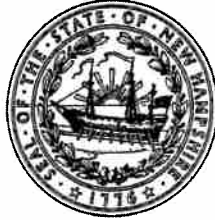


Senate Clerk



THE GENERAL COURT
OF
NEW HAMPSHIRE
CONCORD 03301

CHUCK W. MORSE
PRESIDENT OF THE SENATE

SHAWN N. JASPER
SPEAKER OF THE HOUSE

SB 41
Chapter 175, Laws of 2015

An Act (New Title) establishing a committee to study government immunity from suit and accountability by its citizens.

FINAL REPORT

The Study Committee established by Senate Bill 41 to study government immunity from suit and accountability by its citizens met in order to investigate and delve into the changes in government immunity that have resulted from poorly worded statute and NH Supreme Court rulings. Having met, they offer the following report:

FINDINGS

1. The New Hampshire Bill of Rights in Part I, Article 8 says the following: *“All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.”*

2. Because of recent court rulings, as of November, 2013, the 60,000 people who work for our towns, cities, schools and counties are immune from suits for negligent acts or omissions.
3. Insurance coverage for local municipalities can be provided through Primex and the LGC Trust as well as self-insurance as in the Cities of Manchester and Nashua.
4. Currently the State of New Hampshire can be sued but the sub-divisions cannot.
5. The Legislature enacted a bullying statute recently, but when a case was filed under the statute, the courts dismissed it, therefore making it unenforceable.
6. Members of the Committee and interested parties were not able to reach an agreement on negligence or playground liability.

RECOMMENDATIONS

1. The Committee recommends and supports that legislation be filed in one bill which includes all of the agreed-upon items. This bill will be filed in the Senate.

2. Regarding the issue of negligence, while the Committee does not agree on specific language to support, they are in unanimous agreement that legislation should be filed so that the General Court can have a discussion and see if resolution can be reached.
3. The Committee voted in support of having legislation filed that will enable the General Court to have a discussion to see whether a determination of any update in the statutes is in order relative to the inconsistencies surrounding playground equipment and liability.
4. While the Committee was not in agreement on the specific language that should be filed, they were unanimously in agreement that the General Court should discuss the issues and see if agreement can be reached on establishing the proper policies.

Respectfully submitted on
behalf of the Committee,

Sharon M. Carson
Senator Sharon Carson
CHAIR
District 14

