

State of New Hampshire HOUSE RECORD

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No. 23

Contains: Reports and Amendments for March 27 and 28, Hearings, Meetings, Notices and House Emergency Notification System

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in session on Tuesday, **March 27th** and Wednesday, **March 28th** at **10 a.m.** Members should plan for very long days. Light refreshments will be available in the first floor House Common Room on both session days.

It is anticipated that the House will meet in session on Wednesday, April 11th and Thursday, April 12th for Crossover.

Protective Services has informed me that some members are not observing the policy that prohibits smoking on all State House grounds, except in the designated smoking room in the basement of the LOB. Please adhere to the provisions of this policy.

Among the great rewards of service in the New Hampshire House are the wonderful friendships we build. Our late colleague Rep. Jim Oliver was clearly a friend and mentor to many. I have heard from an overwhelming number of House members how much they respected and learned from Jim and his presence will be greatly missed. On behalf of the House, I offer our heartfelt sympathies to his family.

Terie Norelli, Speaker

PARLIAMENTARY POINTERS

When a voice vote has been taken and a division or roll call vote is requested to verify or confirm the outcome of the voice vote, the House is already in the voting mode, and members who were not present when the question was put to the initial vote may not enter the Hall.

It is not the person but the measure that is the subject of debate, and it is not in order to question the motives of another member.

It is out of order in debate to refer to matters not yet reported by a committee or to refer to committee procedure, including what was said or done in committee or by any member of the committee, unless it is referenced in the written committee report to the House.

Terie Norelli, Speaker

NOTICE

There will be a meeting of Chairmen and Vice Chairmen on Tuesday, **March 27**, at **8:30 a.m.** in Room 201 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Monday, **March 26** at **10:00 a.m.**, Tuesday, **March 27** and Wednesday, **March 28** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Tuesday, **March 27** and Wednesday, **March 28** at **9:00 a.m.** in Rooms 306-308, LOB.

Rep. Michael D. Whalley, Republican Leader

NOTICE

Please note that the Calendar will close at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at 1:00 p.m. on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O. Wadsworth, Clerk of the House

NOTICE

If you wish to disseminate information to all members via their mail boxes, please bring a sample to Lucy Harrison in the Speaker's office. All such information must be approved and then delivered to the Sergeant-at-Arms office for placement.

Linda T. Foster, Deputy Speaker

NOTICE

We are still in the process of making biennial appointments to statutory committees and other study committees. The remainder of these assignments will be finalized soon and all appointees will receive a letter. In the meantime, if you have any questions in regard to these appointments, please check with Sandy in the Speaker's Office.

Linda T. Foster, Deputy Speaker

TUESDAY, MARCH 27

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 278, relative to notification of a parent or guardian by the medical facility treating a minor injured in an accident.

INEXPEDIENT TO LEGISLATE.

Rep. Barbara Hull Richardson for Children and Family Law: The committee deemed this bill unnecessary after learning that current practice already includes provisions for notifying parents or guardians when a minor is injured or requires medical assistance. **Vote 17-0.**

HB 304, relative to the criteria under which guardianship over a minor is granted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E Walz for Children and Family Law: This bill was requested by school districts whose taxpayers are being required to pay to educate students from around the country. These students move to their town and live with a host family so that the student can play hockey at a nearby arena. To avoid paying tuition to the town, the minor's family petitions to have guardianship granted to the host family. Usually any student living with a guardian is entitled to attend the local public school for free. This bill states that if guardianship is granted solely to facilitate the minor's participation in athletic activities, the receiving public school may assess tuition, even if the guardianship is granted. **Vote 17-0.**

HB 348, relative to the payment of college or postsecondary education expenses as part of a child support agreement.

INEXPEDIENT TO LEGISLATE.

Rep. Edward P Moran for Children and Family Law: The committee feels that current law maintains an equitable balance between intact and divorced families as regards not having courts be able to require college contributions by parents. Divorced families generally have the additional financial burden of another household to maintain. **Vote 17-1.**

HB 406, relative to access to state child support enforcement records. **OUGHT TO PASS.**

Rep. Daniel C Itse for Children and Family Law: Federal rules will require that child support records be shared with other divisions of Health and Human Services in order to ensure that government support is not being paid for persons who are receiving private support from their non-custodial parents. If the child support records are not allowed to be shared between divisions and their contracted agents, New Hampshire will not be eligible for the federally cost shared portions of Temporary

Aid to Needy Families, child and family services, foster care, state Children's Health Insurance Program and Medicaid. The inter-divisional sharing of the information shall remain confidential and be used only for the administration of the various departments. Additional statutory safeguards regarding confidentiality are in place for each of these departments, some of which carry criminal penalties. **Vote 17-0.**

HB 410, establishing a commission on child support issues. **OUGHT TO PASS.**

Rep. Anthony P Matarazzo for Children and Family Law: The committee receives many bills, as well as a great amount of testimony on parental responsibilities and divorce. The climate is constantly changing. Additionally, the federal government requires states to review their child support guidelines every four years or face serious financial consequences. The committee wants the state to comply and be at the forefront on these laws and changes. The impact on children is direct and significant. The committee looks forward to gaining insight from the commission which includes obligors, obligees, a guardian ad litem, the administrative judge of the judicial branch family division, the chair of the family law section of the New Hampshire Bar Association, and others. The commission brings all the players to the table to have the broadest most expert input possible from those who are most affected by child support issues. **Vote 19-0.**

HB 444, relative to parental rights in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P Moran for Children and Family Law: This bill requires the court to provide written findings of its decision following a custody hearing requested by the non-accused parent in an abuse and neglect proceeding. The bill also requires the department of health and human services to notify the parent of his or her right to request a custody hearing at the earliest opportunity. **Vote 17-0.**

HB 463, relative to the awarding parental rights and responsibilities to a stepparent or grandparent. **OUGHT TO PASS.**
Rep. Daniel C Itse for Children and Family Law: This bill was the result of an interim study committee of a bill of the same subject from the previous session. Currently, the statute regarding the distribution of parental rights and responsibilities during divorce states that these statutes have no bearing on the power of the court to award parental rights and responsibilities to stepparents or grandparents. This specific power exists nowhere else in our statutes. The committee believes that stepparents and grandparents have adequate capacity to obtain legal guardianship, if the parents can be proved incompetent, without muddying the waters during a divorce. The bill simply strikes the reference to stepparents and grandparents from our statute regarding the distribution of parenting rights and responsibilities during divorce. **Vote 16-0.**

HB 470, relative to the determination of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Carolyn M Gargas for Children and Family Law: The amendment replaces the entire bill by establishing an oversight committee to monitor the 461-A statute on parental rights and responsibilities. It will also monitor divorce and related issues. The committee has a concern that the courts may be providing insufficient information about the reasoning used in arriving at their decisions, thus compromising the possibility of a successful appeal. The oversight committee will monitor this area as part of its duties. **Vote 19-0.**

HB 495-FN, relative to criminal record and central registry checks of prospective foster and adoptive parents. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mary E Walz for Children and Family Law: This bill amends the Child Protection Act so that New Hampshire statutes comply with federal prerequisites to receive Foster Care Support money. Specifically, the change requires criminal record checks for private non-agency proceedings, for adoption proceedings initiated by the Department of Health and Human Services, or for adoption proceedings initiated by another agency. This bill also amends the laws governing delinquent children to allow a child to be released to the custody of the Department of Health and Human Services for appropriate placement. This assures that the language in NH statutes is in compliance with federal requirements. **Vote 15-0.**

HB 602-FN, relative to child support enforcement. **OUGHT TO PASS.**
Rep. Beth R Arsenault for Children and Family Law: The legislation is in response to the Federal Deficit Reduction Act of 2005, requiring a \$25 annual fee for child support services in cases where public assistance had never been provided by the state. Failure to implement this legislation would subject the state to federal sanctions at a total loss of \$14.2 million in federal funding. **Vote 17-0.**

HB 827-FN, relative to the reasonable cost of medical support for dependent children. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Anthony P Matarazzo for Children and Family Law: To enforce child support administration, this bill adds medical support to the department's duty to enforce child support and either or both parents owe a duty to provide a child with medical support. If insurance is not affordable, it will be provided by the state.
This legislation is required pursuant to Federal Deficit Reduction Act mandates, and failure to comply will result in a significant loss of federal funding. **Vote 17-0.**

HB 867-FN-L, relative to parent liability for court-ordered services in juvenile proceedings. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Edward P Moran for Children and Family Law: This bill clarifies notification requirements as well as reimbursement time frames for adults who are responsible for children receiving court ordered services in juvenile proceedings. The time frame for repayment is four years after services begin, but provides for agreements between the county and the responsible party to

modify obligations into a mutually acceptable framework. As the county human service offices have responsibility for recovering monies and their reimbursement hasn't changed since 1987, they included a provision increasing their administrative share as the proceeds are split with the state. This bill was requested by all of the counties. **Vote 13-2.**

COMMERCE

HB 36, relative to the reporting of municipal liens in consumer reports. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The purpose of the legislation is to relieve tax collectors of the burden of dealing with the irate taxpayer who mistakenly believes that a tax lien has not been released in the registry of deeds when in fact it was released. This situation arises when a credit reporting agency misses the recorded lien release. The bill would impose a duty of "reasonable diligence" upon the consumer credit reporting service and a requirement that the reporting service show the lien release on its report within one year of the release. Current law requires reporting agencies to correct errors within 30 days. The committee felt this bill does not address the perceived problem. **Vote 13-2.**

HB 73, relative to contractor bids. **INEXPEDIENT TO LEGISLATE.**

Rep. James R Martin for Commerce: This bill would allow any unsuccessful bidder on any contract to receive a minimum of \$500 for each ineligible person employed at any time by the successful bidder, regardless of whether the unsuccessful bidder was even qualified to perform the contract. An ineligible employee is a person not eligible for employment under the law of New Hampshire of the United States. As such, the bill provides a windfall to any alert person (and his friends) who submits even unrealistically high bids solely for the purpose of losing the bid but in the expectation of receiving \$500 for each ineligible person employed by the winning bidder at any time. **Vote 16-0.**

HB 78, relative to health insurance coverage for certain unmarried children. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: The purpose of this bill, to extend insurance coverage to unmarried children 24 years of age and younger, has been rolled into HB 790. **Vote 17-0.**

HB 179, prohibiting surrender penalties on life insurance policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce: This bill prohibits surrender or cancellation fees on life insurance policies which may be assessed if the insured wishes to terminate the policy. While some surrender values are high, completely eliminating all would pose a real problem for the industry. If these surrender charges were removed the sale of annuities may not be offered. **Vote 14-1.**

HB 266, establishing a commission to study affordable and accessible health care for New Hampshire citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: The structure and duties requested in this bill have been wholly combined and expanded into HB 305 establishing a task force to study and develop legislation for 2008 for access to affordable health insurance. **Vote 17-0.**

HB 298, relative to the healthy kids corporation. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Commerce: This bill provides that the Healthy Kids Corporation shall be the program administrator for the expanded children's health insurance program under the Social Security Act. This bill adds the line, "the corporation shall be the program administrator for the state children's health insurance program under Title XXI of the Social Security Act." This is found under RSA 126-H: 2 and just clarifies that this organization stays in place and only the insurance coverage is sent out to bid. **Vote 14-0.**

HB 339, establishing a commission to study the processing and denial of health insurance claims. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to establish a commission to examine the efficacy of the "external review" process of health insurance claims. The small number of claims contested (approximately 60 annually out of millions processed by health insurance companies), with no preponderance of judgments either to the claimant or the insurer, indicated the process is working and that this is not a large problem. With the passage of HB 228 defining "medical necessity" future reviews will have clear criteria to work from. **Vote 14-0.**

HB 349, relative to exemptions from the consumer protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. James R Martin for Commerce: This bill would prohibit any business which is regulated by the bank commissioner, the director of securities regulation, the insurance commissioner, or the public utilities commission from engaging in any transaction unless that transaction is expressly permitted by that regulator. As such, the bill would stifle competition and innovation. It would require the various regulators to foresee every specific transaction that might occur in the future in vibrant markets like the financial and securities markets. Companies will be prohibited from introducing new financial products and services unless they are on some list of transactions that are expressly permitted. The companies are subject to day-to-day regulation by professional regulators who know their business and can prohibit any practices they deem improper. **Vote 16-1.**

HB 360, relative to commercial construction contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S Houde for Commerce: This bill would provide penalties for late payment in commercial construction contracts (1.5% accruing 10 days after notice, 10% penalty on total amount due, and lawyers fees). The committee does not feel it is

appropriate to legislate terms in private contracts between sophisticated parties - nor to provide default terms that could otherwise be contracted around (a proposed amendment to the bill provided that these penalties could be avoided by providing alternative contract terms). Finally, there is no reason to believe that existing remedies for breach of payment are inadequate.

Vote 18-0.

HB 385-FN, relative to licensing and insurance fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce: This bill consolidates certain fees & establishes other fees for late filings by insurance companies and eliminates the workers compensation administrative assessment credit against insurance premium tax payments. The Department of Insurance has determined this bill may increase state general fund revenue by \$1,100,000 in fiscal year 2008 and \$600,000 in fiscal year 2009 and each fiscal year thereafter. There will be no fiscal impact on state, county and local expenditures or county and local revenues. **Vote 18-0.**

HB 481, relative to suspensions of liquor licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce: Do you believe in the principle of innocent until proven guilty? The committee understood that, although well intentioned, this bill could threaten that doctrine. After receiving a petition from a town or city that declared a liquor licensee to be a threat to the public welfare, the liquor commission would be required to suspend the liquor license without doing an investigation of their own. The liquor commission already has the authority under RSA 541-A to immediately suspend a license if they find a threat to the public welfare, and there was concern that this power could potentially be abused by towns. **Vote 14-0.**

HB 484, relative to liens held by condominium associations on condominiums. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The committee felt that existing law works quite well. Under current law liens for unpaid condominium assessments are reduced to judgments in court avoiding the necessity of foreclosure. Suit is less cumbersome than foreclosure. **Vote 14-0.**

HB 513, establishing a housing commission. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Commerce: This bill establishes a housing commission to identify ways the state can promote and encourage the development of affordable housing. With outflow of our young adults because of the cost of housing the state needs to find a way to generate affordable or workforce housing. This bill specifically recommends that state agencies provide improved technical assistance to local governments on housing related matters. The committee felt that this commission was very necessary. **Vote 12-1.**

HB 536, relative to the regulation of martial arts schools. **OUGHT TO PASS.**

Rep. Stephen P Spratt for Commerce: This bill takes martial arts out of the health club statute and creates its own statute. In so doing the bill retains much of the health club language while expanding the options for martial arts students. **Vote 15-2.**

HB 549, relative to accepting a purchase and sale agreement on developed waterfront property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce: This bill allows a buyer and a seller to enter into a purchase and sales agreement prior to a completed site assessment. The site assessment still needs to be completed prior to the transfer of title between the seller and buyer. **Vote 15-0.**

