

Bill as Introduced

HB 1334 - AS INTRODUCED

2010 SESSION

10-2083
08/05

HOUSE BILL **1334**

AN ACT relative to penalties for unpaid fines concerning hazardous materials accidents.

SPONSORS: Rep. DeJoie, Merr 11

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes a penalty for unpaid fines concerning hazardous materials and accidents.

This bill is a request of the state fire marshal.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to penalties for unpaid fines concerning hazardous materials accidents.

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

1 1 New Subparagraph; Penalty for Non-Payment; Hazardous Materials Accidents. Amend
2 RSA 154:8-a, II-a by inserting after subparagraph (g) the following new subparagraph:

3 (h) A nonpayment penalty of \$1,000 plus 10 percent of the amount billed shall be
4 assessed for each day of nonpayment starting the 15th day after the due date and continuing up to 30
5 days followed by an increase to 25 percent of the amount billed per day for each day until the
6 payment is received. If the responsible party is not readily identifiable the cost shall be the
7 responsibility of the operator of the hazardous materials' firm.

8 2 Liability Concerning Hazardous Materials Accidents. Amend RSA 154:8-a, II-a(b) to read as
9 follows:

10 (b) Any person whose act or omission caused the actual or threatened discharge of
11 hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of
12 police, fire, emergency preparedness, or emergency response equipment shall be responsible for
13 payment of the personnel costs of police, fire, public safety, and municipal personnel, including
14 mutual aid standby personnel, directly involved in the emergency response~~[, except that costs for on-~~
15 ~~duty paid personnel who have responded to the emergency involving the discharge of hazardous~~
16 ~~materials during their assigned duty shift shall not be costs eligible for reimbursement].~~

17 3 Liability Concerning Hazardous Material Accidents. Amend RSA 154:8-a, II-a(f) to read as
18 follows:

19 (f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for
20 the ~~[equipment contamination]~~ **hazardous materials response** shall be deemed to have waived all
21 rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the
22 total amount billed.

23 4 Effective Date. This act shall take effect 60 days after its passage.

HB 1334 - AS AMENDED BY THE HOUSE

17Feb2010... 0433h

2010 SESSION

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5 days followed by an increase to 25 percent of the amount billed per day for each day until the
6 payment is received. If the responsible party is not readily identifiable the cost shall be the
7 responsibility of the operator of the hazardous materials' firm.

8 2 Liability Concerning Hazardous Materials Accidents. Amend RSA 154:8-a, II-a(b) to read as
9 follows:

10 (b) Any person whose act or omission caused the actual or threatened discharge of
11 hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of
12 police, fire, emergency preparedness, or emergency response equipment shall be responsible for
13 payment of ***any court costs and legal fees resulting from an actual or threatened discharge***
14 ***of hazardous material or toxic wastes and*** the personnel costs of police, fire, public safety, and
15 municipal personnel, including mutual aid standby personnel, directly involved in the emergency
16 response~~], except that costs for on-duty paid personnel who have responded to the emergency~~
17 ~~involving the discharge of hazardous materials during their assigned duty shift shall not be costs~~
18 ~~eligible for reimbursement].~~

19 3 Liability Concerning Hazardous Material Accidents. Amend RSA 154:8-a, II-a(f) to read as
20 follows:

21 (f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for
22 the ~~[equipment contamination]~~ ***hazardous materials response*** shall be deemed to have waived all
23 rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the
24 total amount billed.

25 4 Effective Date. This act shall take effect 60 days after its passage.

HB 1334 FISCAL NOTE

AN ACT relative to penalties for unpaid fines concerning hazardous materials accidents.

FISCAL IMPACT:

The New Hampshire Municipal Association states this bill, as amended by the House (Amendment #2010-0433h), will have an indeterminable fiscal impact on local revenues. There is no fiscal impact on state and county revenues or state, county and local expenditures.

