

LEGISLATIVE COMMITTEE MINUTES

HB36

Bill as Introduced

HB 36 - AS AMENDED BY THE HOUSE

2Feb2023... 0026h

2023 SESSION

23-0204

04/07

HOUSE BILL **36**

AN ACT relative to fees of sheriffs and deputy sheriffs.

SPONSORS: Rep. Fellows, Graf. 8; Rep. Trottier, Belk. 8; Rep. Schuett, Merr. 12; Rep. Rhodes, Ches. 17; Sen. D'Allesandro, Dist 20

COMMITTEE: Municipal and County Government

ANALYSIS

This bill amends the process for increasing fees for sheriffs and deputy sheriffs.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to fees of sheriffs and deputy sheriffs.

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

1 1 Sheriffs and Constables; Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31, XIII to
2 read as follows:

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

10 2 Effective Date. This act shall take effect 60 days after its passage.

HB 36 - VERSION ADOPTED BY BOTH BODIES

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Rep. Fellows, Graf. 8; Rep. Trottier, Belk. 8; Rep. Schuett, Merr. 12; Rep. Rhodes, Ches. 17; Sen. D'Allesandro, Dist 20

COMMITTEE:

Municipal and County Government

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CHAPTER 10
HB 36 - FINAL VERSION

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HOUSE BILL

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AN ACT relative to fees of sheriffs and deputy sheriffs.

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COMMITTEE: Municipal and County Government

ANALYSIS

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CHAPTER 10
HB 36 - FINAL VERSION

2Feb2023... 0026h

23-0204
04/07

STATE OF NEW HAMPSHIRE

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AN ACT relative to fees of sheriffs and deputy sheriffs.

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

1 10:1 Sheriffs and Constables; Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31, XIII to
2 read as follows:

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6 ***the*** Consumer Price Index ***of all items*** for All Urban Consumers, Northeast Region as published by
7 the Bureau of Labor Statistics, United States Department of Labor [~~using the amount published for~~
8 ~~the month of June in the year prior to the start of the fiscal year on a percentage basis~~] ***for the***
9 ***calendar year preceding the vote.***

10:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 04, 2023
Effective Date: July 03, 2023

Committee Minutes

**AMENDED
SENATE CALENDAR NOTICE
Election Law and Municipal Affairs**

Sen James Gray, Chair
Sen Keith Murphy, Vice Chair
Sen Daryl Abbas, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: March 22, 2023

HEARINGS

Tuesday

03/28/2023

(Day)

(Date)

Election Law and Municipal Affairs

Legislative Office Building 103

9:30 a.m.

(Name of Committee)

(Place)

(Time)

9:30 a.m.	HB 36	relative to fees of sheriffs and deputy sheriffs.
9:35 a.m.	HB 286	relative to the removal of political advertising.
9:45 a.m.	HB 296	relative to local authority for granting driveway permits.
10:00 a.m.	HB 335	relative to notice of tax lien on real estate subject to a lien for old age assistance.
10:15 a.m.	HB 336	relative to the format of election ballots.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 36

Rep. Fellows

Sen. D'Allesandro

Rep. Trottier

Rep. Schuett

Rep. Rhodes

HB 286

Rep. Cannon

Rep. Fellows

Rep. Edwards

Rep. Bouldin

Rep. Parshall

Rep. Levesque

HB 296

Rep. T. Walsh

HB 335

Rep. M. Cahill

HB 336

Rep. M. Cahill

Rep. C. McGuire

Rep. Hill

Rep. S. Smith

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 36, relative to fees of sheriffs and deputy sheriffs.

Hearing Date: March 28, 2023

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent : Senator Abbas

Bill Analysis: This bill amends the process for increasing fees for sheriffs and deputy sheriffs.

Sponsors:

Rep. Fellows

Rep. Trottier

Rep. Schuett

Rep. Rhodes

Sen. D'Allesandro

Who supports the bill: Rep. Diane Schuett, Domenic Richardi, Kate Horgan- NH Association of Counties

Who opposes the bill: None

Summary of testimony presented in support:

Representative Diane Schuett

- She is introducing the bill for Representative Fellows.
- Last year, Rep. Fellows learned of enabling legislation that gives counties the option to annually adjust sheriffs fees based on the rate of inflation.
- She also learned that the language describing how to determine that rate can be interpreted in more than one way.
- She worked with the sheriffs association to select the method that would work best for all the counties.
- Some counties budget for a calendar year and others for a July to June year.
- The change that this bill makes is the use of a 12-month calendar year CPI rather than a 12-month July to June CPI.
- The "Annual" calendar CPI number is published by the U.S. Department of Labor.
- A July-June 12-month CPI would need to be calculated by the Sheriffs.
- The rest of the edits in the bill provide precise instructions for the calculation.