HB 606-FN, relative to the minimum age for purchasing, possessing, or using tobacco products. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce: The intention of this bill is that it will protect the health of older teenagers until age 21, when they will be more mature and better able to decide whether to smoke cigarettes. It was also suggested that it would then be easier to identify under-age smokers. The committee agreed that it would be unreasonable to raise the age limit & difficult to enforce. Furthermore, there would be a significant negative impact on the general fund (general fund revenue by \$3,145,000 in FY 2008 and \$6,290,000 in FY 2009 and each year thereafter, and decrease education trust fund revenue by \$3,655,000 in FY 2008 and \$7,310,000 in FY 2009 and each year thereafter). **Vote 15-1.**

HB 613-FN, relative to payment for tobacco products purchased by retailers. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce: This bill would require cigarette retailers to pay wholesalers for the cost of tobacco products purchased within 10 days of the purchase. State law does not currently set a time table; we allow the parties to set whatever terms that they can agree on, whether it is COD, or 10, 15, even 30 days or more after the purchase. Ninety-nine percent of retailers pay their bills on time, so the committee felt that this was not a problem that needed a legislative solution. **Vote 17-0.**

HB 636-FN, relative to physician credentialing under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce: This bill allows the health care provider who, at the time of application, has been licensed by the respective state licensing board and credentialed by the hospital, if appropriate, to deliver health care services to covered persons and seek reimbursement for such services, when covering on-call for another health care provider who is credentialed by the carrier. It also establishes a time frame for the carriers to act upon and finalizes the credentialing process for primary care physicians and specialists. **Vote 16-1.**

HB 641-FN, relative to automatic credentialing for health care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H Flanders for Commerce: This bill's subject matter was taken care of under HB 636-FN and the bill is no longer necessary. **Vote 17-0.**

HB 696, reclassifying certain positions in the insurance department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce: This bill, as requested by the New Hampshire Insurance Department, reclassifies certain positions in the department. The amendment adds one more examiner position at the same labor grade. **Vote 16-0.**

HB 697, relative to responsible drug advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to impose additional warnings on labels and advertising of prescription drugs. This is primarily regulated at the federal level. The amount of advertising originating in New Hampshire that might be affected would not be substantial and this measure would be hard to enforce. The sponsor of this bill brought a similar bill earlier in the session that was defeated by the House. **Vote 14-3.**

HB 745, relative to the use of secret databases. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S Houde for Commerce: This bill would prohibit, with certain exceptions, the use of government databases containing personal information if the individual about whom personal information is maintained is not provided an opportunity to challenge the accuracy of the information. The committee is concerned that many of the potential enumerated uses of information from the databases are already covered by the federal Fair Credit Reporting Act and that enforcement of the bill is not feasible. **Vote 16-0.**

HB 762-FN, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce: This bill was voted inexpedient to legislate after it was confirmed that SB42, also a smoking ban bill, will come to the committee. This issue will receive a full hearing and review with SB42. **Vote 15-1.**

HB 764, relative to access to toilet facilities in public places. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T Pelkey for Commerce: This bill would require any private business to offer lavatory facilities to any person in cases of emergency. Current law requires only public buildings as well as bars and restaurants (or businesses that serve food) to provide lavatory facilities. The committee was unanimous with the difficulty of first establishing the definition of emergency and second mandating businesses to allow the public use of their facilities which for many would require extensive remodeling to meet access needs of the public as well as ADA compliant. The committee further felt that local control of building codes is the appropriate authority having jurisdiction beyond existing law. **Vote 15-0.**

HB 782-FN, relative to reinsurance intermediaries and conduct of examinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P Spratt for Commerce: The bill, brought forward by the NH Insurance Department (NHIA), makes changes in the language regarding payment for experts hired in the examinations of an insured. In the last LBA audit of the insurance department, although recognizing that those costs were the responsibility of the insured, the language was unclear whether those expenses needed to be included in the department's budget. The bill also updates current law regarding reinsurance intermediaries to conform to the NAIC model. **Vote 15-1.**

HB 831, relative to notification by pharmacies to consumers when prescriptions need to be renewed. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T Pelkey for Commerce: This bill would require the pharmacist or designee to notify a consumer that a particular prescription needed to be renewed. By allowing this bill as written, the pharmacist would bear the burden of liability which is clearly unintended. The consequences could very well mean eventual higher costs to the consumers due to increased liability, handling and administrative costs of the pharmacies. The committee unanimously viewed this bill as the consumer's responsibility to manage his or her own prescriptions. **Vote 15-0.**

HB 840, relative to home improvement contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce: The committee heard a couple of bills dealing with home improvement contracts. The sponsor requested that we find this bill inexpedient to legislate and focus instead on another bill from the Senate. **Vote 16-0.**

HB 889-FN, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S Houde for Commerce: This bill, requested by the department of state, modifies certain provisions of existing securities law to, among other things, make them consistent with federal securities law; require broker-dealers and investment advisors to establish supervisory procedures over branch offices in the state (not only to achieve compliance with all securities laws but also to enable the appointees of the secretary of state to focus regulatory and/or enforcement efforts where necessary); and exempt solicitors (those not providing investment advice but rather referring business to investment advisors) from examination requirements. The amendment changes the effective date from January 1, 2008 to July 1, 2007. At present, no fiscal note had been prepared. **Vote 17-0.**

HB 921-FN, making technical changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce: This bill addresses current law regarding group health insurance coverage. The bill clarifies the issue of who is responsible when an employer fails to make their premium payment. Additionally it sets definitive criteria for notification by insurers to certificate holders and policy holders that their coverage has been terminated so that those employees may make an informed choice regarding their health coverage. **Vote 14-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 64-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order.

UGHT TO PASS WITH AMENDMENT.

Rep. David A Welch for Criminal Justice and Public Safety: This bill as originally presented called for establishing a criminal penalty for violating an “out-of-service order.” Department of Safety records indicate from October 2005 to March of 2007, 12,642 roadside inspections of commercial vehicles took place resulting in 17,247 violations. There were 3,400 “out-of-service” violations resulting in 2,224 vehicles being placed out-of- service. There were 10,901 driver violations resulting in 855 drivers being placed out-of-service, mostly for exceeding allowable hours for driving. The vehicle violations were mostly for brakes out of adjustment, leaks in air lines and loads not properly secured, or in some cases unsecured loads. The amendment replaces the bill and repeals the current administrative fines in RSA 263:93-B. A driver who is convicted of violating, or failing to comply with an out-of-service order shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for any subsequent offense within a 10 year period. The employer who violates or knowingly requires a driver to violate an out-of-service order shares similar penalties. Representatives of the Motor Transport Association and Department of Safety have agreed with this language. **Vote 16-0.**

HB 92, decriminalizing marijuana. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill would have allowed any person to have in their possession, cultivate, or sell any quantity of marijuana. There would be no difference between a person who had in his possession ¼ oz. of marijuana for personal use, or a person who had a tractor trailer load (20 tons). One of the arguments made was that if it were legal the state could tax it and have revenue income from the sale. This argument falls short for several reasons. It would still be illegal under federal law and arrests could and would be made by federal agents. The idea that people would pay taxes for something that they could grow in their gardens under the bill is less than realistic. Another argument is that the jails are full of inmates whose sole offense was possession of small amounts of marijuana. This argument also falls short as the conviction for possession of small amounts of marijuana results in a fine ranging from \$100 to \$250 and no jail sentence. The committee felt that HB 92 was ill conceived and would only result in numerous problems without solving any. **Vote 13-3.**

HB 277-FN, relative to obstructing or preventing a probation-parole officer in the course of his or her official duties.

INEXPEDIENT TO LEGISLATE.

Rep. Delmar D Burrige for Criminal Justice and Public Safety: This bill does not accomplish the objectives of the sponsor as written to thwart the obstructing, or preventing a probation-parole officer in the course of his or her official duties in remanding back to court violations that would result in incarceration. **Vote 16-0.**

HB 309, relative to the uniform fine schedule for the fish and game department. **UGHT TO PASS WITH AMENDMENT.**

Rep. Armand D Forest for Criminal Justice and Public Safety: This bill authorizes changes to the violations listed on the Fish and Game Department uniform fine schedule for OHRV and snowmobile offenses. The amendment lists snowmobile speeding violations inadvertently left off the bill and places them on the proper fine schedule. **Vote 16-0.**

HB 340, restricting sex offenders from residing within a certain distance from schools and child-oriented organizations.

INEXPEDIENT TO LEGISLATE.

Rep. John E Tholl for Criminal Justice and Public Safety: This bill, although well intended, may result in registered sex offenders failing to register because they are unable to find a place to live due to the restrictions. This has happened in other states where, when the restrictions were enacted, 40% of the offenders locations became unknown because they failed to register. When Springfield, MA attempted to pass such legislation, it was discovered that the entire City of Springfield, with the exception of two small blocks, was excluded and these two blocks were in an industrial area. The committee felt that it is important to know who and where the registrants reside. **Vote 15-1.**

HB 368-FN, prohibiting trafficking in persons. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: Prohibiting trafficking in persons is a serious issue that has been brought to this committee both in HB 368 and HB 35 that would establish a commission to study human trafficking issues in New Hampshire. The Senate also has a bill, SB 194, that would set up a commission. The committee believed that HB 368, while important, was not necessary as we will study this issue in depth by retaining HB 35. More study is needed before determining what actions would be made criminal. A serious study by a commission is the first step in addressing this important issue. **Vote 16-0.**

HB 395-FN, relative to penalties for computer crime. **UGHT TO PASS WITH AMENDMENT.**

Rep. Gene P Charron for Criminal Justice and Public Safety: This bill specifies the penalties for certain computer crimes. Computer crimes are becoming all too common. This bill adds previous convictions not only in New Hampshire, but includes other states, territories, or possessions of the United States. This bill, using RSA 638:17, addresses computer related offenses. Attorney General’s office supports this bill. **Vote 17-0.**

HB 446, requiring the expulsion of a pupil for threatening a school employee. **UGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would add the crime of criminal threatening to RSA 193:13, III, which is the statute requiring expulsion of a student who possesses a firearm in a Safe School Zone. The result would be that criminal threatening would require an expulsion while in another section of current law expulsion is optional for acts such as homicide, first and second degree assault and other serious crimes. The amendment replaces the bill and adds the act of criminal threatening to RSA 193-D: 1, the definition of “Act of theft, destruction, or violence.” This is the chapter that

describes a Safe School Zone. The sponsor agreed that this was a logical move and accomplishes the original goal. **Vote 17-0. HB 497-FN**, requiring jail time for certain offenses involving bad checks. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill as written had several serious problems. It calls for a mandatory three day jail sentence for a second offense violation of issuing bad checks and ten days in jail for a third offense. RSA 638:4, IV (a) (4) is punishable as a Class B misdemeanor. A Class B misdemeanor is punishable by a \$2,000 fine and no jail time and the right to court appointed counsel does not attach whenever there is the possibility of a jail term the right of court appointed counsel does attach. The committee believes that HB 497 actually reduces the possible penalty while imposing a mandatory jail term. This removes the judge's discretion. The committee felt that HB 497 is unworkable. **Vote 16-0.**

HB 504-FN, relative to registration requirements for certain criminal offenders under age 21. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill as amended provides for the ability of a person who was convicted of a violation of RSA 632-A: 3 II (Felonious Sexual Assault) often referred to as statutory rape, who was under the age of 21 at the time of the offense, to file a petition with the Superior Court to have his/her name removed from the Sex Offender Register. This petition can only be considered by the court if the offense was non-forcible, with the absence of coercion and 10 years have elapsed since the conviction without any further convictions of a misdemeanor, or a felony. This petition will not remove the conviction, but only allow those persons to have their names removed from the Registry. The bill as amended has the support of nearly everyone who has seen the amendment. The committee felt strongly that this approach is the right thing to do. **Vote 18-0.**

HB 539-FN, relative to manslaughter. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Delmar D Burrige for Criminal Justice and Public Safety: This bill amends the circumstances under which a defendant who commits a homicide would be charged with manslaughter if he or she proves by a preponderance of the evidence that he or she was acting under the influence of extreme mental or emotional disturbance caused by extreme provocation. The defendant shall provide pre-trial notice to the prosecution of his or her intent to rely on this affirmative defense. **Vote 14-1.**

HB 572-FN, prohibiting the use of false documentation for employment, government services, or permits. **INEXPEDIENT TO LEGISLATE.**

Rep. Lee M Hammond for Criminal Justice and Public Safety: Existing law includes misdemeanor penalties for falsification. Enactment of this bill would only duplicate what is already on the books and increase some penalties. The only subjects currently not covered are education and employment, both of which may be denied by the responsible authority directly involved. **Vote 18-0.**

HB 586-FN, imposing an enhanced penalty for sexual assaults by persons in a position of authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: The sponsor's intent was to enhance penalties for certain offenses, but according to the Attorney General's office, the bill as written reduces the penalties. The present statute appears to meet the intent of the sponsors. No Fiscal note was available. **Vote 18-0.**

HB 587-FN, relative to the duties of probation and parole officers. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would require probation and parole officers to undergo case management training to enable to better assist offenders with mental and physical disabilities, and drug treatment, relapse and addiction problems. The committee feels this would help a number of probation and parolees from re-offending. There was no fiscal note from the Department of Correction at the time this bill was passed. **Vote 18-0.**

HB 591-FN, relative to an affirmative defense to certain felonious sexual assault offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: The committee felt that this bill focuses attention on the behavior of the victim rather than the accountability of the offender and that it might well undermine the Rape Shield Law. A Fiscal Note for this bill was not yet available. **Vote 14-4.**

HB 654-FN, prohibiting offenders against children from attending certain activities or events. **INEXPEDIENT TO LEGISLATE.**

Rep. Armand D Forest for Criminal Justice and Public Safety: This legislation sought to prohibit registered offenders against children from attending any school sponsored activity event, or any children's sporting event, in which children under 13 years of age are involved. A violation of this legislation would be a misdemeanor. Offenders who have served their time and are released on parole are supervised by the Department of Corrections who can restrict activities of the registered offender. Many localities have placed restrictions on registered offenders through an ordinance. The committee felt that to make it a misdemeanor for a registered offender to attend a sporting event of one of his or her children, or grandchildren was going too far. Registration for this crime is for lifetime. If a registered offender has been released after serving his parole, he is no longer being supervised unless it was a part of his sentence. At that point, can we restrict his right of freedom, or will it be found unconstitutional? **Vote 17-0.**

HB 655-FN, relative to unborn victims of violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: The New Hampshire Legislature has consistently rejected legislation aimed at creating separate legal status for a fetus. HB 655 is another attempt to define "unborn child" in statute.

