

Committee Report

CONSENT CALENDAR

May 12, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Finance to which was referred SB 77-FN,

AN ACT relative to fees for the services of sheriffs and deputy sheriffs. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Tracy Emerick

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Finance
Bill Number:	SB 77-FN
Title:	relative to fees for the services of sheriffs and deputy sheriffs.
Date:	May 12, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-1363h

STATEMENT OF INTENT

This bill increases specific user fees for certain services of sheriffs and deputy sheriffs for the first time in eleven years. The amendment provides a mechanism for the county delegation, which is responsible for county budgets and expenditures, to increase such user fees once annually by a vote of the county convention, ensuring that the total increase shall not exceed the Consumer Price Index for All Urban Consumers, Northeast Region as published by the Bureau of Labor Statistics, United States Department of Labor using the amount published for June in the year before the start of the fiscal year on a percentage basis.

Vote 21-0.

Rep. Tracy Emerick
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Finance

SB 77-FN, relative to fees for the services of sheriffs and deputy sheriffs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill increases specific user fees for certain services of sheriffs and deputy sheriffs for the first time in eleven years. The amendment provides a mechanism for the county delegation, which is responsible for county budgets and expenditures, to increase such user fees once annually by a vote of the county convention, ensuring that the total increase shall not exceed the Consumer Price Index for All Urban Consumers, Northeast Region as published by the Bureau of Labor Statistics, United States Department of Labor using the amount published for June in the year before the start of the fiscal year on a percentage basis.

Vote 21-0.

House Finance
May 10, 2021
2021-1363h
12/08

Amendment to SB 77-FN

1 Amend the bill by replacing section 2 with the following:

2

3 2 New Paragraph; Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31 by inserting after
4 paragraph XI the following new paragraph:

5 XII. The fees of sheriffs and deputy sheriffs specified in paragraphs I through IV and
6 paragraphs VII through IX-b may be increased once annually by a vote of the county convention and
7 the total increase shall not exceed the Consumer Price Index for All Urban Consumers, Northeast
8 Region as published by the Bureau of Labor Statistics, United States Department of Labor using the
9 amount published for the month of June in the year prior to the start of the fiscal year on a
10 percentage basis.

11 3 Effective Date.

12 I. Section 2 shall take effect 60 days after passage.

13 II. The remainder of this act shall take effect July 1, 2021.

Voting Sheets

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 77-FN

BILL TITLE: relative to fees for the services of sheriffs and deputy sheriffs.

DATE: May 10, 2021

LOB ROOM: REMOTE

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. G. Griffin

Seconded by Rep. Theberge

AM Vote: 21-0

Amendment # 2021-1363h

Moved by Rep. Emerick

Seconded by Rep. G. Griffin

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk



2021 SESSION

Finance

Bill #: SB77 Motion: OTO/A AM #: (2021-1363h) Exec Session Date: 10 May 2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Veyler, Kenneth L. Chairman	21		
Ober, Lynne M. Vice Chairman	1		
Imberger, Karen C.	2		
Danielson, David J. Rep Renuello	3		
Theberge, Robert L.	4		
Vitre, Joseph A. Clerk	5		
Emerick, Tracy	6		
Irif, Keith	7		
Griffin, Gerald	8		
Edwards, Jess C.	9		
Dean, Harry H.	10		
Wynn, Bob J.	11		
Vallner, Mary Jane	12		
Lordgren, Sharon L.	13		
Uco, Thomas L.	14		
Wishman, Peter R. Rep Grassie	15		
Atch, William A.	16		
Loggers, Katherine D.	17		
Walz, Mary Beth	18		
Leath, Mary	19		
Murray, Kate R.	20		

Total 21 0

2021 SESSION

Finance

Bill #: SB 77 Motion: OTP AM #: 1363h Exec Session Date: 10 MAY 2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Weyler, Kenneth L. Chairman	21		
Ober, Lynne M. Vice Chairman	1		
Umberger, Karen C.	2		
Danielson, David J. <i>Rep Roszullo</i>	3		
Theberge, Robert L.	4		
Pitre, Joseph A. Clerk	5		
Emerick, Tracy	6		
Erf, Keith	7		
Griffin, Gerald	8		
Edwards, Jess C.	9		
Bean, Harry H.	10		
Lynn, Bob J.	11		
Mallner, Mary Jane	12		
Wardgren, Sharon L.	13		
Buco, Thomas L.	14		
Leishman, Peter R. <i>Rep GRASSIE</i>	15		
Hatch, William A.	16		
Rogers, Katherine D.	17		
Valz, Mary Beth	18		
Leath, Mary	19		
Murray, Kate R.	20		

Total 21 0

House Finance
May 10, 2021
2021-1363h
12/08

Amendment to SB 77-FN

1 Amend the bill by replacing section 2 with the following:

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3 2 New Paragraph; Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31 by inserting after
4 paragraph XI the following new paragraph:

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6 paragraphs VII through IX-b may be increased once annually by a vote of the county convention and
7 the total increase shall not exceed the Consumer Price Index for All Urban Consumers, Northeast
8 Region as published by the Bureau of Labor Statistics, United States Department of Labor using the
9 amount published for the month of June in the year prior to the start of the fiscal year on a
10 percentage basis.