METHODOLOGY:

The New Hampshire Municipal Association states this bill requires an individual who causes or threatened to cause a discharge of hazardous material, to pay for court costs and legal fees in addition to any emergency response costs, which would increase municipal revenue. The Association states the number of court related actions caused by hazardous waste spills is unknown, and therefore the fiscal impact on municipalities cannot be determined.

The Department of Safety states this bill will have no fiscal impact on the Department.

CHAPTER 256
HB 1334 - FINAL VERSION

17Feb2010... 0433h
05/05/10 1740s
02Jun2010... 2166eba

2010 SESSION

10-2083
08/05

HOUSE BILL ***1334***

AN ACT relative to penalties for unpaid fines concerning hazardous materials accidents.

SPONSORS: Rep. DeJoie, Merr 11

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

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Explanation: Matter added to current law appears in ***bold italics***.
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CHAPTER 256
HB 1334 – FINAL VERSION

17Feb2010... 0433h
05/05/10 1740s
02Jun2010... 2166eba

10-2083
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to penalties for unpaid fines concerning hazardous materials accidents.

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

1 256:1 New Subparagraph; Penalty for Non-Payment; Hazardous Materials Accidents. Amend
2 RSA 154:8-a, II-a by inserting after subparagraph (g) the following new subparagraph:

3 (h) A one-time penalty of \$1,000 plus interest assessed at the rate of interest established
4 in RSA 336:1, may be assessed for nonpayment.

5 256:2 Liability Concerning Hazardous Materials Accidents. Amend RSA 154:8-a, II-a(b) to read
6 as follows:

7 (b) Any person whose act or omission caused the actual or threatened discharge of
8 hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of
9 police, fire, emergency preparedness, or emergency response equipment shall be responsible for
10 payment of the personnel costs of police, fire, public safety, and municipal personnel, including
11 mutual aid standby personnel, directly involved in the emergency response[~~except that costs for on-~~
12 ~~duty paid personnel who have responded to the emergency involving the discharge of hazardous~~
13 ~~materials during their assigned duty shift shall not be costs eligible for reimbursement]~~ **and any**
14 **reasonable court costs and legal fees incurred by the municipality, organization, or**
15 **mutual aid district in collecting costs or defending an unsuccessful appeal of such costs.**

16 256:3 Liability Concerning Hazardous Material Accidents. Amend RSA 154:8-a, II-a(f) to read
17 as follows:

18 (f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for
19 the [~~equipment contamination~~] **hazardous materials response** shall be deemed to have waived all
20 rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the
21 total amount billed, **subject to the additional penalty and interest set forth under**
22 **subparagraph (h) in the case of nonpayment.**

23 256:4 Effective Date. This act shall take effect 60 days after its passage.

24 Approved: July 6, 2010

25 Effective Date: September 4, 2010

Amendments

Amendment to HB 1334

1 Amend RSA 154:8-a, II-a(h) as inserted by section 1 of the bill by replacing it with the following:

2

3 (h) A one-time nonpayment penalty of \$1,000 may be assessed for nonpayment. In
4 addition, 10 percent of the amount billed may be assessed for each day of nonpayment starting the
5 15th day after the due date or where an appeal is filed pursuant to RSA 154:8-a, starting 15 days
6 after a final determination on the appeal. Thirty days following the due date or final determination
7 of the appeal, the additional assessment shall increase to 25 percent of the amount billed per day for
8 each day until the payment is received. If the responsible party is not readily identifiable the cost
9 shall be the responsibility of the operator of the hazardous materials firm.