New Hampshire law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage, or stillbirth. In 1991, New Hampshire passed laws that punish an assailant who “purposely, or knowingly causes injury to another resulting in miscarriage, or stillbirth” (RSA 631:1c), or who “recklessly or negligently causes injury to another resulting in miscarriage, or stillbirth” (RSA 631:2e). An assault on the mother is an assault on the fetus. This bill is simply unnecessary. **Vote 10-6.**

HB 703, relative to day reporting programs in the county department of corrections. **OUGHT TO PASS.**

Rep. Jeffrey P Fontas for Criminal Justice and Public Safety: The bill grants authority to the superintendent of a county correctional facility to establish a day reporting program in lieu of incarceration for certain offenders as deemed appropriate by the superintendent. It also allows for the sentencing court to order any person not committed to a state prison to participate in a day reporting program provided that such a program has been established in that county. **Vote 15-0.**

HB 707, relative to the time frames for hearings in domestic violence cases. **OUGHT TO PASS.**

Rep. George D Winchell for Criminal Justice and Public Safety: This bill was brought forward at the request of the Attorney General's office. It fixes a problem in the current system, whereby if a petition is not acted upon within a certain time frame, the petition expires. The committee heard testimony of how difficult it has been for victims to go through the petition process again. This bill extends the time frame upon a motion by either party for good cause shown and if granted, states that the court shall reschedule the hearing as soon as is practicable and shall give the matter high priority in scheduling. The committee heard no testimony in opposition to this bill **Vote 15-0.**

HB 708, establishing a committee to study the cost effectiveness of the county jail system. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: A study of all aspects of county government is currently underway as part of SB 319, Chapter 221, Laws of 2006. Representatives from all ten counties are part of the study committee. One of the duties the committee is charged with is to study the cost effectiveness of the county jail system. HB 708 would be a duplication of effort and is therefore unnecessary. **Vote 16-0.**

HB 719, relative to the statute of limitations for fire code violations. **OUGHT TO PASS.**

Rep. Everett A Weare for Criminal Justice and Public Safety: This bill adds a section (f) to the existing statute of limitation as set forth in RSA 625:8. It provides for a 3 months limit after discovery if committed by a natural person or within one year of its discovery if committed by any other person for any violation of RSA 153:24 which addresses regulation of the handling, storage and transportation of flammable liquids, or other disposition of highly flammable material or rubbish. **Vote 16-0.**

HB 737, relative to the enforcement of domestic violence orders. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill is a well intentioned bill that would require a service provider in a batterer's intervention program to notify the court if the defendant does not participate in, or complete a counseling, or intervention program. The problem that arises is that courts do not order a defendant to attend a particular program. Service providers only become aware of the court's requirements when the defendant seeks their services. If the defendant ignores the court's order, the service provider would not be aware of the court's order. When a defendant does report to a service provider they do, as a matter of course, report to the court the defendant's compliance with the order and whether or not they participate and complete the program. **Vote 15-0.**

HB 743, relative to the rights of crime victims while making a victim impact statement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy N Robertson for Criminal Justice and Public Safety: This bill allows victims to speak to the Court about the effects of crime without being subject to questioning by the defense counsel. **Vote 15-0.**

HB 760-FN, relative to temporary relief in a domestic violence proceeding. **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D Burrige for Criminal Justice and Public Safety: The committee feels the current law as written, enforced by the police and reviewed by the judiciary, is fair, reasoned and balanced in granting temporary relief for domestic violence. The proposed legislation would place an undue burden on the plaintiff and on the courts. **Vote 15-0.**

HB 780-FN-L, requiring police departments to be certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA). **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D Burrige for Criminal Justice and Public Safety: This need is currently being addressed by Police Standards and Training. **Vote 15-0.**

HB 783-FN, requiring DNA testing of persons convicted of certain felony offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill would require that a DNA sample be taken upon intake, or release of any person convicted for the commission of any offense defined in RSA 173-B:1, I. RSA 173-B:1 is a definition section in the Domestic Violence Law. Many of the crimes described are misdemeanors and the committee was unanimous in its position that mandatory collection of DNA should not be expanded to misdemeanors. **Vote 16-0.**

HB 811, establishing a committee to study alternatives to incarceration and funding for rehabilitation programs for non-violent offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene P Charron for Criminal Justice and Public Safety: Though well intended HB 811 is not necessary at this time simply because there are many committees and commissions already in progress studying alternatives. Many of our counties are also being progressive in this area with alternative programs. The Commissioner of Corrections is also looking into follow up

programs upon release **Vote 16-0.**

HB 869-FN, relative to unauthorized video surveillance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill amends the violation of privacy statute to prohibit video surveillance outside a private place without permission from the individuals being videotaped. The committee thought that the bill was too broad as written and noted that the meaning of “outside a private place” is not clear. The committee encouraged citizens who feel they are being harassed by such videotaping to seek a remedy in the civil courts. The fiscal note stated that this bill would create a new Class A misdemeanor which may increase state and county expenditures. **Vote 16-0.**

HB 872-FN, relative to an exception to the wiretapping and eavesdropping statute for recording images or sounds occurring where there is no reasonable expectation of privacy. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill allowed any person to make audio recordings of communications between individuals, without their consent, in any place where there is no reasonable expectation of privacy. The law would overturn the well established legal concept that such interception requires the consent of both parties and would seriously undermine individuals’ rights to privacy. No fiscal note is available for this bill at this time. **Vote 16-0.**

HB 890-FN, relative to sentencing of persons convicted of Internet solicitation of a minor. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: The proposed bill raised a number of issues that were of concern to the committee. One of the major issues was the prohibition on plea bargaining. Plea bargaining has been a long established practice that has advantages for both the state and the defendant. To restrict the practice is not in the best interest of trial practice. The second problem is that prison wardens do not determine rehabilitation treatment programs and the bill provide no sanction for non-participation. The portion of the bill requiring law enforcement agencies to maintain a “log book” was vague and confusing. Law enforcement agencies currently must handle offender registration and enforce the law where there is non-participation from the offender. If the intent of the bill’s author was to keep a contact log of all contact made by law enforcement officers, the committee felt this would create an unfunded mandate **Vote 16-0.**

HB 902, establishing a committee to study the costs and benefits of the drug prohibition policy on the people of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill asks for a committee to study and report to the legislature whether or not our “War on Drugs” has been effective. Many of us believe that it has not been effective, but feel that any alternative other than legalizing drugs would not be acceptable to the proponents. As time goes on and more and more money is spent and lives are lost, we may realize a need to alter our system of laws to reflect changes in our society. Yet another study to state the obvious and gather dust in some executive office will not help. The proponents ought to gather the information themselves and make the report to all of us for consideration. **Vote 14-2.**

HB 915, establishing a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill would have created a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. The intent of this bill is laudable, however, the recently organized Governor’s Commission on Crime already is addressing this as part of their charge and as four members of the Criminal Justice Committee are members of the Commission, this legislation is unnecessary. **Vote 16-0.**

EDUCATION

HB 60, relative to the definition of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education: The committee deemed that this bill had good criteria to include, but was not specific enough to meet the court’s specifications for a definition of an adequate education. **Vote 12-0.**

HB 68, relative to the terminology used to describe public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E Day for Education: This bill replaced the references to “equitable education” with “adequate education” in the relevant statutes. The same word replacements have been incorporated into other adequacy bills. Therefore, the committee felt that this bill did not need to be retained. **Vote 13-0.**

HB 178-FN-L, relative to the procedure for withdrawing from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K McRae for Education: The committee voted Inexpedient because the situation being addressed was included in the amendment to HB 914. **Vote 14-0.**

HB 205, relative to procedures for certain court ordered out-of-district placements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith E Day for Education: This bill relates to the laws for educationally disabled children in certain court-ordered placements. It requires that prior to ordering any out-of-district placement a school district representative shall appear before the court to present written findings and recommendations or submit such findings and recommendations to the court concerning the child’s placement. It also requires that the court shall review such findings and recommendations and that, if an out-of-district placement is ordered, the court shall issue written findings detailing the educational reasons in support of the order. **Vote 17-0.**

HB 314, authorizing the Pelham school board to transfer funds for the purpose of renting portable classrooms. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M Carson for Education: This bill attempted to address a confusing situation. The citizens of Pelham voted on a school bonding issue last year dealing with the purchase of portable classrooms. The majority voted not to adopt the warrant article. Subsequently, upon an inspection by the fire chief, the high school was found to have numerous code violations. The school board made a decision to close those classrooms and replace them with portables, an apparent violation of the “no means no” law. The school board attempted to seek a remedy to this situation by appealing to town officials and the State Board of Education. The State Board denied the request to relieve the district of potential liability. At a recent town meeting, the town decided to pay for the portable classrooms. There was concern expressed by the committee that we did not have the expertise to deal with violations of the “no means no” law and could not give them the relief they needed. **Vote 11-1.**

HB 521, relative to the definition of adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles B Yeaton for Education: With the many bills relative to establishing an adequate education, the committee feels that we have vehicles which cover the matters contained in this bill. **Vote 13-0.**

HB 601-FN-A-L, transferring the portion of special education costs directly related to health issues to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E Day for Education: Currently, Federal Special Education laws mandate responsibility for these costs to schools. Therefore, the committee considered this bill to be Inexpedient to Legislate. Despite lack of legislative action on this bill, the committee acknowledged the importance of thoughtful discussion of this topic. **Vote 14-0.**

HB 639, relative to limitations on withdrawal from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K McRae for Education: The committee heard the frustrations of the citizens and felt that the problems presented regarding cooperative school districts need time for a thorough review and, in that light, regretfully voted Inexpedient to Legislate. The subject matter will be addressed by the joint House-Senate committee created in the amendment to HB 914 to review the cooperative school district statutes. **Vote 13-1.**

HB 698, relative to the policy and purpose of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire D Clarke for Education: The sponsor requested that the committee ITL this bill because he felt the information was out of date or addressed in other bills. **Vote 14-0.**

HB 701, relative to the definition of a school district in the case of unincorporated towns or unorganized places. **OUGHT TO PASS.**

Rep. Barbara E Shaw for Education: This bill is necessary to correct the situation of Coos County being responsible as the school district for unincorporated towns or unorganized places in Carroll County. It removes the word “Coos” and replaces it with “a” county and “the” county. **Vote 16-0.**

HB 822, relative to enrollment of students in regional vocational schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles B Yeaton for Education: The committee has been concerned with dropouts and with providing alternatives which might keep students in school. This bill has the potential to prevent some dropouts as it allows students to enroll in regional vocational schools, on a space-available basis, if they have attended high school for two years even though they may not have achieved the necessary credits during these two years. **Vote 14-0.**

HB 914-L, relative to the procedure for withdrawal from certain cooperative school districts and establishing a commission to study the procedures for withdrawal from a cooperative school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K McRae for Education: There were three bills dealing with cooperative school districts. There is a problem in several districts and the committee felt that creating a committee to review the statutes relating to cooperative school districts was in order. The original statute was passed in 1947 and has had several changes since then. The amendment creates a joint Senate-House committee to look at the statute. **Vote 14-0.**

ELECTION LAW

HB 272, relative to scheduling the presidential primary election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R Splaine for Election Law: This bill, as amended, provides for two logistical updates in our statutes to enable flexibility for the secretary of state to adjust dates for allowing absentee voting in the New Hampshire First in the Nation Presidential Primary, and to provide adequate time for the reporting to that office of the national convention delegates and alternative delegates by presidential candidates. By approving this legislation, we continue to authorize the secretary of state full flexibility in setting the date of our primary, based on an overview of the schedule of election events in other states, and thereby we continue to state our determination to protect the lead-off status of our primary. **Vote 16-0.**

HB 280, relative to the identification of persons and organizations petitioning for a citizen initiative or referendum. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Hopfgarten for Election Law: The committee appreciates the intent of this bill, but the bill is flawed in that communities that operate under town charters would not be subject to the same law as either cities or towns without a charter and, therefore, this bill could not be supported. **Vote 16-0.**

HB 344, relative to conduct of recounts. **OUGHT TO PASS.**

Rep. Janet F Allen for Election Law This bill simply states that a candidate who has requested a recount but is unable to attend the recount will designate someone to make decisions on the candidate's behalf. The secretary of state's office fully supports the

passage of this bill to solve problems that they have experienced. It is basically a housekeeping bill. **Vote 16-0.**

HB 387, relative to penalties for election law violations. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet F Allen for Election Law: Since the sponsor stated that there were no problems regarding election law violations, the committee unanimously voted to ITL this increase in penalties for local election officials. The committee believes the town and city clerks are the most well intentioned and well meaning election officials in the state. We are furthermore pleased with the number of citizens who volunteer to help with our elections. We feel that this bill would discourage the clerks and volunteers. We recognize and applaud the clerks for the difficult job they do. **Vote 16-0.**

HB 534, relative to political committees of political parties. **OUGHT TO PASS.**

Rep. William P Denley for Election Law: This bill allows political subcommittees of the state political parties that include more than one city or town to be treated the same as single city or town. These regional committees will be required to submit the same reports required by single city or town committees to the secretary of state's office. Regional committees will be treated under the rules that apply to political parties rather than political action committees (PACs). **Vote 13-1.**

HB 541, relative to polling places for wards. **INEXPEDIENT TO LEGISLATE.**

Rep. James R Splaine for Election Law: This bill eliminates the requirement that a polling place for a ward be located in the ward. The sponsors found a better and easier way to accomplish this objective on a local basis. **Vote 16-0.**

HB 548, relative to political expenditures and contributions. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel W McKenna for Election Law: This bill attempts to simplify tracking campaign contributions and expenditures. However, the committee found this bill to be deeply flawed. New requirements are created by this bill for the way in which candidates would have to receive contributions and make expenditures. The committee did not believe that these requirements would necessarily increase campaign finance transparency. There was further concern that this bill mandates that all campaign contributions be made by check. **Vote 14-1.**

HB 608-FN, relative to the number of ballots furnished by the secretary of state for a state general election. **OUGHT TO PASS.**

Rep. Charles F Weed for Election Law: The committee believes this is a cost saving measure that enables the secretary of state to provide the estimated number of ballots required for state general elections. Current law requires that the number of ballots be at least equal to the number of registered voters in the election district. Using information from a myriad of sources, the secretary of state has been "spot on" in estimating voter turnout for several decades. There are procedures in place for timely recovery should the estimated number be too low. **Vote 15-0.**

HB 735, relative to the form of the presidential primary election ballot. **OUGHT TO PASS.**

Rep. Daniel W McKenna for Election Law: This bill is a housekeeping bill requested by the secretary of state's office. The bill clarifies the instructions on the presidential primary ballot by adding the words "vote for not more than one." Further, if no candidate files for the office of vice president, the office will not be listed on the primary election ballot. **Vote 14-0.**

ENVIRONMENT AND AGRICULTURE

HB 206, relative to the disclosure of certain livestock health information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D O'Connell for Environment and Agriculture: This bill stipulates that participation in a state or national animal health or disease control system that requires the registration of livestock or agricultural premises, such as the National Animal Identification System, shall be voluntary. In addition information submitted by an individual or business in such a control system can be exempt from disclosure. However, it is important to emphasize that disclosure of information to local, state, and federal officials is not public disclosure. In addition, the exemption does not affect the disclosure of information used in reportable animal health investigations under RSA 436:6-a. **Vote 13-1.**

HB 243, relative to a rabies immunization exemption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H Snow for Environment and Agriculture: Cats, dogs & ferrets are required to be vaccinated against rabies in NH. This is done to protect the human population from infection by the rabies virus. In some rare but scientifically valid medical cases, an animal should be exempted, by their veterinarian, from vaccination for health risks to the animal. Current law does not allow for exemption. This bill adds, to the law, an allowance for exemption under carefully controlled conditions. An animal that has been exempted must be leashed, muzzled and under its owner's control when it is outside. The amendment addresses the concerns raised at the hearing about the muzzling methodology and equipment by making a local agency responsible for controlling the use of muzzles. There are no known fiscal impacts associated with this bill. **Vote 13-0.**

