken by petition to the New Hampshire supreme court pursuant to RSA 541:6"
- The NH Supreme Court has stated that it is settled law that appeals under RSA 541 can be taken only "when so authorized by law" (i.e. when authorized by the agency's own statute).
- RSA 21-M makes no reference to the use of RSA 541 for appeals of administrative decisions of the Department of Justice.
- The Joint Committee also determined that case law also supported this position.
- The Joint Committee had no question that appeals from decisions of the Attorney General should be taken as a matter of right to the Supreme Court pursuant to RSA 541.
- This legislation closes the gap, so that it wouldn't just be a presumption that someone could appeal to the Supreme Court, instead it would be stated explicitly.
- Senator Chandley asked who makes the initial decision when an individual makes a claim to the fund.
 - The initial decision is made by the Victims' Compensation Commission. Under existing law that decision then goes to the Attorney General. If the decision is positive the claim goes through; if the Attorney General denies a claim that is subject to appeal. The rules the Department of Justice already lays out that process.
- Senator Chandley asked if this bill is enabling the next appeal to be to the court.
 - Yes. In the Joint Committee's discussion, it can be seen that the Attorney General's Office presumed that this could already be done, that is why they laid out in their rules that way. The Joint Committee's attorney pointed out that Supreme Court decisions indicate that that must be authorized by statute.

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Date Hearing Report completed: March 11, 2020

Speakers

Testimony

03/10/2020

Senate Judiciary Committee

SB 575

Good Afternoon Madam Chair, honorable members of the Committee. For the record, my name is Alan Raff. I am the Deputy Chief of Staff for the New Hampshire Senate and come before you today on behalf of Senator Kahn to introduce Senate Bill 575, an Act relative to appeals from the victims' assistance commission

This bill states that a claimant denied compensation by the victims' assistance commission may appeal such decision to the Attorney General. This bill stems from a desire to align statute with rules and the need for an appeals process regarding the victims' assistance commission. The legislation before you was drafted with the assistance of the Department of Justice and the Attorney General.

Senator Kahn informed me that Scott Eaton would be present and able to answer most questions that the committee may have regarding the legislation. However, Senator Kahn respectfully request that if the committee has questions regarding the bill, that cannot be answered by other witnesses that will testify, that they submit them in writing to myself, the Senator, or his legislative aide, and we will make sure that you get the answers you are looking for.

Thank you Madam Chair, members of the committee

MR. EDELBLUT: Chair, I just point out as I'm exiting the table that these are the only two Emergency Rules that this Department has brought before this Board in my tenure and at least in the last three years, so. It's extenuating circumstances.

CHAIRMAN HATCH: Hopefully, the last.

MR. EDELBLUT: That be great.

CHAIRMAN HATCH: Thank you. Thank you for your time, Commissioner.

8. **FP 2019-68** **DEPARTMENT OF JUSTICE**
 Victims' Compensation

CHAIRMAN HATCH: Department of Justice, 2019-68, item number (8).

SEN. WATTERS: Mr. Chairman, I have to depart if you need to replace me.

CHAIRMAN HATCH: Thank you, sir.

ATTORNEY EATON: Scott, we have two members departing so we'll need appointment.

ATTORNEY EATON: Okay. For Senator Watters, Representative Fontneau could sit in for Senator Watters. And who is -- Representative McGuire?

CHAIRMAN HATCH: Yes.

ATTORNEY EATON: And for Representative McGuire, Representative Bershstein can sit in for Representative McGuire then. Yeah, well, your choice. Representative Lang could just as well, up to you.

CHAIRMAN HATCH: The first -- the first stated is fine.

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(Representative McGuire and Senator Watters left the committee room.)

CHAIRMAN HATCH: Thank you.

