

Bill as
Introduced

HB 276 - AS INTRODUCED

2013 SESSION

13-0390
08/10

HOUSE BILL **276**

AN ACT relative to wildlife resistant solid waste storage and disposal.

SPONSORS: Rep. Reilly, Graf 9

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill requires owners of solid waste containers which are attracting nuisance wildlife to store or dispose of such solid waste in a wildlife resistant manner.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to wildlife resistant solid waste storage and disposal.

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

1 1 New Section; Wildlife Dumpsters. Amend RSA 147 by inserting after section 47 the following
2 new section:

3 147:47-a Wildlife Resistant Solid Waste Storage and Disposal.

4 I. When a conservation officer of the fish and game department or a municipal animal control
5 officer determines that a solid waste container has attracted nuisance wildlife, the officer shall require
6 the owner of the solid waste container to place such solid waste for disposal in one of the following:

7 (a) A wildlife resistant container.

8 (b) A solid waste container placed within a wildlife resistant enclosure.

9 (c) A building or structure that is inaccessible to wildlife.

10 II.(a) Any person who, after a conservation officer of the fish and game department or a
11 municipal animal control officer requires the owner to store his or her solid waste in a wildlife resistant
12 container, knowingly violates the provisions of this section, shall be guilty of a violation and may not be
13 fined more than \$500. If such person chooses to pay the civil forfeiture specified in subparagraph (b), the
14 person shall be deemed to have waived the right to have the case heard in district court and shall not be
15 prosecuted or found guilty of a violation of paragraph I. Any person who does not pay the civil forfeiture
16 specified in subparagraph (b) shall have the case disposed of in district court.

17 (b) Any person who violates the provisions of paragraph I shall be liable for a civil
18 forfeiture, which shall be paid to the clerk of the town or city where the violation occurred within 48
19 hours of the date and time notice is given by a conservation officer of the fish and game department
20 or a municipal animal control officer under paragraph I. If the forfeiture is paid, said payment shall
21 be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for
22 the following violations:

23 (1) \$25 for the first offense.

24 (2) \$50 for each subsequent offense except as provided in subparagraph (c).

25 (c) Any person who pays a civil forfeiture as specified in subparagraph (b) 3 times in any
26 12-month period according to the records of the town or city clerk may not pay a civil forfeiture for
27 subsequent violations of paragraph I in that 12-month period but shall have those cases disposed of
28 in district court.

29 (d) The town or city clerk shall remit all fines and civil forfeitures to the municipality or
30 department, the officials of which instituted the prosecution.

31 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

PUBLIC HEARING ON HB 276

BILL TITLE: relative to wildlife resistant solid waste storage and disposal.

DATE: February 7, 2013

LOB ROOM: 307 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Lefebvre, R. M. Rogers, Ward, Kaen, Carroll, Michael Garcia, G. Katsiantonis, Manley, Dobson, Burdwood, Ketel, Reed, Burt, McCarthy, J. Webb, Sanders, Duarte, McKinney, Tamburello and Kidder.

Bill Sponsors: Rep. Reilly, Graf 9

TESTIMONY

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

Rep. Harold Reilly, Sponsor - Supports

Eric Rottenecker, Bristol NH – Supports
500 hours USDA to this

Rick Ladd, Haverhill – Opposed

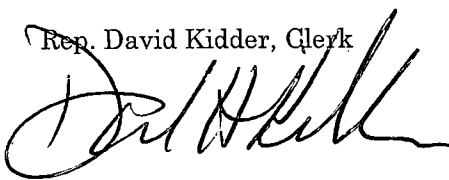
Paul H. Simard, Bristol NH – Supports

Barry Normandeau, Opposed
Liability issues

Rick Belanger, Ponderosa, Epsom – Opposed

***Mark Ellingwood, NHF&G – Supports**
?????????, 750 man hours

Rep. David Kidder, Clerk



HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

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Bill Sponsors: Rep. Reilly, Graf 9

TESTIMONY

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

For Eric Rottenbeck (3) - for 500 hours ^{VSDA} ~~for~~ to this
Against Rick Ladd (3)
For Paul Simard (4)
Against Benny Womandean (5) liability issues
For Rick Belanger
For "spit" Mark Ellingswood (2) 1100 hours complaints
250 man hours

Testimony

Representative Rick Ladd, Grafton 4, Haverhill
HB 276
February 7, 2013

I am here today to testify in opposition to HB 276, Relative to Wildlife Resistance Solid Waste Storage and Disposal

I am testifying as a representative of the Town of Haverhill and on behalf of local, small business involved in waste disposal.