HB 251, relative to the authority of the agricultural advisory board. **OUGHT TO PASS.**

Rep. Timothy D O'Connell for Environment and Agriculture: The Agriculture Advisory Board consists of 15 members. Ten members are designated, one each, from each of our ten counties that are actively engaged in production agriculture. In addition, five members are appointed who reflect a diversity of the agricultural support and the consumer industry to monitor and sustain our agricultural economy. HB 251 expands the scope of the statutory duties of the Agriculture Advisory Board to be aware of and biennially report to the Commissioner of Agriculture administrative, legal, and other regulatory factors that are or could affect the viability of our agricultural economy. This bill is one of the recommendations of the recent report of the appointed Farm Viability Task Force. **Vote 13-0.**

HB 384, relative to repealing the authority of the department of environmental services regarding sludge and biosolids and establishing a committee to study new sludge legislation. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia L Heard for Environment and Agriculture: This bill was found to be inexpedient to legislate because it would defeat the authority of the Department of Environmental Services to make rules regarding sludge and biosolids and cause far greater problems - the potential for unregulated spreading and management of biosolids and sludge. The other part of the bill would have established a commission to study and develop policies regarding management of sludge. This commission was found to be unnecessary as a similar commission is to be established in HB 699. **Vote 14-0.**

HB 414, relative to the sale of class A sludge in bulk agricultural fertilizer bags. **INEXPEDIENT TO LEGISLATE.**

Rep. William B Tobin for Environment and Agriculture: The existing RSA's address the dispersal and spreading of the product. The new bill has no additional value to those laws in existence. **Vote 14-0.**

HB 424-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. **OUGHT TO PASS.**

Rep. Derek Owen for Environment and Agriculture: This bill to allow the growing, cultivation and processing of industrial hemp should be passed. There are many countries that allow it including our neighbor Canada with which we share a border. This agricultural crop can be used in numerous ways: as a food product (hemp oil, hemp seed, and hemp beer), body products (shampoo and soaps), animal feed and bedding, paper, clothing and plastic products, and finally as a fuel or pulp product. The only opposition to this bill was a representative from the testing lab from the Department of Safety and a member of the Chiefs' of Police. Their testimony was primarily based on the assumption that hemp and marijuana are both problematic in the mind altering abilities. You don't smoke hemp. A wheelbarrow full would only make you sick. The main differences between the two are: hemp plants are grown very close together (to promote stalk for cellulose) and "pot" is grown well apart (to promote flowers and leaves). Also the T.H.C. (the mind altering compound) has almost been completely bred out of hemp which by law can be no more than three tenths of 1 percent. And finally because of cross pollination effects, marijuana cannot be grown anywhere near hemp. **Vote 14-3.**

HB 672, establishing a commission to study requirements for safe and secure landfills. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Burton W Williams for Environment and Agriculture: Secured landfills are one of our primary methods of disposing of our solid waste, including construction and demolition waste. Rules and regulations we have enacted over the years have made it increasingly difficult to site new ones or expand on existing. A commission to study secured landfills is in order at this time.

Vote 16-1.

HB 859, relative to the definitions of agriculture and farming in the motor vehicle laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter H Allen for Environment and Agriculture: This bill improves the definition of "agriculture" and "farming" as all operations of a farm as defined in RSA 21:34-2. **Vote 16-0.**

HB 879-FN, relative to establishing a conservation agent program within the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D O'Connell for Environment and Agriculture: The committee is in concurrence that HB 879 is unwarranted. It is the opinion of the committee that our local building inspectors working with the Department of Environmental Services through the permitting process provides the necessary monitoring and compliance with permits issued on development sites. Testimony also was brought forth that most problems arise on sites where no permit was obtained. In addition, the fiscal note indicates that the bill would have significant impact on other state agencies, counties, and municipalities. Furthermore, DES indicates annual operating expenditures of over \$400,000. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 312-FN, relative to alternative providers for certain health services. **OUGHT TO PASS.**

Rep. Alida I Millham for Executive Departments and Administration: This legislation will end the registration of alternative providers who engage in mental health practice as of July 1, 2007. An "alternative provider" is a person who, for remuneration, engages in mental health practice as defined in the mental health section of the occupations and professions section of the law, but does not hold a license to practice. Registration of "alternative providers" is merely a list of people who have registered by listing their name. There are no requirements for registration such as education, experience, and continuing education. This registration situation is confusing to the public and offers no protection. There are nineteen "Alternative providers" who will remain on the list. **Vote 16-0.**

HB 328, relative to the regulation of electrical installation of alarms. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M Velez for Executive Departments and Administration: This bill would add alarms to the electrical installations regulated by the electricians' board. The state fire marshal opposed this bill based on the lack of clarity for alarms, training, and the fact that this bill did not mention single family homes. Both electricians and alarm installers are working on rules that will be addressing low voltage installation. These draft rules are almost complete and ready for submittal to Joint Legislative Committee on Administrative Rules. **Vote 17-0.**

HB 338, requiring the plumbers' board to report on the feasibility of reestablishing reciprocity with neighboring states in

licensing of plumbers. **OUGHT TO PASS.**

Rep. Hector M Velez for Executive Departments and Administration: This bill requires the plumbers board to study the feasibility of re-establishing reciprocity with Maine and Vermont in licensing of plumbers. The committee believes that re-establishing reciprocity with neighboring states is in the best interest of New Hampshire because we would work collaboratively with neighboring states. In 1999, rules, as they pertained to reciprocity, expired. Studying the situation might result in new legislation. **Vote 17-0.**

HB 346-FN-L, establishing a defined contribution retirement option in the New Hampshire retirement system.

INEXPEDIENT TO LEGISLATE.

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have allowed new employees eligible for the New Hampshire Retirement System to elect to participate in a defined contribution system (much like a 401K account) instead of the defined benefit plan currently required, and it would allow any person vested to switch to a defined contribution system. It spelled out the rates of contribution for both employees and employer. The problem with this bill is that it would take people and monies from the retirement system in that contributions would no longer go into the retirement system. This would create a funding problem in that the system would no longer receive any monies from people who went into the defined contribution plan. The result of passing this bill could possibly mean a drastic increase in payments by the communities and state payments that the taxpayers would have to pay. **Vote 17-0.**

HB 363, relative to certain notification for emergency contraception. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would require the pharmacists dispensing emergency contraception to post a sign at each cash register with a statement about fertilization. The committee was reluctant to force private businesses to display signs expressing a particular point of view. Pharmacists, also, indicated their great concern at displaying signs that they (or their check out staff) might well be forced to explain to the general public. While some of the committee was sympathetic to the intention of the bill, no one thought this bill was good public policy. **Vote 17-0.**

HB 545, relative to the definition of recreational therapy. **INEXPEDIENT TO LEGISLATE.**

Rep. Catriona D Beck for Executive Departments and Administration: This bill would amend and change the language in the introductory paragraph of RSA 326-J:1 III from "Life" to "recreational or leisure activities in the statute pertaining to recreational therapists. Due to the fact that this new law goes into effect in June of 2007, testimony presented to the committee in favor of keeping the original language, because the law has not even taken effect, outweighed making any changes at this present time. **Vote 16-1.**

HB 562-FN, excluding extra or special duty pay from earnable compensation in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela V Manney for Executive Departments and Administration: This bill sought to remove extra or special duty pay from the definition of earnable compensation used in the calculation of retirement system benefits that would have negatively affected the retirement benefits of approximately 4,573 police members and some in the teaching profession. Police officers don't make much and don't pay into the social security system. The hours are long, the job is dangerous and the work schedule often takes them away from their family so they may protect ours. These retirement benefits are all they have to support themselves in their later years. They earned it, they worked for it and they deserve to receive the benefits they were promised when they took the job. The committee understood the rationale for bringing this bill forward but could not support doing so at the expense of our law enforcement officers. **Vote 16-1.**

HB 568-FN, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was filed to correct a problem that was created with the passage of HB1633 in 2006. This bill allowed members of the New Hampshire Retirement System to purchase up to five years of service credit. This then allowed a member to shorten the number of years by the number of additional years purchased. For instance, a group II member could purchase five years and retire at the end of fifteen years and receive a pension based upon 20 years credited service. It was the feeling of the committee that there exists in the RSAs today the ability for an employee to contribute to deferred compensation system, and that is where any additional contributions should be made. **Vote 13-2.**

HB 569-FN, relative to the retirement age for retirement system group II members. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: Group I members of the New Hampshire Retirement System consist of firefighters, police, corrections and other officers who have specialized training. Their professions are often extremely strenuous and stressful. Currently, they may retire after 20 years of employment at the age of 45 because of the greater risk on the job evidenced by increased disabilities, morbidity and mortality. The committee is opposed to a change to 55 years of age for group II members. We believe that not only would the increased age of retirement add to the burden of the individual employee but it will increase costs to the employer for a disability aggravated by the strenuous nature of the job later in the lifetime of a group II member. **Vote 16-1.**

HB 629-FN, relative to authorizing continued membership in the Manchester employees' contributory retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would allow employees in the Manchester Employees Retirement System to continue in the system and opt out of the New Hampshire Retirement System when an employee is reclassified, or participate in the New Hampshire Retirement System. This came about because nurses in the city employ were going to be reclassified (transferred) to the school system. This would have forced them to become members of the New Hampshire Retirement System. A number of these employees had 20 plus years of service. Upon transfer, they would be starting all over in the New Hampshire Retirement System and it then requires 10 years service to vest. An amendment to validate the Nashua Board of Public Works Retirement System that has been in effect since 1947 covers all city employees (outside of teachers, police & fire) much like the Manchester system does was added. This amendment will resolve any ambiguities. **Vote 16-0.**

HB 652-FN, relative to the collection of debts owed to the state. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would allow state agencies to use a collection agency to collect monies owed to them because of unpaid fines and/or fees. Currently, the attorney general's office will not allow agencies to go to court on their own to collect debts and will not go to court unless the monies owned are greater than \$5,000. We do not know how many dollars are involved, but heard testimony that it is considerable. **Vote 15-0.**

HB 673, allowing advanced registered nurse practitioners to certify walking disabilities. **OUGHT TO PASS.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill updates language in the statute governing walking disability plates and placards making it consistent with practice authority granted in the newly revised Nurse Practice Act. Under existing law, an advanced registered nurse practitioner may perform the walking disability assessment, but is then required to obtain the signature of a physician colleague for the form required by the Department of Motor Vehicles, prior to issuing a handicapped plate or placard. This bill authorizes the nurse practitioner to determine the disability and authorize the plate or placard, thereby eliminating unnecessary delay to the patient and interruption of the physician colleague. The New Hampshire Board of Nursing has affirmed that the walking disability assessment is within the existing scope of practice of the nurse practitioner. Thirty-two other states grant this authority to nurse practitioners. The committee received testimony and letters of support from hospitals, medical practices, professional nursing organizations and individual nurse practitioners and physician clinicians, serving thousand of New Hampshire residents who suffer from heart and lung disease, cancer, multiple sclerosis, arthritis, and other acute and chronic disorders that render mobility difficult. Enabling efficiencies within the health care delivery system is cost effective. **Vote 15-1.**

HB 718-FN, regulating privatization contracts for public service. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill regulates the manner in which private contractors are utilized by the state. Contractors make a significant contribution to state government, but are expensive. They may participate in policy making discussions and yet do not have any accountability to the state. Concerns were raised that the process recommended by HB718 would be costly and would "further complicate an already complicated process." The amendment replaces the entire bill with a study committee to ensure that the "state renders service to the public in a manner that best serves the overall interests of the citizens of the state as well as the needs of service recipients." **Vote 16-0.**

HB 733-FN, relative to certain authority and procedures of the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela V Manney for Executive Departments and Administration: This bill was submitted at the request of the department of revenue administration. It seeks to specify under what federal tax code and for what purpose the department of revenue administration is authorized to require submission of a social security number. It specifies at what dollar amount, "more than \$10," the department of revenue must credit an overpayment of taxes. It adds that "unless the taxpayer has requested the refund" the department can disregard the overpayment, "\$10 or less" if the cost to the state to refund would exceed the amount involved. The department states this bill may allow for savings in the processing costs of refunds that may decrease state general fund expenditures by an interminable amount. It also includes some housekeeping details requested by the department of revenue administration. **Vote 15-0.**

HB 749, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. **OUGHT TO PASS.**

Rep. Pamela V Manney for Executive Departments and Administration: This bill was requested by the department of safety and seeks to change the position of forensic toxicologist with the department of safety from an unclassified to a classified position. The need to change from the appointed unclassified position to the classified was because the commissioner of safety was having difficulty filling the politically appointed position because candidates for the position had reservations about accepting a job that would be up for renewal every four years, especially if they had to move their family from another state. **Vote 13-1.**

HB 758-FN, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J Sullivan for Executive Departments and Administration: This bill would have completely revamped the New Hampshire Retirement System from a defined benefit system to a defined contribution system. It also would have established a committee to study the transition. The effect of this bill would eliminate any further contributions to the current retirement

system by the employees, but would then leave the funding needed to satisfy promised benefits only to the employers (state, towns, cities) which could possibly be in the millions that would have to be raised by property taxes. **Vote 15-1.**

HB 761-FN, establishing the licensure and regulation of municipal real estate appraisers. **INEXPEDIENT TO LEGISLATE.**
Rep. Russell C Day for Executive Departments and Administration: This bill would establish a board of municipal real estate appraisers for regulation and licensure of persons engaged in the practice of appraising real property for property tax purposes. While there has been much discussion of certain property appraisals, especially included the much discussed "view tax", the majority of the committee felt that this bill was not complete enough to fully describe the licensing process, required education, fees assessed and examinations used. Values of property are considered in the purchase price of such property and there exists means of requesting abatements and appeals in contested appraisals of the property. There are credential requirements of the division of revenue administration for those persons who perform municipal real estate appraisals which communities are obligated to abide by. **Vote 14-0.**

HB 787-FN, relative to procedures for and requirements applicable to municipal appraisers for property tax purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would hamper the assessing standards board in its work. The assessing standards board sets the rules, regulations and standards for how appraisers shall function. This bill would put into RSA's requirements that would require manuals, and contract language that if put into the RSA's cannot be enforced. This bill was introduced because of the so called "view tax." It is the understanding of the committee that appraisers value a property by the value that the property could be sold for. Appraisers are currently required to be certified by the Department of Revenue Administration and the property owner has the ability to contest his re-evaluation to both the appraisers and the town. There is also an appeal process to the tax appeals board that can order a revaluation on an entire town or just one property in that town. **Vote 15-0.**

HB 788-FN, relative to games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This committee had three bills regarding games of chance (HB 229, HB 788, and HB 922). We combined all three bills into one bill so this bill should be inexpedient to legislate. **Vote 15-0.**

HB 821, establishing a committee to study establishing a permanent Latino affairs commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M Velez for Executive Departments and Administration The committee had a very positive outlook and dialogue within the committee regarding the study. The prime sponsor asked the committee to find the bill inexpedient to legislate because it was premature and wished to include other individuals across the state to contribute in the development of a bill that is more representative of diverse populations. **Vote 16-0.**