Domenic Richardi

- This bill pertains to SB 77 that was passed in the previous legislative session.
- There were some concerns with how that bill was implemented.
- HB 36 makes a modification to RSA 104:31-XIII.
- The modification clarifies how the percentage of the increase in fees should be determined.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: March 30, 2023

Speakers

Testimony

Draft: Sallie Fellows 3-26-23

How to Calculate Sheriff's Fees **Using Annual Change in the Northeast Region CPI published by the US** **Department of Labor, Bureau of Labor Statistics**

About the Data: The Consumer Price Index (CPI) is a measure of the change in the cost of a certain category of consumer items. The baseline is 100 for the cost of those items in 1982-1984. A CPI of 200 means that those items cost twice as much, 300 means 3 times as much. There are many different CPIs. "All urban consumers" is used for sheriff's fees. It is the most general measure and is based on what people typically buy, such as food, rent, electricity, movies, new and used cars, etc. There are sub-category CPIs, such as only food or only medical. CPIs are also calculated for different areas. The CPI change to use for Sheriff's fees is for the **Northeast region**, which is one of several sub-categories of New England. The change is between two **calendar years**, and will be labeled "**annual**" which is the average of the CPI through-out an entire year. When you are dealing with an annual change, the seasonal adjustment option is irrelevant. Do NOT use a "12-month" change, which is a snapshot comparison of two months.

To find the data Google "northeast annual cpi". Make sure you are getting data from the Bureau of Labor Statistics. The URL should include bls.gov. You will see something like:

<https://www.bls.gov/new-england/data/xg-tables> ;

Consumer Price Index Overview Table – New England

Area: (Links provide news releas...	Annual, average: 2021	Aug: 2022	Sep: 2022	Annual..
U.S. City Average	270.970	296.171	296.808	4.7
Northeast region(1)	283.557	306.855	307.152	3.9
A (over 2.5 million)	286.322	308.220	308.995	3.4
View 8 more rows				

The above will probably link to <https://www.bls.gov/regions/new-england/data/xg-tables/ro1xg01.htm> where you will see the chart below. Since this sample chart was printed in October 2022, for annual change it shows "Percentage Change, Average Annual 2020 to 2021", because 2022 has not yet ended.

You can also go to bls.gov and select Data Tools. Select Top Picks, then All Urban Consumers Top Picks, then Northeast Region.

Bureau of Labor Statistics > Geographic Information > New England > Table

Consumer Price Index Overview Table – New England

Consumer Price Indexes for All Urban Consumers, all items, in the U.S., Northeast, New England, and Boston-Cambridge-Newton, MA-NH metropolitan area, not seasonally adjusted (1982-84=100 unless otherwise noted)

Area (Links provide news releases)	Back data	Annual average 2021	Aug 2022	Sep 2022	Percent change		
					Annual average 2020 to 2021	Aug 2022	Sep 2022
U.S. City Average	<input checked="" type="checkbox"/>	270.970	296.171	296.808	4.7	8.3	8.2
Northeast region(1)	<input checked="" type="checkbox"/>	283.557	306.855	307.152	3.9	7.4	7.2
Northeast City Size Class (population)							
A (over 2.5 million)	<input checked="" type="checkbox"/>	286.322	308.220	308.995	3.4	7.0	6.9
B/C (2.5 million or less)(2)	<input checked="" type="checkbox"/>	167.427	182.401	182.232	4.5	8.0	7.7
New England division(3)							
New England(4)	<input checked="" type="checkbox"/>	108.601	117.169	117.290	3.6	7.3	7.4
Boston-Cambridge-Newton, MA-NH metropolitan area							
Boston-Cambridge-Newton, MA-NH(5)	<input checked="" type="checkbox"/>	293.521		318.800	3.3		8.1

Footnotes
 (1) The Northeast region includes Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont.
 (2) December 1996=100.
 (3) The New England division includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
 (4) December 2017=100.
 (5) Published in alternate months.

Source: Consumer Price Index
 The Consumer Price Index (CPI) measures changes in prices of all goods and services purchased for consumption by urban households.