10

11 Amend RSA 154:8-a, II-a(b) as inserted by section 2 of the bill by replacing it with the following:

12

13 (b) Any person whose act or omission caused the actual or threatened discharge of
14 hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of
15 police, fire, emergency preparedness, or emergency response equipment shall be responsible for
16 payment of the personnel costs of police, fire, public safety, and municipal personnel, including
17 mutual aid standby personnel, directly involved in the emergency response [~~except that costs for on-~~
18 ~~duty paid personnel who have responded to the emergency involving the discharge of hazardous~~
19 ~~materials during their assigned duty shift shall not be costs eligible for reimbursement] *and any*
20 *court costs and legal fees incurred by the municipality, organization, or mutual aid*
21 *district in collecting costs or defending an unsuccessful appeal of such costs.*~~

22

23 Amend RSA 154:8-a, II-a(f) as inserted by section 3 of the bill by replacing it with the following:

24

25 (f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for
26 the [~~equipment contamination~~] *hazardous materials response* shall be deemed to have waived all
27 rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the
28 total amount billed, *subject to the additional penalties and assessments set forth under*
29 *RSA 154:8-a in the case of continued nonpayment.*



2010-1527s

AMENDED ANALYSIS

This bill establishes a penalty for unpaid fines concerning hazardous materials and accidents.

Draft Amendment to HB 1334

1 Amend RSA 154:8-a, II-a(h) as inserted by section 1 of the bill by replacing it with the following:

2

3 (h) A one-time penalty of \$1,000 plus interest assessed at the rate of interest established
4 in RSA 336:1, may be assessed for nonpayment. If the responsible party is not readily identifiable
5 the cost shall be the responsibility of the operator of the hazardous materials firm.

6

7 Amend RSA 154:8-a, II-a(b) as inserted by section 2 of the bill by replacing it with the following:

8

9 (b) Any person whose act or omission caused the actual or threatened discharge of
10 hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of
11 police, fire, emergency preparedness, or emergency response equipment shall be responsible for
12 payment of the personnel costs of police, fire, public safety, and municipal personnel, including
13 mutual aid standby personnel, directly involved in the emergency response [~~except that costs for on-~~
14 ~~duty paid personnel who have responded to the emergency involving the discharge of hazardous~~
15 ~~materials during their assigned duty shift shall not be costs eligible for reimbursement] *and any*
16 *reasonable court costs and legal fees incurred by the municipality, organization, or*
17 *mutual aid district in collecting costs or defending an unsuccessful appeal of such costs.*~~

18

19 Amend RSA 154:8-a, II-a(f) as inserted by section 3 of the bill by replacing it with the following:

20

21 (f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for
22 the [~~equipment contamination~~] *hazardous materials response* shall be deemed to have waived all
23 rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the
24 total amount billed, *subject to the additional penalty and interest set forth under*
25 *RSA 154:8-a in the case of ~~continued~~ nonpayment.*

2010-1670s

AMENDED ANALYSIS

This bill establishes a penalty for unpaid fines concerning hazardous materials and accidents.

Amendment to HB 1334

1 Amend RSA 154:8-a, II-a(h) as inserted by section 1 of the bill by replacing it with the following:

2

3 (h) A one-time penalty of \$1,000 plus interest assessed at the rate of interest established
4 in RSA 336:1, may be assessed for nonpayment.

5

6 Amend RSA 154:8-a, II-a(b) as inserted by section 2 of the bill by replacing it with the following:

7

8 (b) Any person whose act or omission caused the actual or threatened discharge of
9 hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of
10 police, fire, emergency preparedness, or emergency response equipment shall be responsible for
11 payment of the personnel costs of police, fire, public safety, and municipal personnel, including
12 mutual aid standby personnel, directly involved in the emergency response [~~except that costs for on-~~
13 ~~duty paid personnel who have responded to the emergency involving the discharge of hazardous~~
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15 *reasonable court costs and legal fees incurred by the municipality, organization, or*
16 *mutual aid district in collecting costs or defending an unsuccessful appeal of such costs.*~~

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18 Amend RSA 154:8-a, II-a(f) as inserted by section 3 of the bill by replacing it with the following:

19

20 (f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for
21 the [~~equipment contamination] hazardous materials response shall be deemed to have waived all~~
22 rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the
23 total amount billed, *subject to the additional penalty and interest set forth under*
24 *RSA 154:8-a in the case of nonpayment.*



2010-1740s

AMENDED ANALYSIS

This bill establishes a penalty for unpaid fines concerning hazardous materials and accidents.