HB 876-FN-L, relative to eliminating the special account, changing the definition of earnable compensation, and revising the calculation of employee and employer contribution rates and cost-of-living adjustments in the retirement system, and assigning all new employees to group I. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: The committee achieved the first step to stabilize the New Hampshire Retirement System with HB653, as amended, and recommends a second phase as a study commission that will address the remaining issues for the NHRS. **Vote 14-0.**

HB 885-FN, relative to the deputy commissioner of the department of employment security. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela V Manney for Executive Departments and Administration: This bill seeks to convert the deputy commissioner position and the three bureau directors (unemployment compensation bureau, employment service bureau and economic and labor market information bureau) from classified to unclassified positions. The department has historically maintained these four senior management positions as classified in order to ensure consistency and continuity in senior management and maintain that these positions would be free from political influence. Historical knowledge of a job and long time experience needed to run an efficient department would be lost should these positions become classified. All testimony heard, save the sponsor, was opposed to the bill. **Vote 17-0.**

HB 895-FN, relative to licensure of court reporters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Executive Departments and Administration: This bill will move court reporters from the jurisdiction of the court system to an independent board under the joint board of licensure and certification. Court reporters are individuals who are skilled at capturing, storing, retrieving and transcribing trial, pre-trial proceedings, speeches, legal proceedings, meetings and other events when written accounts of spoken words are necessary for correspondence, records or legal proof. The courts are now using electronic recorders instead of "court reporters" so no longer want to certify or oversee the practice of court reporters. This legislation authorizes a board under the joint board of licensure and certification for the purpose of licensing court reporters. The name court reporter remains because that is the long established title of the profession. **Vote 11-0.**

HB 922-FN, relative to licensing for games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: The committee had three bills regarding games of chance, HB229, HB788 and HB922. We combined all three bills into HB229 via amendments allowing us to vote inexpedient to legislate

on this bill. We did use most of the items in this bill in the final bill. **Vote 13-0.**

FINANCE

CACR 17, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A Foose for Finance: This constitutional amendment expands the definition of gambling revenues to provide that revenues from games of chance may only be used for educational purposes. The majority of the committee believed that it is premature to add games of chance as another source of permitted gambling unless the legislature first acts to approve "games of chance". **Vote 19-1.**

HB 451-FN, increasing the state's portion of special education funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L Weyler for Finance: Of our 200,000 students, approximately 30,000 of them have Individual Education Programs (IEP's). This designates them as Special Education (SPED) students. Of the 30,000 SPED students, about 1,500 have very costly programs. The state helps to fund these programs through Catastrophic Aid. The triggers for Catastrophic Aid are 3 and one half times the statewide average pupil cost. That cost for the present school year is \$9,774.53 per student. The 3.5 trigger is then \$34,210.85. Above that trigger, the Catastrophic Aid pays 80% and the district, 20%. The next trigger is at ten times the average pupil cost or \$97,745.30. Above the ten times trigger, Catastrophic Aid pays 100%. The original bill called for changing the two triggers to 3 times and 8 times. The committee held discussions with the Department of Education which disclosed that some districts used only their funds exclusive of state and federal contributions when calculating the triggers. But, others included all funds, even private insurance, in computations. The committee termed this "double-dipping." We amended the original bill to require that every application for Catastrophic Aid must list all payments for that individual student identified as to source, i.e. state, federal, etc. Although this was not the intent of the sponsors, the committee felt that it could not make progress on adjusting Catastrophic Aid until the accounting was more transparent and accurate. This is a necessary step. **Vote 23-0.**

HB 667-FN-A, making an appropriation for the purposes of the catastrophic illness program. **INEXPEDIENT TO LEGISLATE.**

Rep. Fran Wendelboe for Finance: This bill made an appropriation of \$400,000 per year for the purpose of the catastrophic illness program. Upon review, the committee saw that this program has been funded in excess of that amount in the past and is in the budget for '08 and '09 already in excess of \$400,000. Therefore, this bill was not necessary. **Vote 24-0.**

HB 801, establishing a committee to study the feasibility of the state assuming responsibility for fully funding special education costs for children receiving special education services in the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda T Foster for Finance: The committee believes that such a study committee has merit. The committee also knows, however, that we do not have accurate and/or complete information to bring to such a study. The committee has offered an amendment to HB 451-FN which, if passed by the House, will require more accurate reporting of the actual district costs for special education students. Moreover, the committee has passed HB 661-FN, one of the bills that is the result of the work done by the Special Education Task Force, which established an Executive Planning Commission on special education and makes a small appropriation therefore. **Vote 23-0.**

HB 824-FN, establishing a death benefit to be paid to the family of a police officer, firefighter, or highway worker killed in the line of duty. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L Benn for Finance: The bill establishes a \$100,000 death benefit to be paid to the family of a police officer, firefighters, or highway worker killed in the line of duty to be paid through the retirement system. Currently all full time employees are covered by a \$20,000 life policy. The committee heard testimony both in favor and opposed to the bill; some thought the benefit should be limited to only police and firefighters as proposed in SB 169, but others felt the benefit should be expanded to include not only highway workers but also volunteer firefighters, EMT responders, prison guards, and school teachers. The committee felt that the \$100,000 benefit amount was significant and a more realistic help to a fallen's family than the current \$20,000 benefit. Who should be covered, how much coverage would cost the state, and the best method to fund the benefit are still to be determined. Therefore the committee recommends ITL at this time. **Vote 22-0.**

HB 835-FN, relative to funding the modular building program. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel A Eaton for Finance: The committee agrees with the bill but would prefer to address the need in HB 1 and HB 2 so that we may accurately budget within the Department of Safety. **Vote 22-1.**

FISH AND GAME

HB 434, relative to fishing in the Connecticut River. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J L'Heureux for FISH AND GAME. This bill would have clarified the locations in the Connecticut River where persons with Vermont or New Hampshire fishing licenses could legally fish. A subcommittee was formed to research the issues in question. It was the determination of the subcommittee and the full committee concurred that passing this legislation would create more problems than it would solve. The committee was unanimous in its recommendation that this bill be inexpedient to legislate. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 134, relative to electronic prescribing for prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill will update and modernize the Pharmacy Act. HB 134 is relative to electronic technology and its applications for the delivery of prescription medication for the residents of New Hampshire. This legislation gives the Board of Pharmacy the authority to regulate e-prescribing in New Hampshire. At the prescriber level, e-prescribing will provide a computerized system check for possible interactions and contraindications, so that at the pharmacy, drug interaction and allergic complications will be flagged. This new technology could have a significant reduction in drug and dispensing errors, resulting in fewer hospitalizations and misadventures in the process of drug prescribing and dispensing. As amended, the bill provides heightened privacy protections for patients. **Vote 19-0.**

HB 491, establishing the public health improvement services council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth Z Bleyler for Health, Human Services and Elderly Affairs: As amended, this bill institutionalizes the public health planning improvement process to assure quality public health services in New Hampshire. The council will monitor the implementation of existing plans and develop a public health improvement plan. A final report will be made by November 1, 2009 with findings and recommendations. **Vote 18-0.**

HB 688, establishing the council on the relationship between public health and the environment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara C French for Health, Human Services and Elderly Affairs: This council has been in effect as a study committee since 2000. This legislation establishes a statutory council, to be reviewed by the Health and Human Services Oversight Committee every two years. The council has worked on public health concerns such as: restaurant services, school environment and public indoor smoking. The council is made up of a group of very dedicated professionals from Health and Human Services, Department of Environmental Services, Department of Education, Department of Agriculture, N.H. Lung Association and other appropriate government and private agencies. **Vote 18-0.**

HB 727-FN, relative to certain disclosures during the certificate of need process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs: This bill, as amended, proposes a 13 member commission to study current practices in the construction industry relative to employer provided health insurance. Among topics to be studied are why there has been a decrease in company-sponsored health insurance in the construction sector in New Hampshire and what impediments there might be in current policies that contribute to this situation. The goal is to work with stakeholders to identify the causal reasons and to propose reasonable courses of action to be considered in the future should they be found. **Vote 19-0.**

HB 926-FN, relative to the regulation of pharmacies and pharmacists. **OUGHT TO PASS.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill makes several changes in the Pharmacy Practice Act. As such, it clarifies and updates the statute. The first reclassifies the retailers of medical gases and prescription devices as "Limited Retail Drug Distributors." Change #2 adds the word "certified" to the existing definition of a pharmacy technician. Change #3 is a new definition of "prescription device or legend device." Change #4 increases the pay to board members from \$50 to \$100 per day without increase to the state budget as the Board of Pharmacy is a 125% board. Change #5 adds the word "certified" to the section as applied to pharmacy technicians. This recognizes that "certified pharmacy technicians" have voluntarily achieved advanced training and certification. Change #6 amends the board's rulemaking authority by recognizing the "automated pharmacy systems" dispensing system to dispense unit dose medication as needed by patients in clinics, emergency rooms and nursing homes. **Vote 17-0.**

JUDICIARY

HB 69, relative to the solemnization of marriages. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for Judiciary: This bill raises an interesting concept with regard to civil and religious marriage. The committee felt this subject matter and its ramifications needs and deserves more careful study which we are sure will happen in the upcoming session. **Vote 16-0.**

HB 82, relative to communications outside meetings under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C Mooney for Judiciary: This bill relates to inserting a separate section within the Right to Know Law relative to communications outside of meetings. This is a very important issue with regard to a quorum of members of a public body communicating on matters of public concern. The committee modified the language of HB 82 and incorporated it into the adopted amendment to HB 377. **Vote 16-0.**

HB 149, allowing a purchaser at a mortgage foreclosure sale to terminate a tenancy of the property by a notice to quit. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C Mooney for Judiciary: The bill adds the term "purchaser at a mortgage foreclosure sale" as defined as "successful bidder." As such, it authorizes the purchaser to start eviction proceedings before the property closes and title transfers. HB 149 needs considerable work and study before a final form can be appropriately adopted. **Vote 17-0.**

HB 212, relative to possessory actions against tenants. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul L Hackel for Judiciary: This bill provides the procedure for a lessor, owner or purchaser at a mortgage foreclosure sale

to terminate the tenancy or otherwise recover possession of a property. The committee voted Inexpedient to Legislate because tenants not involved in foreclosure sales can be evicted without adequate notice or procedures. **Vote 17-0.**

HB 244, relative to withholding or withdrawing of medically administered nutrition and hydration and hydration and developmentally disabled persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Shurtleff for Judiciary: This bill, and a companion bill, HB 370 would have made changes to RSA 137-J:10 IV (b). This law regulates the life-sustaining treatment for those with developmental disabilities. The input from the bill's sponsors, and advocates for those with developmental disabilities, showed this law to be archaic and outdated. The bill was amended to strike this section of RSA 137-J:10 from New Hampshire state law. **Vote 17-0.**

HB 268, relative to cellular telephone number directories. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Judiciary: The committee heard testimony from the telecommunications industry as well as the Attorney General's office. The cellular telephone companies have never published a directory of cell phone numbers, nor do they plan to. Furthermore, the subject of this bill and the remedies sought, have been addressed in another bill currently before the House, HB 227. **Vote 20-0.**

HB 303, repealing the restrictions on Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Shurtleff for Judiciary: This bill corrects an antiquated "blue law" that prohibited dancing on Sundays and the transportation of picture films on trains. **Vote 17-1.**

HB 370, relative to withholding or withdrawal of life-sustaining treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Judiciary: This bill sought to make a change to RSA 137-J:10, IV (b), which deals with life-sustaining treatment. The issues raised by this bill were addressed by the committee with the passage of HB 244 as amended. With the concurrence of the sponsor of HB 370, the committee voted unanimously to vote this bill Inexpedient to Legislate **Vote 17-0.**

HB 394-FN, relative to notice to defendants in small claims actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul L Hackel for Judiciary: This bill requires first class mail notice to defendants in small claims action. The committee supports the bill since it reduces the cost of certified mail, reduces the labor of verifying return receipt of certified mail and eliminates the inconvenience of receiving certified mail. At the same time, procedures are in place to insure notice is received since if no response in writing is received in 30 days, the court shall direct the plaintiff to complete service on the defendant at the expense of the plaintiff. **Vote 19-0.**

HB 567-FN, relative to lowering the legal drinking age. **INEXPEDIENT TO LEGISLATE.**

Rep. Frances D Potter for Judiciary: This bill was strongly opposed in testimony. A representative of the Health and Human Services Dept. pointed out that no state has a drinking age under 21. The committee heard testimony from NH Liquor Commission Enforcement and Licensing that the brains of 18-25 year-olds are still developing. A board certified health educator from St. Paul's School stated that alcohol use is a primary medical concern. He also stated that the adolescent brain is vulnerable and not like the adult brain. Alcohol disrupts sleep cycles, short term memory, and impairs maturation, as well as causing the loss of frontal lobe function, permanently. For these reasons the committee recommends Inexpedient to Legislate. **Vote 17-0.**

HB 621-FN, relative to speedy trial time frames. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Judiciary: This bill as presented would have required all persons charged with a crime, except capital murder, be brought to trial within 120 days. It was pointed out to the bill's sponsor that some individuals are not arrested until quite some time after the alleged offense. The sponsor said that his intent was that the 120-day period would not begin until after the defendant's arraignment. The testimony before the committee was that there are currently no unnecessary delays in criminal prosecutions; also, that this bill would have caused a hardship on both prosecutors and defense attorneys. **Vote 17-0.**

HB 670, relative to repealing the incorporation of the New Hampshire Bar Association. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for Judiciary: This bill would revoke the charter granted to the New Hampshire Bar Association in 1873 by the New Hampshire Legislature. The committee recognized that it is the responsibility of the Judicial Branch to regulate the practice of law in our state and they have chosen to do so through the New Hampshire Bar Association. Furthermore, this bill would have required any and all assets of the New Hampshire Bar Association to be forfeited to the State of New Hampshire. This action would be contrary to Part 1, Article 19, of the New Hampshire Constitution. **Vote 16-0.**

HB 854-L, relative to remedies under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C Mooney for Judiciary: This bill relates to the remedies under the Right to Know law. RSA 91-A:8 already addresses remedies available for violations of the Right to Know law. Further amendments to this section of the current law require careful study and consideration prior to adoption. HB854 is too premature without tedious and appropriate consideration at this time. **Vote 18-0.**

HB 906, relative to an informed jury. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: The majority of the committee felt that the instructions that are currently given to juries on jury nullification are adequate, and that it would be a mistake to encourage juries to ignore the law that is given to them by

the judge. It is the passage of laws following the legislative process that should govern our conduct, not juries. **Vote 15-1.**
HB 909, relative to oaths required of public officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald R Buxton for Judiciary: This bill provided for removal from office for violation of an oath of office by governor and council or the General Court. The governor and council cannot remove a member of the General Court or their employees, but the General Court may remove governor and council from office. This bill is in violation of the New Hampshire Constitution. **Vote 16-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 123, relative to the time required between mandatory shifts or other work periods. **INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The committee believes that certain occupations that deal with the public safety should have a required time off between shifts. However, this bill requires a ten hour rest period between shifts for all employees regardless of industry or occupation. There was considerable opposition to this bill by many groups in the service and hospitality industry who would be severely burdened by this legislation. There was no indication that there were any serious problems that exist in the workplace that necessitates this legislation. **Vote 14-0.**