Schedule of Upcoming Releases for the Consumer Price Index

If you click on the Back Data link it will take you to:

https://data.bls.gov/timeseries/CUUR0100SA0?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true

Data extracted on: October 25, 2022 (1:17:13 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUUR0100SA0

Not Seasonally Adjusted

Series Title: All items in Northeast urban, all urban consumers, not seasonally adjusted

Area: Northeast

Item: All items

Base Period: 1982-84=100

Download:  .xlsx

Year	Jän	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2012	242.879	243.850	245.125	245.850	245.709	245.201	244.984	246.252	247.409	247.564	247.097	246.456	245.698	244.769	246.627
2013	247.277	248.665	248.719	248.464	248.584	248.851	249.411	249.858	250.231	249.320	249.503	249.567	249.038	248.427	249.648
2014	251.045	251.233	252.413	252.506	253.598	253.555	253.833	253.185	253.154	252.730	251.781	250.519	252.463	252.392	252.534
2015	250.016	250.619	251.451	251.760	252.770	253.626	253.405	252.903	252.922	252.504	252.573	251.670	252.185	251.707	252.663
2016	251.739	252.250	252.854	254.270	255.023	255.471	255.386	255.545	256.085	256.605	256.541	256.427	254.850	253.601	256.098
2017	258.073	258.768	258.510	259.165	259.386	259.335	258.833	259.508	260.875	260.580	260.630	260.791	259.538	258.873	260.203
2018	262.188	263.260	263.556	264.669	265.840	265.950	265.830	266.425	266.709	266.464	265.487	265.286	265.139	264.244	266.034
2019	266.109	266.706	268.025	269.070	269.744	270.133	270.381	270.548	270.563	270.348	270.643	270.429	269.392	268.298	270.485
2020	272.316	273.080	272.531	271.325	271.345	272.283	273.347	273.597	273.925	273.374	273.543	274.225	272.908	272.147	273.669
2021	275.427	276.473	278.197	280.234	281.858	284.741	285.220	285.630	286.423	288.236	289.835	290.405	283.557	279.488	287.625
2022	292.644	294.605	298.403	300.325	302.939	306.453	305.916	306.855	307.152					299.228	

This table shows you all the data, and you can use it to calculate the percentage change and new fees.

Example: Divide the 2021 annual CPI by the 2020 annual. $283.557 / 272.908 = 103.902\%$

Old fee of \$30 X 103.902% = \$31.17.

Documentation: Downloading the spreadsheet and adding the calculation will give you documentation that dataset is Northeast urban all consumer and that the percentage is calculated correctly.

M & C 1/11/2023

Calculating Inflation using the Northeast Consumer Price Index (CPI) ANNUAL index

CPI for All Urban Consumers (CPI-U) Example of how the 2021 fee increase would have been calculated.

Original Data Value

DOWN LOADED 10-19-22

Series CUUR0100SA0

Id:

Series All items in Northeast urban, all urban consumers,

Title: not seasonally adjusted

Area: Northeast

Item: All items

Base 1982-84=100

Period:

Years: 2012 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2017	258.073	258.768	258.510	259.165	259.386	259.335	258.833	259.508	260.875	260.580	260.630	260.791	259.538
2018	262.188	263.260	263.556	264.669	265.840	265.950	265.830	266.425	266.709	266.464	265.487	265.286	265.139
2019	266.109	266.706	268.025	269.070	269.744	270.133	270.381	270.548	270.563	270.348	270.643	270.429	269.392
2020	272.316	273.080	272.531	271.325	271.345	272.283	273.347	273.597	273.925	273.374	273.543	274.225	<u>272.908</u>
2021	275.427	276.473	278.197	280.234	281.858	284.741	285.220	285.630	286.423	288.236	289.835	290.405	<u>283.557</u>
2022	292.644	294.605	298.403	300.325	302.939	306.453	305.916	306.855	307.152				

HB 36 uses this ANNUAL CPI is the average of January - December CPIs

ANNUAL Change 2020 to 2021 283.557 / 272.908 = up 3.9%

Not the same as 12-Month Change Dec. 2020 to Dec. 2021 290.405 / 274.225 = up 5.9%

Date: March 28, 2023
To: Senate Municipal and County Committee
From: Rep. Sallie Fellows
Subject: HB 36 fees of sheriffs and deputy sheriffs.

Last year, during the county budgeting process, I learned of 2021 enabling legislation¹ giving counties the option to annually adjust sheriffs' fees based on the rate of inflation. I also learned that the language describing how to determine that rate could be interpreted in more than one way. It could mean the change in the consumer price index (CPI) from May to June, just one month. It could mean the CPI in June compared to the prior June, or it could mean the average CPI of a 12-month period ending in June compared to the average CPI of the prior 12 months.

So, I worked with the sheriff's association to select the method that would work best for all the counties, since some budget for a calendar year and others for a July to June year.