Committee Minutes

**AMENDED
SENATE CALENDAR NOTICE
JUDICIARY**

Printed: 04/01/2010 at 9:47 am

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 1, 2010

HEARINGS

Tuesday

4/6/2010

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: THE PURPOSE OF THIS AMENDED NOTICE IS TO ADD HB 1435, HB 1544 AND HB 1334

- | | | |
|--------------------|----------------------|---|
| 2:00 PM | HB523-FN | requiring DNA testing of all persons convicted of a felony. |
| 2:30 PM | HB1653-FN | decriminalizing possession of one quarter of an ounce or less of marijuana. |
| 3:00 PM | HB1655-FN | relative to persons with mental illness and the corrections system. |
| 3:30 PM | HB1667-FN | relative to possession of controlled substances obtained by valid prescription. |
| 4:00 PM | HB1435-FN | relative to the practitioner-patient relationship in the dispensing of prescriptions. |
| 4:15 PM | HB1544-FN | relative to penalties for forestry violations. |
| 4:30 PM | HB1334-FN | relative to penalties for unpaid fines concerning hazardous materials accidents. |

Sponsors:

HB523-FN

Rep. David Welch

Rep. Stephen Shurtleff

HB1653-FN

Rep. Steven Lindsey

HB1655-FN

Rep. Cindy Rosenwald

Rep. Lucy Weber

Sen. Bette Lasky

Rep. Peter Batula

Rep. Gene Charron

HB1667-FN

Rep. Joel Winters

HB1435-FN

Rep. Frank Case

Rep. Fran Wendelboe

Sen. Sharon Carson

Rep. Lyle Bulis

Rep. Thomas Donovan

Rep. Maureen Mann

HB1544-FN

Rep. Robert Theberge

Rep. Suzanne Smith

Sen. Bob Odell

HB1334-FN

Rep. John DeLoic

Gail Brown 271-3076

Sen. Deborah Reynolds

Chairman

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **HB 1334-FN** – *AN ACT relative to penalties for unpaid fines concerning hazardous materials accidents.*

HEARING DATE: April 6, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Lasky, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Representative DeJoie

What the bill does: This bill establishes a penalty for unpaid fines concerning hazardous materials and accidents – and was a request of the State Fire Marshal.

Who supports the bill: Representative Theberge; William Degnan, NH State Fire Marshal; Claire Ebel, NHCLU; Doug Patch representing the NH Fire Chiefs

Who opposes the bill: Gary Abbott on behalf of Associated General Contractors

Summary of testimony received:

- Representative Theberge introduced the legislation on behalf of Representative DeJoie who was not present.
- He noted that the bill is filed in regard to unpaid fines concerning hazardous materials accidents.
- Gary Abbott testified in opposition to the bill as Amended by the House. He said that his organization was in support of the bill as introduced.
- He acknowledged that the bill was filed as a result of some folks who had not paid their fines.
- He said that as amended, his concern is that if there is a dispute over the fine, with the timeframes, whether the individual wins, loses or draws, they are still responsible for the attorney's fees and court costs.

- Senator Reynolds asked what in the bill is different – and was provided with a copy of the bill as introduced, which Mr. Abbott supports.
- State Fire Marshal Degnan testified in support and said that they asked for the bill to be filed because of hazardous materials fines which some local fire departments at times have trouble collecting.
- He said that the bill would enable the individual to either pay the fine or file an appeal.
- Under current statute, the local fire department must bill within a 30-day timeframe. They cannot collect if they miss the 30-day time.
- He said that the Municipal Association asked for the attorney's fees and court costs as they wanted towns to be able to be awarded them if they had to expend the moneys in order to collect. He said that he would like to see this ability stay in the bill.
- Fire Marshal Degnan commented that a few of the Hazardous Materials leaders had planned to be here today to testify, but they were called out to the emergency in Franklin.
- Doug Patch, representing the Fire Chiefs Association, signed in support but did not testify.