HB 129, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason M Bedrick for Labor, Industrial and Rehabilitative Services: This bill seeks to exclude companies that have outsourced jobs from New Hampshire to foreign countries from state contracts and economic aid. While well intentioned, the bill contained a number of serious flaws. No provision was made for exceptions when only one company can provide the state with a given service. The requirements on the Labor Department were too burdensome. The fines for non-compliance were unreasonable. One provision might exclude a company with a great number of New Hampshire employees from state contracts while allowing companies with fewer New Hampshire employees that outsourced up to 49 New Hampshire jobs. **Vote 14-1.**

HB 336, requiring notice of the classifications of employee and independent contractor. **OUGHT TO PASS.**

Rep. Mary J Gorman for Labor, Industrial and Rehabilitative Services: This bill requires that information regarding classification of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice in every place of employment. Easy public display of the distinct criteria for defining employee and independent contractor eliminates confusion in the work place. **Vote 16-0.**

HB 337, relative to penalties for failure to have workers' compensation coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John K Knowles for Labor, Industrial and Rehabilitative Services: This bill changes the starting date for penalties on employers for not carrying workers' compensation insurance from the date the Labor Commissioner notes the violation to the date the violation actually began (capped at one year). Fines are deposited in a workers' compensation fraud fund, which is established by this bill. A similar change is made to penalties on insurers that do not file timely notice of changes or lapses in workers' compensation coverage. **Vote 15-1.**

HB 342-FN, relative to workers' compensation coverage for certain independent contractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Randolph N S Holden for Labor, Industrial and Rehabilitative Services: The intent of this bill was to require some independent contractors to have workers' compensation coverage that covers them specifically. There are other bills in the House and Senate that would address this issue and the sponsor requested the bill be voted Inexpedient to Legislate. **Vote 14-0.**

HB 366-FN, relative to work on Thanksgiving and Christmas Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Sally H Kelly for Labor, Industrial and Rehabilitative Services: It was agreed that matters such as these are best served by an agreement between employer and employee rather than unnecessary legislation. **Vote 15-0.**

HB 533, relative to Occupational Safety and Health Administration certification requirements for state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: This bill as amended requires that any person signing a contract to work on any building or public work project by a state agency, municipality or instrumentality thereof, and costing \$100,000 or more, shall have an OSHA 10 hour construction safety program for their on site employees, and all employees are required to complete the program prior to the beginning of work. **Vote 14-1.**

HB 605, relative to employment eligibility verification by employers. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Converse for Labor, Industrial and Rehabilitative Services: This bill requires employers to participate in the Basic Verification Pilot Program regarding employment operated by the U.S. Department of Homeland Security. The National Immigration Law Center identified some of the problems with this Pilot Program. While touted as the vehicle to curb unauthorized employment, information on individuals is often wrong. In addition to the weaknesses of the core program, employers could face litigation for discriminatory use of the Basic Pilot Program. **Vote 16-0.**

HB 611, relative to payment of wages by automated pay card. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Randolph N S Holden for Labor, Industrial and Rehabilitative Services: The committee felt employees should not have to pay a fee to cash their paychecks. The bill as amended is a compromise among the Attorney General's office, the bank institutions, the Labor Department and the sponsor. **Vote 14-0.**

HB 720, establishing a council on families and employment. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason M Bedrick for Labor, Industrial and Rehabilitative Services: The issues this bill seeks to address are covered in HB 306 which established a task force on work and family and was passed by the House. Also, there is no sunset provision in this bill and some committee members were concerned that this council would include the commission on the status of women, but not the commission on the status of men. **Vote 13-2.**

HB 808, relative to employees' rights to bring court action against employers. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J Gorman for Labor, Industrial and Rehabilitative Services: The purpose of this bill is to allow employees to bring civil actions against their employers. This is already being done. Employees can seek a redress of grievances from the Labor Department or through the court system. Therefore, the committee felt HB 808 is unnecessary. **Vote 15-0.**

HB 817, relative to the workers' compensation compliance statement. **INEXPEDIENT TO LEGISLATE.**

Rep. John K Knowles for Labor, Industrial and Rehabilitative Services: The principal sponsor of this bill requested that it be withdrawn and that the committee vote it Inexpedient to Legislate since its intent is similar to Senate Bill 154. **Vote 14-1.**

HB 833, relative to workers employed within the United States in connection with state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This bill dealt with outsourcing of jobs and the issue of expending funds authorized by the General Court within the United States. The state currently employees Canadian contractors and international financial institutions and the committee felt that the bill should be amended to a study committee so not to adversely affect how the state operates. The study committee will focus on outsourcing state contracts in an effort to keep funds within the country whenever possible without harming the state and its ability to operate. **Vote 15-0.**

HB 920, establishing a worker adjustment and retraining notification requirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Labor, Industrial and Rehabilitative Services: The principal sponsor of this bill requested that this bill be pulled and that the committee vote it Inexpedient to Legislate, due to insufficient information. **Vote 15-0.**

LEGISLATIVE ADMINISTRATION

HB 223-FN, requiring the general court to hold sessions in the evening or on Saturday. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K Hutchinson for Legislative Administration: Based on the number of legislative session days in 2005, we would have to schedule session every Saturday from January through July. Likewise, if we took our current committee meeting schedule (9am-12pm and 1 pm to 4 pm Tuesday through Thursday), and rescheduled for evening committee meetings, then we would have to schedule committee meetings Monday through Friday from 6pm to 11 pm every week through July. Thus this would not make it any easier for the public to run for legislative office. **Vote 10-0.**

HB 523, relative to lobbyist registration and statements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth S Hager for Legislative Administration: This bill as amended clarifies the new ethics/lobbying registration and reporting bill which was enacted last year. It clarifies the language, changes the reporting from monthly to quarterly and removes the need to have each report notarized. The committee worked hard with the Attorney General's Office to make sure the language is clear and enforceable. **Vote 10-0.**

HB 715, combining the state heritage collections committee and the joint legislative historical committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael J Reuschel for Legislative Administration: The committee feels that studying combining the two current committees would help resolve questions of purview and also would help in establishing and clarifying policies and procedures so that our important historical assets are preserved and protected for future generations. **Vote 10-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 310, allowing municipalities to regulate small wind energy systems. **OUGHT TO PASS.**

Rep. Mary R Cooney for Municipal and County Government: Municipalities may now allow the construction of residential wind turbines. This bill helps them by establishing guide lines for height and set backs. Under this bill, municipalities may adopt ordinances to allow these residential uses of wind energy systems consistent with the overall goal of saving energy. As part of this bill the office of energy and planning will develop a technical bulletin relative to model municipal ordinances. **Vote 10-2.**

HB 343, relative to religious organization property tax exemption requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: The relief requested – excusing tax exempt religious organizations from filing the BTLA form 4-9 annually – seemed minor compared to the benefits received from the taxpayers of the state. It also seemed that absence of this report would inoculate the organization from prosecution if the town ever tried to reclaim unpaid taxes through the courts. **Vote 14-0.**

HB 379, relative to the adoption, revision, and amendment of municipal charters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: RSA 49-B covers the charter process for municipalities. Currently the time line and requirements are so complicated that few municipalities want to get into trying to make a change in their form of government. The committee has been studying the process for at least three years. The amendment removed how the names of the candidates would be placed on the ballot. The bill streamlines the charter process by dividing the chapter into the

subdivisions of Adoption of Municipal Charter, Revision of Municipal Charter, Amendment of Municipal Charter and Provisions Applicable to All Charter Actions. The committee believes that this revised statute will enable local municipalities to have clearer guidelines to take them through to another form of government if they so choose. **Vote 15-0.**

HB 380, relative to the forms of government under town charters. **OUGHT TO PASS.**

Rep. Betsey L Patten for Municipal and County Government: Currently most towns in New Hampshire are governed by the general laws of the state relating to town government which gives statutory power and duties to the town meeting and board of selectmen. There is also an option for towns to adopt a charter which establishes a different form of government. However, there has been a requirement in the statutes that a charter HAS to provide for the appointment of a town manager. This bill gives the towns the option of appointing a town manager, appointing a town administrator or not appointing any such officer at all. Also the existing titles of the five optional forms of government are somewhat confusing and will be clarified by HB 380. The governing bodies are clearly identified for each of the forms of government – Town council, Official ballot-town council, Town meeting-town council, Official ballot-town meeting and Representative town meeting. The committee voted to pass HB 380 since it is an important step forward for municipalities that are interested in adopting a charter form of government. **Vote 16-0.**

HB 393, relative to information filed by utilities paying the utility property tax. **OUGHT TO PASS.**

Rep. Betsey L Patten for Municipal and County Government: Currently June 1 is the date by which all utilities have to file a list of changes made to the property since the prior April 1. The testimony from the Department of Revenue Administration states the current time lines are not adequate and there is not enough information to develop adequate basis for setting the utility property tax using the income approach for assessing. Currently there is no penalty for NOT filing any changes. In order to have enough time and information This bill was introduced to remedy the situation by changing the date to May 1 and requiring operating expenses, original cost and depreciation values by the utilities. An extension of time is allowed if requested and there is adequate justification. However it may not exceed 30 days per request and not more than two extensions in a given tax year are to be granted. Section 2 of HB 393 adds a penalty for failure to file of one percent of the property tax. Also if there will be a change of ownership the current taxpayer is required to notify the department with the details. The committee feels that utility property owners need to file adequate information so that the assessments at the local level are documented and transparent. **Vote 14-0.**

HB 423, allowing municipalities to adopt a business incentive property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: This legislation does not have a requirement of a public benefit to qualify for the property tax credit. Other legislation (HB 692) reported by this committee as OTPA, will address similar needs with clear language and addresses public benefit. **Vote 14-0.**

HB 462, relative to site plan review of agricultural operations. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F Simon for Municipal and County Government: This bill would prevent agriculture from “being limited by other governmental agencies or political bodies.” It would also effectively exempt agricultural operations from site plan review by a local planning board. The committee believes that the effect of these provisions is to improperly deny municipalities the authority to regulate an agricultural operation that could have a significant impact on a community. This destroys the careful balance that currently exists in state law that is designed to preserve and encourage agriculture in appropriate locations throughout the state. **Vote 17-0.**

HB 474, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The original law exempting pollution control facilities from the local real estate tax was passed in 1955. During discussion last session regarding these facilities it was brought out that the law could be applied to every private septic and sewage treatment system. The Department of Environmental Services has only granted this tax exemption twice in 2004, with no input from the municipalities. This year another request for exemption of a private septic system was received. HB 474 was introduced to remove private septic and sewage treatment systems from RSA 72:12-a “Water and Air Pollution Control Facilities”. In essence the state gives these local property tax exemptions even when the requirement for septic and sewage treatment systems are mandated by the state and federal government. The committee supports the amendment removing these private systems used primarily for the treatment or disposal of human water from this property tax exemption. **Vote 15-0.**

HB 551, allowing cities to use capital reserve funds for debt replacement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: This bill, as amended, had the unanimous support of the committee which recognized both the variety and complexity of funding sources, the particular specifications of the terms of repayment, and the need to conform to IRS rules. It properly restricts funding to a specific program and promotes transparency in expenditure and audit. No dangers were seen for smaller municipalities and the practical needs of cities were enhanced. **Vote 16-0.**

HB 566-FN-L, relative to the housing of inmates in county correctional facilities. **OUGHT TO PASS.**

Rep. Betsey L Patten for Municipal and County Government: Currently there is a requirement that each county have suitable correctional facilities as stated in RSA 23:3. HB 566 makes this requirement an option that will assist the counties in the housing of their inmates. The sponsor of this bill has concerns that his county does not have suitable facilities for female

prisoners and there are legal opinions that may put the counties at risk. Currently the Commissioner of the Department of Corrections can enter into contracts with the counties, the governments of other states, and the federal government and appropriate private agencies or facilities as outlined in RSA 21-H:8,VI. HB 566 allows a county to contract with the state or another county for reception and confinement of prisoners committed to or who are ordered to be detained at a country correctional facility. This bill also removes the requirement of placing the offender in the county facility were the offense was committed and charges the county in which the offense was committed. The committee believes that these changes will open up interesting options for the county correctional facilities. **Vote 14-0.**

HB 616-FN-L, exempting certain persons age 65 and older from 25 percent of the state and local education portion of property taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the unanimous opinion of the committee that it was unwise to establish a de-facto user fee system for public education, to set major groups in opposition to each other on what should be a settled issue of cherished common good. There also seemed to be insufficient consideration of demographic trends which may effect the economic vitality of the state or of the resources which the “any person who is age 65 or older” may have on how many persons over 65 may be counted per a primary residence. **Vote 16-0.**

HB 646-FN-L, establishing a fee for copies of police and fire reports. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F Simon for Municipal and County Government: This bill would establish a uniform statewide fee schedule for obtaining copies of “police or fire agency reports.” The committee feels that current law on this subject is reasonable, clear and explicit, that this is manifestly a local control issue and that any concerns or complaints about overcharges for such reports should be directed to the municipality involved. **Vote 16-1.**

HB 649, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andy Peterson for Municipal and County Government. The bill, as amended allows for greater public input prior to the court process which is required in order for a community to sell or change the use of real estate given, devised or bequeathed to a town. The amendment placed the language of the bill in a more appropriate section of the RSA’s and renewed the requirement for a town vote, as advised by the Attorney General’s office. **Vote 16-0.**

HB 674, extending the veterans’ property tax credit to all honorably discharged veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L Osborne for Municipal and County Government: The committee felt that this bill would shift the tax burden to the rest of the population by imposing a new tax on residents due 4/1 every year of \$10 per person ages 18-65 to pay for this new all encompassing veterans property tax credit. This tax credit is not means tested and in addition repeals definition of combat veterans, specific wars and time frames which are necessary references for other RSAs. NH already recognizes and honors its combat veterans with property tax credit. **Vote 15-0.**

HB 680, allowing municipalities to determine the hours for the Saturday session for correction of the checklist. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A Guthrie for Municipal and County Government: This bill would allow the supervisors of the checklist to hold the session that is required on the Saturday 10 days prior to election day at hours that would be determined by the governing body. The supervisors of the check list can presently hold any session as they determine. This legislation was not considered to be necessary. **Vote 13-0.**

HB 691, excluding the value of a view from property tax assessments on working farms. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: Property in New Hampshire is assessed at fair market value. The statutes and court rulings have defined fair market value as “the property’s full and true value as the same would be appraised in payment of a just debt due from a solvent debtor.” HB 691 takes one factor, view on working farms, out of the assessed town valuation. The intent was to protect our New Hampshire farmers from being taxed off their land. The Assessing Standards Board, the Current Use Board and the committee are trying to resolve this issue. HB 294 has been retained in order to work with all the stakeholders to find a solution. The ideas and definitions in HB 691 will be forwarded to both boards and will be taken up during the summer and fall as a subcommittee looks at all factors influencing fair market value. The committee noted that this issue needs to be studied and resolved. **Vote 19-0.**

HB 692, allowing municipalities to adopt a property tax exemption for industrial construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anthony F Simon for Municipal and County Government: This bill would re-establish a limited industrial construction exemption from property taxation to assist the economically depressed counties and municipalities within those counties in our state. Participation in this program is a local option, that to be implemented in any community, must first be approved by the voters. **Vote 16-0.**