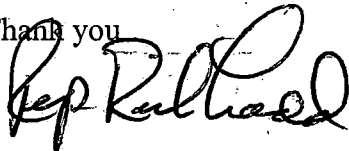
This bill requires a thorough vetting, including input and involvement from all stakeholders, as it raises several serious considerations.

1. There is an assumption that when a conservation officer or local municipal control officer determines that a solid waste container has attracted nuisance wildlife, that the owner is required to take various actions. What action will be taken if the situation is resultant to other considerations, i.e., the owner of the property, etc.?
2. Is this a 'local concern' that needs to be resolved through 'statewide legislation?'
3. Several towns such as Bethlehem and Lincoln have passed local ordinances to address nuisance wildlife. Those ordinances look very similar to wording in this bill. The issue should be resolved as Bethlehem and Lincoln have done, and that is through action at the local level.
4. What impact will legislation such as this have on small business and consumers: additional costs for equipment, additional cost passed on to the consumer, loss of service to a community (example in Lincoln), lost revenue to the local municipality (tax base)

On behalf of the residents of the Upper Valley and communities of the White Mountains, I ask that this bill be disposed with an ITL. Please leave local matters to those who best understand local needs at the town level.

As an individual who lived in Alaska for 25 years, I can say with experience, that no matter how much money we place into the design of waste containers, bears will keep the contest close. The cost of design and placing heavier metals into these containers is prohibitive and creates hardship for the general public.

Thank you



HB 276 narrative.

- 1) Intro/ I am Barry Normandeau/ Pres of Normandeau Trucking, Inc in northern NH/in Groveton
- 2) Former member for yrs of the Guv. Task Force on Waste Management issues.
- 3) We used to see many bills coming thru like this that failed as they were done unilaterally w/o bringing in all impacted parties. The waste industry was not asked for input.
- 4) We in the N Country well understand the bear & animal problem. We work very closely & have a great repoire with the NH F&G to defeat bear & animal problems in/around containers.
- 5) This bill does 2 things inadequately. 1) It shifts the cost to the (owner of the container) which means the waste haulers. It should be the site owner & or the customer that contracted the container responsibility's to pay for the cost of "bear proofing" a container. We have containers that are "bear proofed" but they are significantly more in cost. 2) Liability. "Bear proof" containers come with lots of hazards. Those being: They are dangerous to operate as they act like guillotines as the covers weigh in excess of 100 lbs in some cases. They are a child hazard as once you get into a container even an adult can not get out of the container with a metal lid.
- 6) The bill also fails to address an even wider more pervasive problem. What about "toters", curbside

waste, back yard composters & back yard storage areas that attract even more than just bears.

- 7) This HB 276 has a direct cost impact to the State & Federal governments as the NH DRED- Parks bids out this service statewide with specific bids requiring certain types of containers.
- 8) A) These containers have lids that are difficult to handle due to the weight. They are dangerous.
B) They are expensive to add lids. Costing up to \$500 in some cases per unit & take time to add on.
C) They are very maintenance intensive.
D) There are 10's of thousands of containers statewide. For a waste company to absorb the cost of upgrading could in effect bankrupt a company if it was mandated that the owner had to bear the cost...which this bill does.
E) Liability...who is liable? This should be a "home owner liability" not the container owner's. Meaning that the insurance industry should be party to this bill as well.

As well meaning as this bill is I respectfully ask that it not be considered reasonable in its current written format until a wider group of people are inputting to the bill as the wider implications of safety, huge financial concerns to the haulers, & as well as hauler liabilities are fully addressed. This should be addressed similarly as the auto rental industry does.