PATRICK QUEENAN, ESQ., Sheehan, Phinney, Bass & Greene, Concord, NH: Good morning. I'm Patrick Queenan. I'm from the law firm Sheehan, Phinney, Bass & Greene. I'm a former Assistant Attorney General, but the Department of Justice retained me to assist the Victims' Compensation Commission within the Department of Justice to present these rules.

With me today is Lisa Lamphere, the Coordinator of the Victims' Compensation Commission at the Department of Justice.

CHAIRMAN HATCH: Mike.

ATTORNEY MORRELL: Thank you. I've already spoken with Attorney Queenan about this, but I would like to publicly apologize to him and to the Department. First, because these annotations didn't reach them until yesterday. Unfortunately, this was the last review and there was a large abundance of proposals.

CHAIRMAN HATCH: Yes.

ATTORNEY MORRELL: Secondly, I've made a number of comments that were not warranted. When I made the comments on the Final Proposal, I was looking at forms that were submitted earlier for the Initial Proposal. As far as I knew, there were no updated forms that had been supplied even though updated forms had been mentioned in the Final Proposal.

After talking with Attorney Queenan, I found that the forms had been sent to us. I simply hadn't received them. So after copying off the new forms, I added this additional JLCAR staff comments which I hope you all have, and I attached to that the correct forms. And based on the correct forms, I've listed five

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rules that I've made comments to regarding forms. I would withdraw the comments to those rules. I've also withdrawn the comment to 604.08 (a) for the same reason, but I have replaced it with a comment that I'll cover when we get to that rule. So there's just a handful of comments left.

On Page 1, I did a Note to JLCAR indicating that the rules had expired in September of 2017. I thought Committee might have questions about what has been taking place with the rules in the meantime.

CHAIRMAN HATCH: Thank you. Yes.

ATTORNEY QUEENAN: We're happy to address that.

CHAIRMAN HATCH: Yes.

ATTORNEY QUEENAN: So, yes, unfortunately, the rules have expired as of September 2017. Fortunately, for the Department of Justice, the underlying statute is rather broad and, in fact, they have adjusted their practices to ensure that any denials, any approvals, any action taken by the Commission has been done by citing the statutory authority and not the underlying rules that have since expired.

So the statutory authority, you know, references claim and eligibility, the administration of the funds, the rights of victims. It is rather broad. Administrative rules are guiding that procedure and really codifying through a series of forms that the victims would be submitting to process the claims and so we still have -- the Department still had that authority under the statute, but no longer referenced the explicit rules and now we're here seeking to re-implement and adopt those rules again.

REP. SCHMIDT: Question.

CHAIRMAN HATCH: Yes.

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REP. SCHMIDT: So thank you for that explanation. Obviously, we're not happy when we have the situation where rules expire and not replaced speedily. So what kind of impact has this had on the community of individuals, entities, or whatever? Has this complicated them being able to process their requirements and needs and/or have you had a pushback with regard to the fact that you don't have any rules?

ATTORNEY QUEENAN: Thank you, Representative. So we have not. I'll allow Ms. Lamphere to address it specifically, but they have been going about their business processing claims in terms of the same volume and the same process as they had before.

LISA LAMPHERE, Coordinator, Victim Compensation Program, Department of Justice: And that's correct. We've been processing claims. We haven't had any issues or concerns being able to do that. We receive about 550 to 600 claims per year and we've been processing, steadily increasing.

REP. SCHMIDT: Okay. Thank you.

CHAIRMAN HATCH: So my question is how come?

ATTORNEY QUEENAN: How come the rules expired?

CHAIRMAN HATCH: Yes. Other than the expiration date, how come they were allowed to expire without any action by the Department, and the Department of Justice?

ATTORNEY QUEENAN: Yes.

CHAIRMAN HATCH: There's a certain irony here that needs to be addressed, and I'm serious when I say this.

ATTORNEY QUEENAN: No, no, no, Chairman, absolutely understand that. The only answer it's one of priority. I mean, like all State Agencies, the Department of Justice has been extremely busy. The uptick, obviously, in our drug crisis here.