HB 706, relative to requirements for highway agents. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: While the committee agrees that training is important for highway agents, we believe that the essence of American democracy is that all our citizens can run for any office, with only limited restrictions on age and residency. When presidents, governors, US and state legislators, even honorable NH Representatives can run for office without education or training, it seems undemocratic to set up requirements that might

discourage any child from dreaming to grow up to be a highway agent. **Vote 15-0.**

HB 709, making various changes to department of revenue administration authority concerning property tax administration. **ought to pass with amendment.**

Rep. Joseph A Guthrie for Municipal and County Government: At the request of the department of revenue administration this bill clarifies the rulemaking authority of the Commissioner on certain property tax and revaluation matters. The bill also removes the penalty of \$100.00 per day for each late filing of municipal reports due the department of revenue. **Vote 14-0.**

HB 724, allowing municipalities to require the provision of income and expense information of business property to assessing officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: In order to have enough information to complete or evaluate the market value of commercial or industrial property the assessors need to know information from the property owners. HB 724 is asking for "income and expense" information to be provided upon request to the assessors, the board of tax and land appeals or the courts. The committee realized that the information requested as written may cause concern and anxiety with business owners because it looks like income and expense from their own private businesses. Another bill, HB 73, has been retained to work on this issue and the information in HB 724 will be addressed during the summer and fall. The committee will be asking the help of the Assessing Standards Board for its input during their study. **Vote 12-0.**

HB 732-FN, changing the interest rate on late and delinquent property tax payments and subsequent tax payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: The committee determined that this bill would impose too burdensome a requirement on town clerks who might have to make the adjustments eight times a year. It was also considered that the interest rate for delinquent taxes must remain well above the IRS rate so businesses and others don't choose to pay other creditors first. **Vote 12-0.**

HB 736, relative to administrative enforcement of certain violations of municipal ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the bi partisan conclusion of the committee that the discretion of the selectmen is a necessary and sometimes awkward responsibility in respect to violations which may be unaware or obdurate. Rote strictures dilute the community's proper respect and support for zoning. Administrative enforcement and fine begins in guilt. Overall it is better to prove guilt after due process. **Vote 12-2.**

HB 741, relative to the zoning requirement for child day care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: Currently, permits for child care program licensing require compliance with local land use and safety codes. HB 741 removes "family day care homes" and "family group day care homes" from compliance with the local codes. Six children and up to three more children under the age of 10 years constitute a family day care home and 7 to 12 children and up to and additional five children under the age of 10 years constitute a group day care home. The committee feels that it is imperative that local municipalities still have the oversight and approval for these child care facilities since it becomes a local transportation and safety matter. **Vote 14-0.**

HB 742, relative to the issuance of building permits on class VI roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: Building or not building on a Class VI highway has been the prerogative of the local governing body. Currently there is a process where the governing body may grant a building permit as long as the applicant knows that the municipality neither assumes responsibility for maintenance of the Class VI highway nor liability for any damages resulting from the use thereof and the applicant records that document in the Registry of Deeds. HB 742 would add another layer of approval in order for a permit for a non-commercial, seasonal or recreational use building to be issued by requiring the legislative body at a special or annual town meeting to approve the policy. The bill does not include any appeal process for applicants. Also there will be a negative effect on existing lots on Class VI highways that may be construed as a "taking" by the municipality if approval is not granted. The committee knows that RSA 674:41 "Class VI Roads; Building Permits" is a well balanced statute that does not need to be amended **Vote 14-0.**

HB 747, relative to the special meeting requirements for municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Elliott for Municipal and County Government: The committee felt this legislation was unnecessary because under current statute (RSA 31:5 and RSA 41:14-a) the selectmen are required to first submit a proposed acquisition of or sale of any municipal land to the Planning Board before requesting a special meeting. The bill is a duplication of already existing statutes. **Vote 13-0.**

HB 769-FN, relative to determination of town's shares of county taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: This bill would modify apportionment of county costs to municipalities by adding a population factor to the existing equalized property value calculation. A municipality's share of county costs could not exceed its proportion of county population by more than 2%. The committee's recommendation of ITL is based on the failure of the bill to address how any shortfall in county cost allocations would be assessed and no willingness to add a population statistic (and the costs associated with ensuring its accuracy) to our tax apportionment calculations. Issues concerning county government are now being studied by a county government task force. Its report is expected to address not only the functions of counties but also recommendations on the fairness of cost sharing. **Vote 13-0.**

HB 770, requiring certain information in the financial reports of counties. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This bill, as presented, requires a break out of information and a format of presentation which the committee could not tie to any failure of process significant on a statewide basis. The committee does support clarity and accountability in municipal spending and governance. There is a task force to study county government (SB 319, Chapter 221:1; laws of 2006) that is studying county governance. The committee would like this issue and file be given to that task force. **Vote 13-0.**

HB 785-FN, relative to user charges for excessive consumption of police and nuisance enforcement services. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Watson for Municipal and County Government: This bill would establish user charges for “excessive consumption” of police and nuisance enforcement services. The majority believes that the issues this bill attempts to resolve can best be addressed as they are now by the enforcement of municipal ordinances. Furthermore, the bill is ambiguous and could open the door to unintended consequences. **Vote 13-1.**

HB 798, allowing municipalities to adopt a property tax freeze for persons aged 65 and older. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This bill like several the committee considered this session on tax relief is a bill of good will and seeks to protect the over age 65 residential home owner from the ravages of rising property taxes by setting an at age 65 freeze on the assessed value of their residence. However it is not means tested and requires additional and varied calculations of state and county taxes due and will have an unknown cost shifting burden on those outside the benefited group. On that basis the entire committee agreed that it was inexpedient to legislate. **Vote 13-0.**

HB 803, relative to the sale of tax-deeded property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: Currently the municipality has a process for distributing proceeds from the sale of tax-deeded property. After three years of not paying taxes to the municipality, the property owner has three years to pay taxes before the property is deeded to the town and has a first option for the next three years to repurchase the property. That is a total of six years. HB 803 is a result of a subcommittee working group with the committee, tax collectors and other municipal officers. The requirement for notice has been changed from a range 120 days to 90 days to at least 90 days prior to the offering for sale. “Offering for sale” has been defined as the authorization by the municipality’s governing body to its designee to sell the property. The committee agrees with the tax collectors that these changes will make the sale of tax-deeded property more efficient. **Vote 14-0.**

HB 804, excluding the value of a view from property tax assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This committee has dealt with half a dozen or so bills on the issue of equitable property taxation and has carefully considered the impact of rising property taxes on several affected groups. In every case the committee has supported clarity in description, transparency in assessment procedures and full fair market valuations. Verbal blinders have no effect on what a willing buyer sees. This bill unreasonable seeks to skew and dilute the established standard of fair market value on which the property tax rests. The committee by a wide bi-partisan majority does not support this bill. **Vote 11-1.**

HB 829, establishing authority for a state property tax bank administered by the housing finance authority and requiring the housing finance authority board to develop a proposal and report to the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L Osborne for Municipal and County Government: The committee felt that HB 829 had many technical problems including possible financial security problems with the financing sources. The agency chosen to administer the program, the New Hampshire Housing Authority, did not want to be involved with the bill, saying that they had significant concerns with the legislation and federal issues. **Vote 14-0.**

HB 892-FN, relative to bonding for subdivisions and condominium projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Watson for Municipal and County Government: This bill would place restrictions on when a municipality may require a developer to secure a bond in order to guarantee that certain required improvements are completed. It also mandates how the bonds will be administered, such as when a bond must be reduced for partial work completion. Although the intent of the bill may be constructive, the language is ambiguous and confusing. It could make it more difficult for our cities and towns to ensure that developers follow through on the improvements that they have promised to complete as part of a development. **Vote 14-0.**

HB 896-FN-L, relative to authority to waive interest on late paid property tax bills **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J Boyce for Municipal and County Government: This bill is totally local control and should be left to that. The selectmen already have the power to waive interest for those that need it. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

HB 224, expanding the restriction on advertising devices to include all state highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Edmond D Gionet for Public Works and Highways: The committee considered the testimony given by DOT, whereas, they already have the authority to remove signs within the highway right-of-way that constitute a hazard. There is no reason to pursue this bill. **Vote 15-0.**

HB 516, authorizing the Mount Washington Chamber of Commerce to erect a sign on Interstate 95 in Portsmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K Waterhouse for Public Works and Highways: While the committee appreciates the Mt. Washington Valley's Chamber of Commerce and its desire to use a state highway directional sign to make the traveling public aware of it, the words "Mt. Washington Valley" would replace the words "White Mountain Region." This change would unfortunately draw the public's attention to only one part of the White Mountains to the detriment of the other five communities of the region. The committee is concerned that this sign could signal a change in policy that would encourage other chambers of commerce to request erection of more signs within the right-of-way. Additionally, the Commissioner of DOT testified that too many signs create chaos. As a safety issue more signs create a distraction to the motorist and should be kept to a minimum. **Vote 16-0.**

HB 538-FN-A, making an appropriation for the renovation of the state park system. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways This bill was filed by the House and Senate members of the SB 5 Commission to study the State's park system, to fulfill the commission's recommendation to bond \$10 million dollars in each of the next two biennium's for strategic planning to meet critical and deferred maintenance needs and for revenue enhancement projects. The Governor proposed approximately 6.4 million dollars in his Capital Budget and the committee has made provisions for the state parks in HB 25, the Capital Budget bill. Therefore, this legislative vehicle is no longer necessary **Vote 15-0.**

HB 681-FN-A, relative to full cent gas pricing and road tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: The effect of this bill would be to raise the road toll (gas tax) by one-tenth of a cent, which would raise Highway Fund revenue by about \$850,000 per annum. However, since the House has already passed HB 103, which establishes a commission to study the State Highway Trust Fund, the committee believes that the needs and funding levels of the Highway Fund are best studied in their entirety by this commission. Whole cent pricing will also be addressed by the study commission **Vote 13-2.**

HB 731, relative to the use of vehicle information or location tracked by an electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways: This bill (and the clarifying amendment) adds one sentence to the RSA to prohibit the use of the transponders, which are used for toll collection, to gather personal information or movements at any location except at the toll booths. **Vote 11-2.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 219, relative to the membership of the wetlands council. **OUGHT TO PASS.**

Rep. James D Aguiar for Resources, Recreation and Development: This bill increases the membership of the Wetlands Council from seven members to eight. The additional member would be an owner of farm land or forest land. The committee heard testimony that the decisions made by the Wetlands Council often have direct impact upon farm and/or forest land, hence the decision to give representation to these groups. **Vote 16-0.**

HB 318, relative to large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela J Hubbard for Resources, Recreation and Development: This bill amends certain statutes relating to large groundwater withdrawals in order to make all statutes consistent with one another. The amendment specifies that the same large groundwater permit is required for withdrawals from multiple wells installed on the same property as a single well extracting that quantity (57,600 gallons per day). **Vote 16-0.**

HB 319, relative to wetlands mitigation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan R Kepner for Resources, Recreation and Development: Currently, it is difficult for the state to expend funds from the Federal Emergency Watershed Protection Program within the required 220 days, since both federal and state permits are necessary. The federal permit process includes an eleven page environmental assessment that the state then reviews. Therefore, the committee felt there is not need for a lengthy, cumbersome state permit that is redundant. **Vote 18-0.**

HB 321, relative to river protection and restoration. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill addresses the nominating process for participation in the Rivers Management and Protection Program. This popular program is a community driven process whereby rivers are nominated for additional protections based on resource characteristics such as environmental, recreational, wildlife and cultural qualities. This bill would add hydroelectric energy production to the list of characteristics to be considered, which is inherently in conflict with many of the other qualities to be considered under the program. In addition, HB 321 requires a river or river segment to be included in the local master plan of a town participating in the nomination process. This essentially reverses the process since the inclusion of a river resource in local master plans is the hoped for result of the Rivers Management and Protection Program. Lastly, HB 321 alters the membership of the Rivers Management Advisory Committee (RMAC) with the addition of six legislators. The current membership of RMAC represents a diverse group of interests including agriculture, conservation, recreation, municipal and water supply. Although the addition of legislators is not objectionable, neither is it necessary since nominated rivers or river segments must gain legislative approval. The current process works admirably as indicated by the recent approval of the Ammonoosuc River. The case for changes to the Rivers Management and

Protection Program has not been made. **Vote 14-0.**

HB 383, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. The bill simplifies and clarifies regulations regarding waterfront buffers, allowing property owners to more easily understand what activities may and may not be undertaken within this most sensitive shorefront area. This clarity will promote greater compliance. The first 50 feet from the shoreline is designated as the waterfront buffer and is subject to restrictions on the removal of ground cover and the cutting of trees. Within this area, an easily understood formula replaces a complicated method for calculating allowable alterations. The first 150 feet from the shoreline (including the waterfront buffer) is designated as the natural woodland buffer in which smaller areas must be maintained in an undisturbed state with the encouragement of other conservation measures. Lastly, for the first 250 feet from the shoreline (including the woodland buffer) the bill prescribes that no more than 20-30% of the total area may be covered with impervious surfaces, such as roofs, patios and most driveways. The majority of the committee felt this was a reasonable addition since the science indicates that watersheds are negatively affected by the disruption of as little as 10% of the area. Forest management and agriculture conducted in accordance with best management practices are exempted from these restrictions. The committee also looked at specific circumstances in order to be satisfied that these provisions do not constitute a taking, nor unreasonably restrict the ability of property owners to enjoy and develop their property. The committee believes HB 383 strikes a common sense balance between property rights and shoreland protection. **Vote 18-1.**

HB 459, relative to the identification of wells. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank A Tupper for Resources, Recreation and Development: The purpose of this bill is to provide a method of recording the location of wells and technical information about their construction, such as depth, casing, etc. This will be valuable if there is water contamination in an area. Technical information will help future property owners who need to maintain or repair a well. The committee agreed with the amended version of this bill which now requires water well contractors and technical drillers of monitoring wells to supply a written record of specific technical and locational information to the Department of Environmental Services (DES). This will eliminate the need for locating by well tag identification, which well drillers testified was too onerous. **Vote 15-0.**

HB 648, establishing a commission to develop a comprehensive flood management plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill establishes a commission to develop a comprehensive flood management plan. The commission is composed of six House members, three Senate members and various other interests. Duties include the study of measures to minimize flood impacts on community and personal property. The amendment adds a member and the duty to consider proper management of public water resources. **Vote 17-0.**

HB 665-FN, relative to the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. The bill changes the method by which streams are classified, now using the New Hampshire hydrography data set, and clarifies the language in the definition of a “water dependent structure.” In addition, HB 665 repeals legislation that exempted towns which had adopted a shoreland protection ordinance and certain designated rivers and river segments from the application of this act. Lastly, this bill adds third order streams to those water bodies to be protected by the shoreland protection act on January 1, 2009. The committee feels that this latter is an important step, but that a delayed enactment would give the Department of Environmental Services time to prepare the necessary groundwork for its implementation. **Vote 18-1.**

HB 710, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C Merrow for Resources, Recreation and Development: This bill forms a committee to study the issues relative to leasing state own real estate on the shores of public waters. While allowing for the extension of existing leases, it temporarily prohibits entering into any new leases between the effective date and January 2009. **Vote 14-0.**