The only change made by this bill is use of a 12-month calendar year CPI rather than a 12-month July to June CPI. The "Annual" calendar CPI number is published by the US Department of Labor. A July – June 12-month CPI would need to be calculated by the sheriffs. "Annual" CPI change is already used in several New Hampshire RSAs². The rest of the bill edits provide precise instructions for the calculation.

Calculating the rate of inflation is definitely challenging for anyone not familiar labor statistics, so I have drafted step by step instructions.

I am sorry I can not be at this hearing to answer questions, but feel free to call me at 536-3123 or email Fellows4NH@myfairpoint.net

¹ 2021 SENATE BILL 77-FN Relative to fees for the services of sheriffs and deputy sheriffs.
SPONSORS: Sen. D'Allesandro; Sen. Watters; Sen. Bradley

² 77-G:2, 100-C:17, 194-B:11, 198:40-d, 400-A:39.

Testimony

Senate Election Law and Municipal Affairs Committee

HB 36 - Relative to fees of sheriffs and deputy sheriffs

March 28, 2023

Dear Chairman Gray and Members of the Committee:

My name is Domenic Richardi, I am a lifelong resident of NH, and I have spent 33 years in public safety. I am currently the Sheriff of Carroll County.

I am here today to testify in **Support** of HB 36 for the NH Sheriffs Association.

This is in regards to SB 77 that passed the House and Senate in a previous legislative session and was signed into law on July 1, 2021. That bill increased fees for certain services of sheriffs and deputy sheriffs. The fees had not been increased since 2010, and inflation had raised the cost of fuel, wages, mailings, cost of cruisers, and every other aspect of writ services.

This past summer, Rep. Sallie Fellows identified a concern with how that bill was implemented. Therefore, you see HB 36 before you for your consideration. The language makes a modification to RSA 104:31, XIII to read as follows:

XIII. The fees of sheriffs and deputy sheriffs specified in paragraphs I through IV and paragraphs VII through IX-b may be increased once annually by a vote of the county convention [~~and the total~~]. ***The percentage of the*** increase shall not exceed the ***annual percentage increase in 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 the month of June in the year prior to the start of the fiscal year on a percentage basis~~] ***for the calendar year preceding the vote.***

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

I would be happy to answer any questions you may have.

In closing, I ask that you find HB 36 Ought to Pass.

Thank you for your consideration.

Respectfully Submitted,

Domenic M. Richardi
Carroll County Sheriff
NH Sheriff's Association - President

Voting Sheets

Senate Election Law & Municipal Affairs Committee

EXECUTIVE SESSION RECORD

2023 Session

Bill HB 36

Hearing date: 3/23/23

Executive Session date: 3/23/23

Motion of: OTP Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Murphy, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Abbas	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Murphy, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Abbas	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Murphy, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Abbas	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Soucy

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, March 28, 2023

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 36**

AN ACT

relative to fees of sheriffs and deputy sheriffs.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Donna Soucy
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB36

Docket Abbreviations

Bill Title: relative to fees of sheriffs and deputy sheriffs.*Official Docket of HB36.:*

Date	Body	Description
12/23/2022	H	Introduced 01/04/2023 and referred to Municipal and County Government
1/5/2023	H	Public Hearing: 01/11/2023 11:30 am LOB 301-303
1/11/2023	H	Executive Session: 01/19/2023 10:30 am LOB 301-303
1/25/2023	H	Committee Report: Ought to Pass with Amendment #2023-0026h 01/25/2023 (Vote 20-0; CC) HC 9 P. 4
2/2/2023	H	Amendment #2023-0026h: AA VV 02/02/2023 HJ 4
2/2/2023	H	Ought to Pass with Amendment 2023-0026h: MA VV 02/02/2023 HJ 4
3/7/2023	S	Introduced 02/22/2023 and Referred to Election Law and Municipal Affairs; SJ 9
3/22/2023	S	Hearing: 03/28/2023, Room 103, LOB, 09:30 am; SC 15
3/28/2023	S	Committee Report: Ought to Pass, 04/13/2023; SC 17
4/13/2023	S	Ought to Pass: MA, VV; OT3rdg; 04/13/2023; SJ 13
5/2/2023	S	Enrolled Adopted, VV, (In recess 04/13/2023); SJ 14
5/2/2023	H	Enrolled (in recess of) 04/06/2023
5/8/2023	H	Signed by Governor Sununu 05/04/2023; Chapter 10; eff: 07/03/2023

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 36

Senate Committee: ELMA

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
- N/A 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:

Lucia Meillo
Committee Aide

7/26/23
Date

Senate Clerk's Office AK