There's been uptick in our statutory requirement to address murder cases which is obligated on this agency. And it's just -- at that point in time it just was not addressed timely. And so we're here now hoping to reconcile that. But there is no other excuse other than it fell low in the priority list and I know that happens to all State Agencies.

CHAIRMAN HATCH: So do you have adequate staff to -- I mean, you have a plethora of rules that need to be monitored continuously and updated. So do you -- do you have an adequate staff to do that or is that -- was there uptick in business, so to speak, that was unanticipated? I just need to understand.

ATTORNEY QUEENAN: Yeah, I understand, Chairman. I don't know that I'm really authorized from the Attorney General to talk about the adequacy of the current staff. What I can tell you over the last two years is that traditionally the Civil Law Bureau is the Bureau that handles this at the Department of Justice that helps process these claims. Unfortunately, they received a tremendous amount of turnover. Senior folks just kind of phasing out and as a result of that, they've really been, you know, just triaging the higher priority items and, again, not to diminish the impact and importance of this but that's historically what happened.

CHAIRMAN HATCH: That makes sense. Thank you. Yes, Mike.

ATTORNEY MORRELL: Also, in the last couple of months the Department of Justice has brought forward the two different chapters of their rules, and they've gone through the entire process with those other rules.

CHAIRMAN HATCH: Thank you.

ATTORNEY MORRELL: The next comment, if you first turn to Page 6 of the text, you'll see there's a section on application process. At the bottom of the page it says, "In no case shall placement on the agenda result in the passage of more than," and then if you turn to the next page it says, "120 days after

claimant submitted the completed application." RSA 541-A:29 was amended effective 1/1/19 to limit the amount of time that agencies can deal with applications because there were applications for professional license that had been hanging out in the eyes of the Legislature for too long a period. So in this same 120 days, I think to be in accordance with 541-A:29, this would have to be reduced to 60 days, but they may wish to comment.

CHAIRMAN HATCH: Thank you.

ATTORNEY QUEENAN: We agree with the change of the law. We're happy to make that change as recommended by staff.

*See attached
rel
Sub
603.03
(u),
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ATTORNEY MORRELL: Moving on to Page 8. The comment at the very bottom of the page listed as one of the deleted items. I do have a concern with paragraph (u) regarding appeals from decisions of the Attorney General and going by petition to the Supreme Court pursuant to RSA 541 as opposed to 541-A. The Supreme Court -- 541:2 says that you can only use the process under RSA 541 when so authorized by law. And the New Hampshire Supreme Court has interpreted that to mean that unless an agency has a statute that says they can use RSA 541 for appeals or claimants under those agencies, then you have to go to the court via a Writ of Certiorari instead of by right under 541. I made this comment earlier. I assumed that there is some response to this.

ATTORNEY QUEENAN: Thank you, Attorney Morrell. So since the rules have been enacted and the statute's been enacted and the rules have since been promulgated since 1989, this provision has been in the rules. And, in fact, as far as we know, the Department of Justice there have been three appeals advanced to the Supreme Court.

Now, all of them are sealed, but we do have an unpublished -- we do have the unpublished orders and we have the files, of course, at the Department of Justice, but I just want to be careful what I reference. But in the analysis from the

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Supreme Court in these unpublished opinions it says that 541:2 and 541 controls. And so based on the historical reasons or the history of it already having been in the rules for 30 years now, and the fact that the Supreme Court said that in unpublished opinion, we thought it was fair in terms of just keeping that process in there.

Although in terms of what Attorney Morrell's comments are, is that 541:2 says you can only make these appeals when so authorized by law. The ultimate question is do those two facts that the history of it all, the expectations that are set by the public based on our practices for 30 years, and the fact that the Supreme Court has mentioned that, does that constitute when so authorized by law, kind of an open question. And so for that regard we decided we would leave them in there. They were in previously approved rules from this Board.