Thank you for allowing me to speak

Voting Sheets

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

EXECUTIVE SESSION on HB 276

BILL TITLE: relative to wildlife resistant solid waste storage and disposal.

DATE: February 14, 2013

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Reed

Seconded by Rep. Sanders

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David H. Kidder, Clerk

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

EXECUTIVE SESSION on HB 276

BILL TITLE: relative to wildlife resistant solid waste storage and disposal.

DATE: 2/14/13

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Reed*

Seconded by Rep. *Sanders*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David H. Kidder, Clerk





STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 9:27:52 AM
Roll Call Committee Registers
Report

2013 SESSION

FISH AND GAME AND MARINE RESOURCES

Bill #: 276 Title: Wildlife assistant w/eth storage

PH Date: 1/1 Exec Session Date: 2/14/13

Motion: _____ Amendment #: None

ITV

MEMBER	YEAS	NAYS
✓ Lefebvre, Benjamin P, Chairman	✓	
✓ Rogers, Rose Marie , V Chairman	✓	
✓ Ward, Kenneth J	✓	
✓ Kaen, Naida L	✓	
Katsiantonis, George		
Burdwood, Greg		
✓ Carroll, Douglas L	✓	
Dobson, Jeremy S		
✓ Garcia, Michael A	✓	
Ketel, Stephen M		
✓ Manley, Jonathan F	✓	
✓ Reed, Dennis ,	✓	
✓ McKinney, Betsy ,	✓	
✓ Sanders, Elisabeth N	✓	
McCarthy, Michael J		
✓ Kidder, David H, Clerk	✓	
✓ Duarte, Joe ,	✓	
✓ Webb, James C	✓	
✓ Burt, John A	✓	
Tamburello, Daniel J		
TOTAL VOTE:		

14-0

Committee Report

CONSENT CALENDAR

February 19, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on FISH AND GAME AND MARINE
RESOURCES to which was referred HB276,**

**AN ACT relative to wildlife resistant solid waste storage
and disposal. Having considered the same, report the
same with the following Resolution: RESOLVED, That it
is INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Reed

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	FISH AND GAME AND MARINE RESOURCES
Bill Number:	HB276
Title:	relative to wildlife resistant solid waste storage and disposal.
Date:	February 19, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill required owners of solid waste containers which are attracting nuisance wildlife to store or dispose of such waste in a wildlife resistant manner and would if passed put undo expense on the entire state and container suppliers.

Vote 14-0.

Rep. Dennis Reed
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

FISH AND GAME AND MARINE RESOURCES

HB276, relative to wildlife resistant solid waste storage and disposal. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Reed for FISH AND GAME AND MARINE RESOURCES. This bill required owners of solid waste containers which are attracting nuisance wildlife to store or dispose of such waste in a wildlife resistant manner and would if passed put undo expense on the entire state and container suppliers. **Vote 14-0.**

HB 276

ITL

This bill if passed would have required owners of solid waste containers that are attracting nuisance wildlife to store or dispose of such waste in a wildlife resistant manner. If passed this bill would have placed the financial burden on the container companies not the container customer who is in most cases responsible for the complaint. The committee acknowledges the issues with nuisance wildlife and felt that this issue was better left up to local Cities and Towns to create their own ordinances.

Dennis Reed

A handwritten signature in black ink, appearing to read "Benjamin Lefebvre". The signature is stylized with a large, looped initial "B" and a long, sweeping tail.

BENJAMIN LEFEBVRE

COMMITTEE REPORT

COMMITTEE: Fish + Game

BILL NUMBER: HB 276

TITLE: Relative to wildlife resistant solid waste storage and disposal

DATE: 2-14-13 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

This Bill requires owners of Solid Waste containers which are attracting nuisance wildlife to store or dispose of such waste in a wildlife resistant manner and would if passed would put undue expense on the entire state and container suppliers.

COMMITTEE VOTE: 14-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. *Dennis Reaf*
For the Committee