11 3 Effective Date.

12 I. Section 2 shall take effect 60 days after passage.

13 II. The remainder of this act shall take effect July 1, 2021.

Hearing Minutes

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON SB 77-FN

BILL TITLE: relative to fees for the services of sheriffs and deputy sheriffs.

DATE: May 10, 2021

LOB ROOM: REMOTE **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 12:40 p.m.

Committee Members: Reps. Weyler, L. Ober, Pitre, Umberger, Danielson, Theberge, Emerick, Erf, G. Griffin, Edwards, Bean, Lynn, Wallner, Nordgren, Bucu, Leishman, Hatch, Rogers, Walz, Heath and K. Murray

Bill Sponsors:

Sen. D'Allesandro

Sen. Watters

Sen. Bradley

TESTIMONY

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

Sen. D'Allesandro - Sponsor, introduced the bill.

Rep. Lynne Ober approves of bills as amended.

Sheriff Richards - In favor. Fees for sheriffs services, etc have not been increased in quit some time. Amendment of cost in county budget.

Chase Association, Education for Justice (Executive Director) for bill proposed.

Rep. L. Ober introduced amendment 2021-1212h. Allows counties to appropriate these funds in their budget. (Technical issue with wording).

Sheriff Richards - Fees are reimbursed by the state.

Rep. Lynn - County would pay increase for the year.

Rep. L. Ober - This is difficult without LBA present to answer questions (amendment needs rewrite).

LBA Hoffman could get amendment redrafted.

Public hearing was recessed at 10:32 a.m. while the amendment was redrafted, and reconvened at 12:34 p.m.

Respectfully submitted,

Rep. Joseph Pitre
Clerk

PUBLIC HEARING ON

5077

BILL TITLE: Relative to Fees for the services of Sheriffs AND

DATE: Deputy Sheriffs

10 MAY 2021

LOB ROOM: 20-211

Time Public Hearing Called to Order: 10:05 AM

+ 200M

Time Adjourned:

Recessed 10:32 AM
Reconvened 12:34 PM
Adj 12:40 PM

Committee Members: Reps. Weyler, L. Ober, Pitre, Umberger, Danielson, Theberge, Emerick, Erf, G. Griffin, Edwards, Bean, Lynn, Wallner, Nordgren, Bucu, Leishman, Hatch, Rogers, Walz, Heath and K. Murray

TESTIMONY

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

SEN DELASANRD - SPONSOR

Rep OBER APPROVES OF BILL AS AMEND

Sheriff RICHARDI - IN FAVOR FEES FOR SHERIFFS SERVICES ETC
HAVE NOT BEEN INCREASED IN QUITS SOMETIME
AMENDMENT OF COST IN COUNTY BUDGET.

CHAS ASSOCIATION EDUCATION FOR JUSTICE
(EXECUTIVE DIRECTOR) FOR BILL PROPOSED

24 OBER - INTRODUCED AMENDMENT 2021-
2022
ALLOWS COUNTIES TO APPROPRIATE THESE FUNDS IN THEIR
BUDGET.

(TECHNICAL ISSUE WITH WORDING

Sheriff RICHARDI FEES ARE REIMBURSED BY THE STATE

REP LYNN County would pay increase for this year

REP OBER THIS IS DIFFICULT WITHOUT LBA PRESENTS TO
ANSWER QUESTIONS (AMENDMENT NEEDS REWRITE)
LBA NOTSMAN could get amendment rewrite

House Remote Testify

Finance Committee Testify List for Bill SB77 on 2021-05-10

Support: 9 Oppose: 0 Neutral: 0 Total to Testify: 3

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	
Richardi, Domenic	Ossipee, NH drichardi@carrollcountynh.net	An Elected Official	NH Sheriff's Association	Support	Yes (3m)	No	!
Chase, Marissa	Manchester, NH mchase@nhaj.org	A Lobbyist	NH Association for Justice	Support	Yes (1m)	No	!
D'Allesandro, Lou	Manchester, NH dalas@leg.state.nh.us	An Elected Official	SD-20	Support	Yes (0m)	No	!
Fisher, Gary	Pembroke, NH gfisher@hcsn.h.us	A Member of the Public	Myself	Support	No	No	!
Fisher, Brenda	Pembroke, NH bafish1@yahoo.com	A Member of the Public	Myself	Support	No	No	!
Wright, William	Belmont, NH wwright@belknapcounty.org	An Elected Official	Belknap County Sheriff's Department	Support	No	No	!
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself (SD 4)	Support	No	No	!
Bradley, Jeb	Concord, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3	Support	No	No	!
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	No	!

As
Introduced

SB 77-FN - AS INTRODUCED

2021 SESSION

21-0841

08/04

SENATE BILL **77-FN**

AN ACT relative to fees for the services of sheriffs and deputy sheriffs.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Sen. Bradley, Dist 3

COMMITTEE: Finance

ANALYSIS

This bill increases fees for certain services of sheriffs and deputy sheriffs.

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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 One

AN ACT relative to fees for the services of sheriffs and deputy sheriffs.