* ATTORNEY MORRELL: It's possible the Committee might want to make a recommendation that at some point the Department of Justice seek legislation to specifically authorize them to use RSA 541, which would certainly be of benefit to individuals that have something adjudicated before -- administratively adjudicated with the Department.

REP. HATCH: That would add clarity. Just would you seek a legislative fix? I'm sure someone --

REP. SCHMIDT: We'll make that part of the motion to approve.

ATTORNEY QUEENAN: Yes, we're happy to do that.

CHAIRMAN HATCH: Great. Thank you. Work with Representative Schmidt and he will assure --

ATTORNEY QUEENAN: Thank you, Representative.

CHAIRMAN HATCH: He'll guide you through the process.

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ATTORNEY MORRELL: On Page 11 at the top of the page there's a deleted comment. Down below in 604.04 (a), I had a concern because the law enforcement authority verification form doesn't have a date attached to it right here. The form itself does have a revision date. But in order for an agency to incorporate a form by reference, there has to be a reference to the revision date in the rule itself. I think that was simply an oversight. So if Committee chose, it could instruct the agency to editorially insert the date which is actually on the form itself. Otherwise, the Department would either have to amend the rule by putting in a date or putting in all the elements of the form into the rule.

CHAIRMAN HATCH: Choice A.

ATTORNEY QUEENAN: We're happy to make that change.

CHAIRMAN HATCH: Thank you.

REP. SCHMIDT: So since the window has closed for the House to file bills, let's -- I would suggest that you Senators can still bring something in. If you could get that in quickly, we could still file it stat.

* ATTORNEY QUEENAN: Jumping back to the recommendation to add explicit reference to 541.

CHAIRMAN HATCH: Senator Kahn, would you assist Representative Schmidt and the Department in facilitating that? Thank you.

ATTORNEY MORRELL: On Page 12, again I made a comment about the lack of the form. Under my additional staff comments I've eliminated that comment. But when looking at the amended form, I did notice that there's a certification statement on it. You can see that on Page 10 of the forms that are attached to the additional staff comments. The signature required here is by a licensed mental health therapist. And, normally, if the certification simply has what's in that first sentence, the

information contained herein is correct to the best of my knowledge, information, and belief, then that's not a problem. But when there are separate requirements placed on the signer, it's been policy of staff and the Committee that those extra requirements need to be in the rule itself.

Now, it's possible some of the items in 1 through 5 are, indeed, in the rules or in the statute, but I don't believe they all are.

ATTORNEY QUEENAN: So, again, we're more than happy to make that change.

CHAIRMAN HATCH: Thank you.

ATTORNEY MORRELL: On -- I think last comment is -- I think that is the last comment.

CHAIRMAN HATCH: Very good.

ATTORNEY QUEENAN: Two brief points from us. So there are some suggestions in terms of formatting, a few punctuation. We will accept all those changes as proposed. And I just wanted to thank Mike Morrell and his staff. They were very helpful and they made this process smooth, and they did a very professional and great job.

CHAIRMAN HATCH: Thank you.

REP. SCHMIDT: We have great attorneys. You might want to reference. You're shorthanded over there at DOJ.

ATTORNEY MORRELL: For the benefit of Mr. Queenan and the Department, to make these changes would require a Conditional Approval Request. I think where they're fairly specific enough so that we can go over it and there won't be any question. Committee requires that when a Conditional Approval request is made that it has to be related to specific language, because when it's done it does not come back to the Committee. But I

think with what we've gone over the language is quite specific as to what's needed.

ATTORNEY QUEENAN: We agree.

CHAIRMAN HATCH: Senator Reagan.

** SEN. REAGAN: I move Conditional Approval based on staff comments.

SEN. DIETSCH: Second.

REP. WILLIAMS: Second.

CHAIRMAN HATCH: Made and seconded. Is there any question?

REP. SCHMIDT: With the four noted recommendations.