Fiscal Impact: See fiscal note

Future Action: The Committee took the bill under advisement.

sfd

[file: HB 1334-FN]

Date: April 7, 2010

RMB

Senator Deborah R. Reynolds, D. 2: Claire, you are signed in in favor of the bill, but do not wish to speak? Mr. Gary Abbott on behalf of the Associated General Contractors of New Hampshire. Would you like to come forward, Gary? Thank you for your patience. Gary is going to speak in opposition to the bill.

Gary Abbott: Thank you, Madam Chairman. It sounds like an afternoon of bad actors. I have surmised that's what these bills are all about.

For the record, my name is Gary Abbott. I am the Executive Vice President of the Associated General Contractors of New Hampshire. I come before you today, and I'm handing out a paper I will just summarize.

The original bill in the House we were not opposed to that bill. What happened is it got amended to include court costs as part of the hazardous materials under section (b) where any court costs or legal fees got added. Our Association has had a longstanding that somebody who has a spill on the side of the road or damages part of the road has to pay for it and that's really what this section does. The original bill added what was excluded was, if you were on regular detail and ended up at the site, it is those additional people that had to do with clean up and stuff had to pay and it was being expanded.

Our organization, our environment committee looked at it and said on the first go around we weren't objecting to that expansion of adding it to personnel that had responded because of a spill dealing with a response of something that somebody had done. But, once the bill got amended and our group then looked at the amendment, we said, now we start to go down a path where the Fire Marshal has already shown me the procedure that right now if you have an incident, they would gather all of the parties involved and send you a bill thirty days later and you have this below (f) thirty days to appeal back to the Department. What we're concerned about is adding the court costs if you are in a dispute over part of the bill, all of the bill, however that comes about. Adding that in makes me quickly liable for that as well, no matter if I win, lose or draw on the appeal or if I go further.

So, I'm here today, even though I put down opposed to the bill, I'm really opposed to the bill because of that amendment that was added in the House regarding the legal fees.

Please see Attachment #1, Gary Abbott's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you. So, is it fair to say that all after Section 2 of the bill, but leave in Section 3, if Section 2 is taken out, you would be okay with this? Would that be okay?

Mr. Abbott: Yes. I think the original bill was still parsing out the bottom portion of Section 3. There were changes to section (b). It is just any court costs, that addition that seems to expand that if you had a non-bad actor that was in a dispute over the bill, you seem to tack on the other side of expenses no matter what.

Senator Deborah R. Reynolds, D. 2: Okay. Great. Thank you very much. Any questions of Mr. Abbott? Thank you for your testimony and your patience.

Mr. Abbott: Thank you.

Senator Deborah R. Reynolds, D. 2: Our State Fire Marshal has been patiently waiting. I apologize. Why don't you come forward, Mr. Degnan? We would love to hear from you.

William Degnan, Fire Marshal: Good afternoon. I will try and be very brief. I think you probably want to get out of here. It has been a long day. For the record, my name is Bill Degnan, State Fire Marshal, and I'm here in support of HB 1334 in reference to the haz mat fines.

Presently there is a state statute that allows the local communities to seek reimbursement for a cost that they incur during a hazardous materials incident. This bill came about at the request of the local fire departments and communities who were having difficulty in getting the attention that some of the people who experience the spills to pay their bills or file an appeal. If they pay the bill, there is a fine. If they file an appeal, then there is no fine because it goes to the Commissioner of Safety and it gets hammered out at that level. The penalty for non-payment is meant to be a deterrent to these people that do incur the spills to either pay it or file the appeal. There is no other way of really putting it. Present law has some pretty strict guidelines in regards to what the community has to do in sending a bill to the person responsible. They have to get that bill out within thirty days. If they don't get the bill out, then the statute doesn't apply. We had one recently where the community sent the bill out two months afterwards. We can't help them because the law doesn't apply. For the same reason the people who have thirty days to appeal, they have to do their job upfront as well.

