

SB 283-FN – AS AMENDED BY THE HOUSE

02/19/14 0528s
02/19/14 0589s
14May2014... 1665h

2014 SESSION

14-2725
05/10

SENATE BILL **283-FN**

AN ACT relative to settlements received by the attorney general and secretary of state and relative to flood control payments.

SPONSORS: Sen. Forrester, Dist 2; Sen. Morse, Dist 22; Sen. Odell, Dist 8; Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Rep. G. Chandler, Carr 1; Rep. Kurk, Hills 2; Rep. Major, Rock 14; Rep. Leishman, Hills 24

COMMITTEE: Finance

AMENDED ANALYSIS

This bill:

I. Requires the fiscal committee of the general court to approve the expenditure or distribution of monetary settlements received by the state.

II. Requires the deposit of a portion of judgments over a specified amount in the general fund.

III. Requires the attorney general to submit a report to the fiscal committee of the general court relative to all legal settlements received by the state.

IV. Requires the secretary of state to submit press releases and quarterly reports of settlements received under RSA 421-B to the fiscal committee of the general court.

V. Directs the department of revenue administration to fund any shortfall in fiscal year 2015 flood control payments.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 283-FN – AS AMENDED BY THE HOUSE

02/19/14 0528s
02/19/14 0589s
14May2014... 1665h

14-2725
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to settlements received by the attorney general and secretary of state and
relative to flood control payments.

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

1 1 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by
2 inserting after section 6-d the following new section:

3 7:6-e Disposition of Funds Obtained by the Attorney General.

4 I. No money received by the attorney general, on behalf of the state or its citizens as a result
5 of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or
6 other action or threatened action, shall be expended or otherwise distributed until authorized by the
7 fiscal committee of the general court, except in those instances where the disposition of money
8 received by the attorney general is already provided for in statute. Additionally, whenever the
9 department of justice receives judgment or settlement money in excess of \$1,000,000, the first 10
10 percent of those funds shall be transferred to the general fund.

11 II. Upon resolving a matter described in paragraph I, the attorney general shall promptly
12 report to the fiscal committee of the general court any money received under this section. All reports
13 under this paragraph shall include, but shall not be limited to:

14 (a) The date of the judgment or settlement.

15 (b) The purpose for which the judgment or settlement is to be used.

16 (c) The amount of the judgment or settlement.

17 (d) An accounting of the allocation of each judgment or settlement.

18 III. This section shall not apply to fines received by the attorney general in criminal cases,
19 penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b through RSA 318-
20 B:17-d, fines or civil penalties authorized by state law as a result of enforcement actions taken by
21 state agencies or the attorney general, and money received on behalf of a victim or the state as
22 restitution.

23 2 New Paragraphs; Securities; Press Release; Quarterly Reporting Requirement. Amend
24 RSA 421-B:26 by inserting after paragraph VIII the following new paragraphs:

25 IX. Upon the issuance of a press release describing the result of a civil judgment, settlement
26 of claim, settlement of threatened litigation, suit, petition, or other action or threatened action
27 pursuant to RSA 421-B, the secretary of state shall submit the press release to the fiscal committee
28 of the general court.

SB 283-FN – AS AMENDED BY THE HOUSE

- Page 2 -

1 X. The secretary of state shall submit a quarterly report to the fiscal committee of the
2 general court of all civil judgments, settlements of claims, settlements of threatened litigation, suits,
3 petitions, or other actions or threatened actions pursuant to RSA 421-B. All reports under this
4 paragraph shall include, but shall not be limited to:

5 (a) The date of the judgment or settlement.

6 (b) The purpose for which the judgment or settlement is to be used.

7 (c) The amount of the judgment or settlement.

8 (d) An accounting of the allocation of each judgment or settlement.

9 3 Fiscal Year 2015 Flood Control Payments. The department of revenue administration shall
10 fund, under RSA 122:4, I, any shortfall in fiscal year 2015 flood control payments.

11 4 Repeal. 2013, 144:126, relative to flood control payments, is repealed.

12 5 Effective Date. This act shall take effect 60 days after its passage.

SB 283-FN FISCAL NOTE

AN ACT relative to disposition of funds obtained by the attorney general.

FISCAL IMPACT:

The Department of Justice states this bill, **as amended by the Senate (Amendment #2014-0528s)**, will have an indeterminable fiscal impact on state revenue and expenditures in FY 2015 and each year thereafter. There is no impact on county and local revenue or expenditures.

METHODOLOGY:

The Department of Justice states this bill prohibits the expenditure of certain funds received by the attorney general as a result of any civil judgment or settlement without authorization by the fiscal committee of the general court. The bill also requires that upon receipt of certain settlement or judgment greater than \$1,000,000, 10 percent be transferred to the revenue stabilization reserve account, and that the attorney general provide a report to the fiscal committee relative to any settlements received by the state. The Department is not able to determine the exact fiscal impact of this bill on state revenue and expenditures.