CHAIRMAN HATCH: Yes, that's part of the comment. That's part of the motion. All in favor? Any opposed? So be it. Thank you.

*** {MOTION ADOPTED}

CHAIRMAN HATCH: Thank you, sir.

(The court reporter requested a short recess.)

CHAIRMAN HATCH: We'll reconvene quarter after 11 and we'll start with Department of Environmental Services.

(A recess was taken at 11:08 a.m.)

(Reconvened at 11:17 a.m.)

9. FP 2019-102 DEPARTMENT OF ENVIRONMENTAL SERVICES
 Drinking Water Programs
 Administrative Procedures for Grants and Loans from
 the Drinking Water and Groundwater Trust Fund

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

October 17, 2019

Jus 603.03 Application Process.

(a) Any person who wishes to request an award of compensation from the commission shall commence the process by filing a "Claim Application Form" described in Jus 604.01 and available from the unit in the department.

(b) In response to receipt of a "Claim Application Form" the unit shall contact the claimant and indicate what additional information, including documentation, will be necessary to process the claim. Necessity shall be based upon the need to substantiate and document the claim for which compensation is sought.

(c) While the claim application is being completed, the claim shall be considered by the unit and the commission to be in the commission preparation stage.

(d) Once the unit determines that the claim application is complete, the unit coordinator shall review the claim for the purpose of determining whether the claimant has clearly established eligibility for compensation. If the claimant has not, the claim shall be labeled a complex claim and the claim application file shall be copied for each commission member. However, if eligibility for compensation is clear, the claim shall be labeled an administrative claim, and the unit coordinator shall prepare a summary of the claim for consideration by the commission.

(e) The administrative claim summary prepared pursuant to (d) above shall include:

- (1) Identification of the eligible crime;
- (2) A brief description of the crime;
- (3) A statement as to the type of compensation sought, by category;
- (4) The history of the claim;
- (5) Any other information that is material or could be helpful to the commission; and
- (6) The recommendation of the unit coordinator.

(f) Each commission-ready claim prepared at least 14 days prior to the commission's next regularly scheduled meeting shall be placed on that meeting's agenda, unless the unit coordinator determines that it would be unlikely that the claim would be reached and acted upon at that meeting. If the unit coordinator so determines, the commission ready claim shall be placed on the agenda for the first commission meeting at which the unit coordinator determines that the claim can be acted upon by the commission. In no case shall placement on the agenda result in the passage of more than

~~120 days after the claimant submitted a completed application~~ before a decision can be made by the commission.

Unclear/Legis. Intent: This appears to conflict with the 60-day limit under RSA 541-A:29, as amended 1-1-19, and (j) below.

(g) When the commission considers a claim for compensation, it shall first determine whether there is reasonable evidence that an eligible crime has occurred. Thereafter, the commission shall determine whether the claim provides it with enough information and documentation to form the basis of a decision as to whether to grant or deny the claim in whole or in part.

(h) If the commission determines that more information and documentation is necessary, it shall table the claim, and request that staff notify the claimant as to the specific information and documentation necessary for the commission to make its decision.

(i) Upon receipt of notice pursuant to (h) above, the claimant shall have up to 60 days to provide such additional information and documentation. However, the unit shall grant an extension of time upon request if the claimant demonstrates that 60 days will not be sufficient to gather such additional information and documentation.

(j) Once the commission determines that the claim application provides it with enough information and documentation to form the basis of a decision as to whether to approve or deny the claim in whole or in part, the commission shall consider the claim on its merits and reach a decision within 60 days.

(k) The decision of the commission shall be based upon the submitted written claim application, including all relevant evidence, by applying the criteria set forth in Jus 605. If a claim is denied in whole or in part, the decision shall state all reasons applicable to such denial.

(l) If a primary victim's claim is denied for any of the reasons set forth in Jus 605.02, the claims of related victims shall, except as provided in Jus 605.02(e), also be denied.