This legislation in regards to the attorney fees that was added in the House, the Municipal Association was supporting that. They were the ones that were asking for that. The reason being, if it goes to the level of having to go after a person to collect those fines because they failed to file an appeal, then they want to be able to cover their court costs and their attorney fees. So, I

JMB

understand what Mr. Abbott is saying in regards to it being open ended and personally I would like to see the legal fees and court costs remain in there. It may need to be tightened so that it just applies to the collection of the fines so that it is not open ended.

That being said, I don't have any other comments, but would happy to entertain your questions.

Senator Deborah R. Reynolds, D. 2: Thank you. Senator Houde?

Senator Matthew Houde, D. 5: Thank you, Madam Chair. Thank you for taking the question. In new subparagraph (h) on line 4, it says penalty will be assessed starting on the 15th day.

Marshal Degnan: After the due date.

Senator Matthew Houde, D. 5: After the due date. So, if the town sends out a bill that is payable upon receipt, don't they have thirty days to appeal that?

Marshal Degnan: Yes. But, they could put a due date shorter than that.

Senator Matthew Houde, D. 5: So, they could be fined from the 15th day, but they have thirty days to appeal?

Marshal Degnan: They couldn't be fined for that because they have that thirty days to appeal.

Senator Matthew Houde, D. 5: Oh, I didn't read. I should read the next line. Thanks very much.

Senator Deborah R. Reynolds, D. 2: Any other questions? Thank you very much for your testimony.

Marshal Degnan: Thank you. Madam Chair, if I could just mention one thing.

Senator Deborah R. Reynolds, D. 2: Certainly.

Marshal Degnan: A couple of the hazardous material team leaders had planned to be here, but unfortunately they have been out all day up in Franklin. So, I am speaking of their behalf as well.

Senator Deborah R. Reynolds, D. 2: Great. Thank you.

Senator Robert J. Letourneau, D. 19: I'm sure they're out in Hooksett, too.

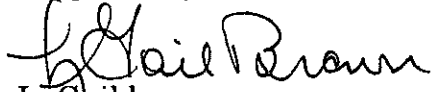
Marshal Degnan: Yes, there was a hydrogen leak down there as well. We have them going everywhere.

Senator Deborah R. Reynolds, D. 2: Thank you so much for your testimony.

I just want to note that Mr. Doug Patch on behalf of the Association of Fire Chiefs is here and signed in favor, but does not wish to speak. Is there anybody else who had intended to speak relative to HB 1344 that is still awake? I will close the hearing.

Hearing concluded at 5:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "L. Gail Brown".

L. Gail brown

Senate Secretarial Supervisor

9/23/10

1 Attachment



The Associated General Contractors of New Hampshire, Inc.

48 Grandview Road ▼ Bow, New Hampshire 03304
603/225-2701 ▼ Fax 603/226-3859

In Opposition to penalties for unpaid fine concerning hazardous materials accidents

Presented before the Senate Judiciary Committee
April 6, 2010

House Bill 1334 as amended by the House establishes a penalty for unpaid fines concerning hazardous materials and accidents. The amended bill also requires any person whose act or omission caused the threat of or actual hazardous materials accident to be held responsible for any court costs and legal fees resulting from the accident

The Associated General Contractors of New Hampshire (AGC of NH) fully believes that a person or company should be responsible for clearing up a threatened or actual hazardous materials accident. However, the Association finds it beyond reasonable to hold a person or company responsible for the legal fees that could result in the case of a dispute. Additionally, the amended bill leaves room for various interpretations. It does not include a clear description of what court costs and legal fees a person or company is responsible for, or to what extent. Furthermore, what if the person or company at hand is not found at fault during a court case? Are they still responsible for paying the other side's court fees?