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

1 1 Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31, I-IX-b to read as follows:

2 I. For service of every writ, except as otherwise specifically provided, [~~\$25~~] \$30; for every
3 service of a writ of possession, [~~\$25~~] \$30; for service of every demand for rent, eviction notice, small
4 claims notice, process, and notice of execution, [~~\$25~~] \$30; and for service of every subpoena, [~~\$25~~]
5 \$30.

6 II. For service of a bill, libel or petition, [~~\$25~~] \$30; provided that service of a petition with
7 restraining order shall be [~~\$30~~] \$36.

8 III. For making an attachment of personal property or making a bulky attachment, [~~\$25~~]
9 \$30.

10 IV. In every county for actual travel to serve any writ, notice, subpoena, process, or
11 execution, to be reckoned from the place of service to the sheriff's office or substation, and for travel
12 to attend any court by the order thereof, to be reckoned from the sheriff's office or substation to the
13 court, each mile, each way, at the current federal rate. *Mileage shall be paid only once when*
14 *service requested by the same party on multiple individuals related to the same case or*
15 *matter living at the same address, building, or complex can be reasonably made on the*
16 *same trip.*

17 V. For levying executions, or sheriff sales or both, on the dollar, for the first \$100 levied,
18 [~~\$.04~~] \$.05; for all above \$100, and not exceeding \$500, [~~\$.03~~] \$.04; for all above \$500, and not
19 exceeding \$1,000, [~~\$.02~~] \$.03; for all above \$1,000, [~~\$.01~~] \$.02; minimum fee, [~~\$10~~] \$12.

20 VI. For making copies of writs, each *page*, \$1; for postage and handling of writs, each, [~~\$1~~] a
21 *minimum charge of \$1 with a maximum not to exceed United States Postal Service rates.*

22 VII. For leaving the copy and return required in the attachment of real estate at the office or
23 the dwelling house of a register of deeds, [~~\$25~~] \$30.

24 VIII. For every service of a writ of attachment with a petition or writ of summons with a
25 petition, [~~\$30~~] \$36; for every service of a writ of replevin, [~~\$25~~] \$30; for every non est return, [~~\$10~~]
26 \$12.

27 IX. For making a search, for taking an inventory, for conducting a sale or for waiting time,
28 [~~\$25~~] \$30 per hour *for the first hour, additional time charged for 30 minute increments at*
29 *\$15* in addition to any other fees specified in this section.

30 IX-a. For service of a civil order of arrest, [~~\$25~~] \$30 to be charged to the defendant unless
31 the defendant, upon motion, shows the court good cause for failure to appear.

SB 77-FN - AS INTRODUCED

- Page 2 -

- 1 IX-b. With the exception of civil orders of arrest under paragraph IX-a, for service whenever
- 2 in-hand service is required by court order or court rule, an additional [~~\$25~~] **\$30**.
- 3 2 Effective Date. This act shall take effect July 1, 2021.

SB 77-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to fees for the services of sheriffs and deputy sheriffs.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	< \$10,000	< \$10,000	< \$10,000
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$400,000	\$400,000	\$400,000
Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

This bill increases fees for certain services of sheriffs and deputy sheriffs. The New Hampshire Association of Counties indicates these fees were last increased in 2010 and costs have increased since that time. The proposed fees bill represent an increase in civil service fees of approximately 20%. The Association provided the following fee revenue and number of civil services from each county, which may include multiple services for a single document and excludes postage and civil arrest fees:

County	Revenue			# of Civil Services		
	2017	2018	2019*	2017	2018	2019*
Hillsborough	\$636,700	\$578,760	\$592,660	16,349	15,476	14,656
Rockingham	\$396,860	\$387,213	\$454,659	8,566	8,585	8,724
Belknap	\$100,568	\$100,904	\$103,923	2,847	2,796	2,944
Coos	\$70,238	\$82,206	\$75,300	1,108	1,304	1,201
Grafton	\$175,722	\$169,950	\$156,321	2,519	2,549	2,535
Strafford	\$185,773	\$180,076	\$186,057	5,240	4,942	5,386
Merrimack	\$309,612	\$302,699	\$309,302	7,027	6,855	7,226
Sullivan	\$70,486	\$65,413	\$71,793	1,788	1,759	1,990
Cheshire	\$73,362	\$68,478	\$73,404	2,590	2,495	2,707
Carroll	\$80,030	\$70,735	\$75,414	1,784	1,637	1,584

TOTAL	\$2,099,351	\$2,006,433	\$2,098,832	51,835	50,416	48,953
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* 2019 amounts are projections.

Based on the information above and assuming a relatively level number of civil service fees, the bill would raise approximately \$400,000 per year, beginning in FY 2021. ($\$2,000,000 \times 20\% = \$400,000$).

The Judicial Branch indicates in 2019, the Branch spent \$8,837 on sheriffs' service fees. While it is anticipated that the increase in fees proposed by this bill would result in additional expenditures, the Judicial Branch does not anticipate that this increase will exceed \$10,000.

AGENCIES CONTACTED:

New Hampshire Association of Counties and Judicial Branch