

HOUSE RECORD

Second Year of the 162nd General Court Calendar and Journal of the 2012 Session

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No. 14A

Contains: Additional Amendment and Reports.

ADDENDUM TO HOUSE CALENDAR NO. 14

ADDITIONAL REPORTS

WEDNESDAY, FEBRUARY 22

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

CORRECTED COMMITTEE REPORT

HB 1470, establishing a committee to study administrative orders related to parental visitation.

INEXPEDIENT TO LEGISLATE.

Rep. Patricia A Dowling for Children and Family Law: No one appeared at the hearing on the bill.

A later request for written enlightenment from the sponsor was not productive.

The bill proposed a study of administrative orders related to parental visitation, and when a committee inquiry to the Family Court Division found that the court does not issue administrative orders related to visitation, we decided it was time for an Inexpedient to Legislate. **Vote 11-0.**

REGULAR CALENDAR

JUDICIARY

CORRECTED COMMITTEE REPORT

HB 1368, relative to real property held as a joint tenancy with rights of survivorship. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F Souza for the **Majority** of Judiciary: This bill addresses a glitch in state title law. The committee heard testimony from intended heirs who did not indeed inherit property under current joint tenancy law. This bill ensures that if one joint tenant with right of survivorship decides to sever the joint tenancy, then the other joint tenant(s) must be informed. The committee amendment strengthens the protection of all parties by insisting that all parties not only be informed of proposed changes, as called for in the original bill, but that there is a record of their consent to the action. **Vote 16-1.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: As amended by the majority, this bill would create a species of concurrent ownership of real estate previously unknown in New Hampshire law. By taking away the right of a joint tenant unilaterally to defeat the survivorship feature of his or her undivided interest by conveying it to a third person, it would effectively transform joint tenancy into a modified form of tenancy by the entireties, which was abolished in New Hampshire in 1869 and which while it existed applied, and where it still exists still applies, only to husband and wife. This is objectionable on several grounds. First, the sponsors of the bill were seeking only to require a joint tenant wishing to dispose of his or her undivided interest simply to notify the other joint tenants immediately upon severing the joint tenancy, not to get their permission to do so. Second, redefining joint tenancy to mean something different from what it has historically meant will create needless confusion by compromising the relative immutability of basic principles and definitions of conveyancing law that enables titles to be searched far into the past and understood with confidence. Third, there was and is no evidence that the incident that inspired the filing of HB 1368 was other than an isolated one. The general court should not legislate by anecdote even when adhering to the remedy sought by the sponsors, and certainly should not legislate by anecdote when the remedy

adopted has no relation not only to that anecdote but to any other problem known to or brought to the notice of the committee.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 29, urging the United States Department of Health and Human Services to rescind its rule requiring health plans to provide sterilizations and contraceptives. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven L Cunningham for the **Majority** of State-Federal Relations and Veterans Affairs: The committee agrees with the resolution's sponsors that the Affordable Care Act of 2010's policies force religious groups to not-so-indirectly pay for medical procedures that these groups find TO BE AN anathema. The committee also agrees that our federal government thus negates basic religious tenets and that this negation is disturbing, abhorrent and unconstitutional. Although HR 29 is merely a resolution, it does allow the New Hampshire House of Representatives to speak out against an overt attack on basic religious freedoms. Testimony assured us that reproductive services are readily available to all women, often at little or no cost, through various not-for-profit organizations.

Vote 13-5.

Rep. Dale S Spainhower for the **Minority** of State-Federal Relations and Veterans Affairs: The minority of the committee believes that the Patient Protection and Affordable Care Act (PPACA) does not violate any citizen's basic right to religious freedom. The federal policy requires that employees of religion-affiliated institutions, such as hospitals and universities, have access to birth control coverage. Churches are exempt from the requirement. Insurance companies, not the organization affiliated with a church, will be required to pay for birth control costs. No individual will be forced to buy or use contraception. New Hampshire law, as in 28 other states, currently requires insurance companies that cover prescriptions in health care plans to also provide coverage for contraceptives. In the United States, birth control use is widely accepted, including among Catholic women. An April 2011 Guttmacher survey found that 99 percent of all women, including 98 percent of Catholic women, who are sexually active, have used birth control. Drugs that cause abortions are not covered by the policy. Contraceptive drugs are commonly prescribed for other health reasons including: hormonal imbalance, helping to reduce some types of cancer, ovarian cysts, endometriosis, uterine fibroid tumors, abnormal bleeding, and serious infections. Religious freedom also includes employee freedom to choose their own religious values without interference from their employers. The Patient Protection and Affordable Care Act (PPACA) is following a sound public health policy, one that makes contraceptives more affordable and reflects the requirements of the majority of American women and their families, regardless of their religious affiliation.

BILL REMOVED FROM CONSENT CALENDAR FEBRUARY 15

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1667-FN, relative to the application of the juvenile laws to children up to the age of 18. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill would raise the age of minority from 17 to 18. Currently there are about 60 youths at the Sununu center and barely enough staff to take care of them. This is not the time to increase the age. It remains that 17 year olds commit serious crimes and may not deserve to be tried as a juvenile. Statutes provide for certification as an adult but the current law is serving us well. **Vote 12-2.**

ADDITIONAL AMENDMENT

**Floor Amendment to HB 1355
(2012-0926h)**

Proposed by Rep. Kingsbury - R

Amend the bill by replacing all after the enacting clause with the following:

1 County Convention; Annual Budget. Amend RSA 24:14, II to read as follows:

II. The county convention shall adopt the annual budget ~~[within 90 days after]~~ **as soon as possible after the first meeting under RSA 24:9-a and in no case later than** the beginning of the county's fiscal year if the county operates on a calendar year basis. If the county operates on an optional fiscal year basis pursuant to RSA 31:94-a, then the county convention shall adopt the annual budget not later than September 1. If the county convention does not adopt the annual budget by the time specified, **either the county's annual budget from the previous year, or the**

budget^[7] as recommended by the commissioners, ***whichever is the lesser in total appropriations***, shall take effect as the county budget.

2 County; Recommended Budget; Commissioners. Amend RSA 24:21-a, I to read as follows:

I. Except as provided in paragraph II, the county commissioners shall ***make publicly available and shall*** deliver or mail to each member of the county convention who ***are in office or who*** will be in office on the date that appropriations are voted and to the chairperson of the board of selectmen in each town and the mayor of each city within the county and to the secretary of state prior to ~~[December 1]~~ ***September 30*** annually their itemized recommendations of the sums necessary to be raised for the county in the year next ensuing, stating therein in detail the objects for which the money is required, together with a statement of actual expenditures and income for at least 9 months of the preceding calendar year. All moneys to be appropriated by the county must be stipulated in the budget on a "gross" basis, showing revenues from all sources, including grants, gifts, bequests and bond issues, as offsetting revenues to appropriations affected.

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

AMENDED ANALYSIS

This bill provides that if the county convention does not approve an annual county budget, the lesser of either the commissioners' budget or the previous year's budget shall take effect. The bill also provides for earlier adoption of the county budget.