The Association believes that House Bill 1334 is ambiguous and unreasonable as amended. **Therefore, AGC of NH asks that the Senate Judiciary Committee find House Bill 1334 inexpedient to legislate for the reasons stated above.**

Respectfully Submitted,

Gary A Abbott
Executive Vice President

Speakers

SENATE JUDICIARY COMMITTEE

Date: 4/6/10

Time: 4:30 p.m. Public Hearing on HB 1334-FN

HB 1334-FN – relative to penalties for unpaid fines concerning hazardous materials accidents.

Please check box(es) that apply:

SPEAKING		FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Claira Ebel <i>(in the interests of time, will not speak)</i>	NHCLU
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Gary Abbott	AG of NH
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	J. William DeGuer	State Fire Marshal
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Doug Patch	NH Assn Fire Chiefs
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
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NOT speaking

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # HB 1334-FN

Hearing date: 4/6/10

Executive session date: ~~4/13/10~~ 4/14/10

waived

Motion of: OTP *w/drawn*

VOTE: _____

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Motion of: OTP

VOTE: _____

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: revert back to as introduced

4/24/10 1527

Notes: 4/20 1670 Houde / OTP/A 3-0
Houde

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 29, 2010

THE COMMITTEE ON Judiciary

to which was referred House Bill 1334

AN ACT relative to penalties for unpaid fines concerning
 hazardous materials accidents.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1740s

Senator Matthew Houde
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of HB1334

Docket Abbreviations

Bill Title: relative to penalties for unpaid fines concerning hazardous materials accidents.*Official Docket of HB1334:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Criminal Justice and Public Safety; HJ 6 , PG.236
01/12/2010	H	Public Hearing: 1/21/2010 10:00 AM LOB 204
01/26/2010	H	Subcommittee Work Session: 2/1/2010 11:30 AM LOB 204
02/02/2010	H	Subcommittee Work Session: 2/8/2010 4:00 PM LOB 204
02/03/2010	H	Executive Session: 2/9/2010 10:00 AM LOB 204
02/09/2010	H	Committee Report: Ought to Pass with Amendment #0433h for Feb 17 CC (Vote 18-1); HC 14 , PG.581
02/09/2010	H	Proposed Committee Amendment #0433h; HC 14 , PG.632
02/17/2010	H	Amendment #0433h Adopted, VV; HJ 18 , PG.934
02/17/2010	H	Ought to Pass with Amendment #0433h: MA VV; HJ 18 , PG.934
03/24/2010	S	Introduced and Referred to Judiciary; SJ 11 , Pg.262
04/01/2010	S	Hearing: April 6, 2010, Room 103, State House, 4:30 p.m.; SC14
04/29/2010	S	Committee Report: Ought to Pass with Amendment 1740s, 5/5/10; SC18
05/05/2010	S	Committee Amendment 1740s, AA, VV; SJ 17 , Pg.390
05/05/2010	S	Ought to Pass with Amendment 1740s, MA, VV; OT3rdg; SJ 17 , Pg.390
05/05/2010	S	Passed by Third Reading Resolution; SJ 17 , Pg.398
05/19/2010	H	House Concurs with Senate AM #1740s (Rep Shurtleff): MA VV; HJ 46 , PG.2225
06/02/2010	H	Enrolled Bill Amendment #2166 Adopted; HJ 51 , PG.2323
06/02/2010	S	Enrolled Bill Amendment #2166 Adopted; SJ 21 , Pg.761
06/02/2010	S	Enrolled; SJ 21 , Pg.777
06/02/2010	H	Enrolled; HJ 51 , PG.2326
07/07/2010	H	Signed by the Governor 07/06/2010; Effective 09/04/2010; Chapter 0256

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1334 ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1740 - AMENDMENT # 1670
 - AMENDMENT # 1527 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

revised fiscal notes

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 9/20/10

H. Blair Brown
COMMITTEE SECRETARY