(m) If the claimant is aggrieved by the decision of the commission, the claimant may seek review of such decision by filing with the unit a request for reconsideration if the claimant can demonstrate that the commission overlooked or misapprehended a point of law or fact. The claimant may also seek reconsideration by presenting new evidence not previously presented or known to the commission. If an aggrieved claimant cannot meet this standard the claimant may provide a written statement addressing any alleged deficiencies in the commission's decision.

(n) The aggrieved claimant shall file a request for reconsideration if the reconsideration is requested in whole or in part based upon new evidence that could materially affect the outcome or the claimant disagrees with the decision. The request for reconsideration shall identify the new evidence or set forth all reasons why the claimant believes that such new evidence, and every mistake of fact or law the claimant believes to

have been made, materially affect the outcome. The commission shall give the claimant an opportunity to present a statement to the commission either orally, in writing, by telephone, or in person.

(o) If the commission determines that, when viewed in the light most favorable to the claimant, the new evidence or the overlooked or misapprehended point of fact or law could not materially affect the outcome, the commission shall deny such request. A claimant aggrieved by the denial of a request for reconsideration may appeal the decision to the attorney general as provided in (r) and (s), below.

(p) If the commission determines that, when viewed in the light most favorable to the claimant, the new evidence or mistake of fact or law could materially affect the outcome, the commission shall grant the request for reconsideration.

(q) After the commission has provided an opportunity to a claimant under (n) and (p) above, the commission shall affirm, amend, or reverse its decision based upon the full record of all information and argument presented to it.

(r) The claimant shall file a notice of appeal to the attorney general if the claimant seeks to challenge the decision of the commission in whole or in part.

(s) The notice of appeal shall identify and set forth every mistake of fact or law the claimant believes to have been made and that materially affects the outcome. The attorney general, or designee, shall then review the complete record reviewed by the commission and, based upon such record review, affirm, amend, or reverse the decision of the commission.

(t) ~~For purposes of RSA 541:3~~, an appeal to the attorney general shall be considered to be a motion for rehearing.

(u) ~~Appeal from the decision of the attorney general or designee shall be taken by petition to the New Hampshire supreme court pursuant to RSA 541:6~~

PART Jus 604 FORMS

Jus 604.01 Claim Application Form.

Authority: The NH Supreme Court has stated that it is settled law that appeals under RSA 541 can be taken only "when so authorized by law" (i.e. when authorized by the agency's own statute). RSA 21-M makes no reference to the use of RSA 541 for appeals of administrative decisions of the DoJ. See attached case law.

(a) Each claimant seeking compensation from the fund shall complete and submit a ~~New Hampshire Victim's Compensation Program Application Form,~~ revised 8/23/19 and available from the unit.

Edit: Place in quotes.

(b) In addition to submitting the ~~New Hampshire Victims' Compensation Program Form~~, the claimant shall provide:

Unclear: The revised copy of the form has not been submitted to OLS. Therefore, Committee staff is unable to confirm that the form is consistent with the rules and whether it contains elements that cannot be incorporated by reference. The "old" form submitted with the IP had issues regarding consistency with the rules.

Committee Report

General Court of New Hampshire - Bill Status System

Docket of SB575

Docket Abbreviations

Bill Title: relative to appeals from the victims' assistance commission.*Official Docket of SB575.:*

Date	Body	Description
1/2/2020	S	To Be Introduced 01/08/2020 and Referred to Judiciary; SJ 1
3/4/2020	S	Hearing: 03/10/2020, Room 100, SH, 09:15 am; SC 10
6/16/2020	S	Vacated from Committee and Laid on Table, MA, VV; 06/16/2020 SJ 8

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB575

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

- ___ Executive Session Sheet
- ___ Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- ___ as amended by the senate ___ as amended by the house
- ___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan
Committee Aide

7/23/20
Date

Senate Clerk's Office [Signature]