HB 716, relative to subdivision and septic system application waivers. **INEXPEDIENT TO LEGISLATE.**

Rep. James D Aguiar for Resources, Recreation and Development: The committee heard testimony that the prime sponsor of the bill no longer supported the proposal after learning that the Department of Environmental Services had resolved the underlying issues through alternate means. **Vote 16-0.**

HB 722, relative to the rivers management protection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elisabeth N Sanders for Resources, Recreation and Development: This bill adds members to the Rivers Management Advisory Committee and allows local river management committees to include tributary drainage areas in their local management plans. These plans are advisory, like a local master plan. The bill also expands the scope of the state’s Long-Range Rivers Management Plan for state-owned lands to include tributary drainage areas for each designated river. The overall goals of the local management plans and the long-range plan are to restore and maintain ecological integrity to meet existing and future multiple uses for New Hampshire’s state protected rivers. The committee felt that the expansion of the

scope of plans is appropriate as tributaries are important to the river's water quality. **Vote 16-0.**

HB 777-FN-A, imposing a fee and a fine for certain changes to terrain alteration permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan R Kepner for Resources, Recreation and Development: This bill as amended clarifies agricultural exemptions for alteration of terrain permits and sets penalties for change of use to any other activity. The penalty shall be based on the amount of land changed and length of time before the change. It will be distributed as follows: forty percent to the Land and Community Heritage Investment Program; forty percent to the wetlands fund (RSA 482-A:14, III); and 20 percent to town conservation commissions, to be distributed to the other two if there is no commission. This mirrors the wetland mitigation program where penalties for disturbing wetlands fund a compensatory conservation of land. **Vote 16-2.**

HB 813-FN, expanding the definition of income of the land conservation investment program monitoring endowment. **OUGHT TO PASS.**

Rep. Sid Lovett for Resources, Recreation and Development: Replacing the terms "revenue" and "interest" with the term "income" as it applies to RSA 162-C:8 helps the Department of Treasury to better manage the portfolio of the endowment of the Land Conservation Investment Program (a land protection program that preceded LCHIP). **Vote 18-0.**

HB 857-FN-L, relative to permitting responsibilities under the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. This bill clarifies permitting responsibilities under the comprehensive shoreland protection act. It is not uncommon for individuals to be unaware of what activities require a state permit and this bill clearly identifies those activities. In particular, an approval by a municipality is sometimes interpreted as a go-ahead for a project when state approval is also required. This bill clarifies that municipalities do not have the authority to offer waivers or variances to state shoreland regulations. The amendment clarifies language, adds a definition for nonconforming lots and structures and specifies what activities would not necessitate a permit under this act. **Vote 18-1.**

HB 903-FN, prohibiting delivery of oil to non-compliant underground storage facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill was introduced at the request of the Department of Environmental Services (DES) and the Oil Fund Disbursement Board (ODB). It is their joint responsibility under RSA 146-D to monitor underground oil storage tanks and provide extra insurance in the case of leaks. The state receives nearly \$1,000,000 in federal funds in support of these programs. This bill brings New Hampshire into compliance with federal guidelines to prevent deliveries to non-compliant tanks. The amendment clarifies procedures for reinstating service and changes the effective date to July 1, 2007. **Vote 17-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 447, relative to net energy metering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: Current law permits electric customers to participate in a program to generate their own electricity while still remaining connected so as to receive electric service on an as-needed basis. When their own generation exceeds their own needs the excess is supplied to the grid and "the meter runs backwards." The participating customer pays for the net amount consumed. The bill as amended modifies the eligibility for net metering; it, very simply, encourages the use of alternative energy sources by modifying RSA 362 by raising the kilowatt hour limit from 25 to 100 as the maximum generation allowed for participation in the program. **Vote 15-0.**

HB 694, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas R Fargo for Science, Technology and Energy: This bill creates a 20-member commission to study the feasibility of tidal power generation, primarily under the Little Bay and General Sullivan bridges in Dover and Newington. Membership on the commission represents a diverse group of stakeholders representing the General Court, state and federal agencies, municipalities, non-governmental environmental protection and commercial fishing interests, and the University of New Hampshire. Duties include the review of permitting standards, the public's and business community's attitude toward the project, environmental and wildlife impacts, and the costs and benefits of the project. The commission may, by 2/3 majority vote, expand its review to power generation at other appropriate infrastructure under New Hampshire jurisdiction. **Vote 16-0.**

HB 880-FN, requiring the department of resources and economic development to implement a feasibility study for the production of alternative forms of energy using natural resources of the state of New Hampshire and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. John H Thomas for Science, Technology and Energy: The issues in this bill are encompassed in HB 467 which was passed by this committee. The bill is too explicit and restrictive as to who is to do the study. The Department of Resources and Economic Development (DRED) does not support the bill. There is no fiscal note. **Vote 17-0.**

HB 917, establishing a commission to study implementing a statewide emergency communications system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M Garrity for Science, Technology and Energy: This bill adds an additional duty to the existing standing Telecommunications Oversight Committee namely, to study the implementation of a statewide emergency notification system which is appropriate for both state and local needs. The committee shall consider a reverse 911 system and other means of notification. Originally this bill would have created a new study commission, but the committee felt that this topic could be adequately studied by an existing statutory study committee. The prime sponsor of this bill was in agreement with this approach. **Vote 17-0.**

STATE-FEDERAL RELATIONS

HCR 8, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. **OUGHT TO PASS.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: In this period of higher concern about the quality and availability of the health care delivery system for our veterans, the committee believes that placing a name and future on our only veterans' medical center would enhance our ability to help keep the medical center open without any additional decrease in services. The committee believes that naming the hospital after a former Governor, U.S. Senator and reserve military officer who invested time, effort and personal resources in ensuring the initial construction of the medical facility would be prudent and possibly helpful in keeping the hospital operational. **Vote 12-0.**

HJR 1, urging that more veterans' mental health counseling centers be established in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: This is an extremely important resolution where we have not only the ability but the responsibility to make a difference in the lives of the men and women that we, as Americans, asked to go into harms' way. The resolution as amended not only asks that Congress continues to fund the Manchester Veterans' Center, the only one in the state of New Hampshire, but also to provide funding to establish a veterans' center in Berlin and in Keene. Veteran centers provide our combat veterans a place to seek help, to seek guidance and sometimes a simple, "brother I understand I have been there, I have experienced that." Veteran Centers around the country have given our combat veterans an opportunity to get their lives back, to get their families back, and to become productive members of society again. Every time a combat veteran in crisis has no where to go, no one to turn to, his or her chance of ending up in the criminal system increases sharply. Not only is it not the moral thing to allow, it is a waste of both taxpayers' funds and human potential for it is always far cheaper to do the right thing and prevent the problem from expanding then to punish for the end result. New Hampshire has the second highest ratio of veterans in the country. One veterans' center that could lose its funding next year just isn't the ethical way for us to treat the men and women of New Hampshire that were faced with the real possibility of paying the final and ultimate price. **Vote 14-0.**

TRANSPORTATION

HB 188, excluding certain watercraft from the definition of ski craft. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A Packard for Transportation: This bill removes from the "Ski Craft" RSP definitions a boat called Craig Cat. It has 2 pontoons and side by side seats. It certainly does not fit into the Ski Craft definition. **Vote 16-0.**

HB 247, allowing surviving spouses to retain special number plates for veterans for one year. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brenda L Ferland for Transportation: This bill modifies the current veteran plate bill. It adds language to allow the surviving spouse the use of the plate for either the remainder of the current registration period after the death of the veteran or for 3 months if the registration expires during that 3 month period. **Vote 17-0.**

HB 279, establishing the alternative motto "scenic" for motor vehicle number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving a motorist the opportunity to use "scenic" or "live free or die" on license plates should not be viewed contrary to the intentions of the sponsor. As a result the Committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. **Vote 15-0.**

HB 290, relative to safe operation of vessels on New Hampshire waters. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A Packard for Transportation: The committee voted to retain HB 847 – a lakes speed limit bill. This was done to give the Dept. of Safety time to implement a 45 mph daytime and a 25 mph nighttime speed limit on certain parts of Lake Winnepesaukee.

The public is split on this issue. Since we have not had a rash of accidents on our lakes boating is one of the safest sports in N.H. **Vote 16-0.**

HB 301, relative to nonresident registration of motor vehicles. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation: Current law enables DMV to issue a non-resident registration to vehicles if they are garaged "exclusively" in NH. This means the vehicle cannot leave the state at any time or be eligible for non-resident registration. This bill cures that problem by substituting "primary" for "exclusively" and further defines "primary" as being garaged here for 350 days of the year. **Vote 17-0.**

HB 311, establishing a committee to study the feasibility of setting liability limits for commuter rail operations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation: This bill establishes a committee to study the feasibility of setting liability limits for commuter rail operations. The committee will be appointed by the Speaker of the House and President of the Senate. This bill is one of the first steps in obtaining commuter rail service in our state. **Vote 17-0.**

HB 333, requiring driver education to include operation of manual transmission vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for Transportation: A practical consideration is the unavailability of manual transmission vehicles. The principles of operating these vehicles are already in the curriculum. Also, there are handicapped individuals who may not be physically able to operate a manual transmission. **Vote 13-0.**

HB 381, relative to the procedures for New Hampshire individuals taking driver education courses in Vermont.

INEXPEDIENT TO LEGISLATE.

Rep. Paul H Ingersoll for Transportation: This bill would have allowed New Hampshire residents to take driver education courses in Vermont. It was noted that Vermont motor vehicle laws are similar, but vary from New Hampshire law. It was also noted the difficulty of the New Hampshire DMV to monitor driver education courses in another state. **Vote 15-0.**

HB 382-FN, relative to vanity number plates for licensed amateur radio operators. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving a motorist the opportunity to denote "amateur radio" should not be viewed as contrary to the intentions of the sponsor. As a result the committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. **Vote 16-0.**

HB 397, relative to restricted drivers' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carole J Estes for Transportation: This bill recognizes and accepts the advances in eye surgery that eliminates the need for external corrective lenses. The advent of laser surgery provides visual acuity of 20/40 or better at minimal cost and effort.

Vote 17-0.

HB 405, establishing a committee to study the disposal of end of life vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L Ferland for Transportation: This bill was withdrawn at the request of the prime sponsor. The committee concurred. **Vote 16-0.**

HB 448-L, relative to early renewals of vehicle registrations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. C. Pennington Brown for Transportation: This provides a convenience for vehicle owner renewing registrations and is supported by the New Hampshire City and Town Clerk's Association. **Vote 16-0.**

HB 515-FN, relative to combat veteran stickers on number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Transportation. The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving the opportunity to put combat veteran stickers on license plates should not be viewed as contrary to the intentions of the sponsor. As a result the committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. **Vote 17-0.**

HB 547-FN, relative to the inspection of trucks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean-Guy J Bergeron for Transportation: The bill addresses truck inspection. Under the current statute a truck weighing 10,000 pounds gross vehicle weight has to be inspected twice a year. The committee was presented testimony indicating that truck weight 10,000 to 17,999 gross vehicle weight did not need to be inspected twice a year, as these vehicles are smaller trucks and as a result do not have to be inspected as frequently. These vehicles will be inspected once a year but vehicles over 18,000 pounds gross weight will have to be inspected twice a year. **Vote 16-0.**

HB 559, relative to seat belts on school buses. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard N Cunningham for Transportation Student safety was the foremost concern of the committee. The language of this bill refers to "seat belts" – line 10 – without specificity as to type of belts. There are two types of seat belts: two point lap belts and three point shoulder-lap belts. Research and testimony indicated a high probability of secondary injury from the use of 2 point belts in an impact accident. In addition, 3 point belts need to be sized to students in order to be effective. The 3 point belt anchors require enough space to reduce the student capacity of a bus by one third. This would create the need for additional buses thus increase the odds of an accident. The issue of student misuse of the belts in interactions with other students was also an issue as was the release of students from belts in case of either fire or accident in which the bus came to rest upside down. The science and technology of school bus safety is ongoing and student safety is presently at a very high level. If student safety is an issue we could save significantly more students by focusing efforts on students driven to and from school in private vehicles by parents or siblings. **Vote 17-0.**

HB 634-FN-A, establishing a dropout prevention number plate. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L Ferland for Transportation: This was another plate bill. The committee has for many years taken the stance that these bills generate no money for the causes and only cost the Department of Safety a great deal of money to implement. It should also be noted that there is a study committee that will take up all number plate issues. **Vote 16-0.**

HB 659-FN, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. **OUGHT TO PASS.**

Rep. Jennifer M Brown for Transportation: This bill exempts motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. Vehicles in this category are equipped much differently than later models and as a result their inspection cannot be done by regular inspection stations. They drive very few miles and at very low speeds. Their owners often belong to a club and have to have extensive repair knowledge themselves. The committee felt that requiring inspections would be unnecessary. **Vote 17-0.**

HB 726-FN-A, establishing land and community heritage investment program number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L Ferland for Transportation: All special license plate legislation now will be taken up by a sub-committee. Based on that fact the committee has chosen to ITL all plate bills at this time, except HB 355. **Vote 15-2.**

HB 772, relative to suspension or revocation of original drivers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A Packard for Transportation: For over 12 years the commissioner of transportation has been working on graduated licensing laws along with drivers education improvements. We have found that the most effective deterrent to teens disobeying motor vehicle laws is the fact that they will lose their license for 20 days on the first offense. If a true hardship exists the Dept. of Safety will waive the 20 day suspension. Nothing could be more dangerous to our teen drivers than to reduce the suspension from 20 to 7 days. **Vote 17-0.**

HB 795, relative to restricting usage of cellular phones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A Packard for Transportation: The bill seeks to impose a violation and thereby prohibit the use of conventional cellular phones by drivers while a motor vehicle is in operation. The laudable intent of the sponsor was to focus drivers on the task of driving and to discourage the lamentable pattern of using phones and engaging in other activities that distract the driver and increase the risk of driving error and accident. A similar bill appeared before the House in a previous session and the House responded by enacting laws to regulate negligent driving. We believe enforcement of that statute is crucial to the goals of the sponsor and while we resolve that this bill is inexpedient to legislate, we do agree to closely work with the Department of Safety to observe enforcement of the negligent driving statute as we share the sponsor's well-founded concerns. **Vote 11-4.**

HB 807, requiring headlight use when windshield wipers are in use. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L Ferland for Transportation: This bill would have required drivers to have their headlights on when windshield wipers are in continuous use because of inclement weather. Current law requires lights to be on whenever rain, snow or fog shall interfere with the proper view of the road. Most makes of vehicles today have automotive lights that are usually on or that come on when wipers are turned on. Some people just flip their wiper switch on to intermediate settings thereby violating the language of the bill if it becomes part of the current law. The committee has had bills similar to this for more than 10 years. All were found not necessary based on today's current law. **Vote 17-0.**

HB 918-FN, relative to motor vehicle registrations for manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer M Brown for Transportation: This bill will allow manufacturers of vehicles in New Hampshire to have up to 12 special plates to put on cars after final assembly so that they can be test driven. We now have a manufacturing business in NH who make very small cars. It is necessary for them to drive these cars before sale and these plates will allow them to do that. **Vote 16-0.**

WAYS AND MEANS

CACR 16, relating to an income and a sales tax. Providing that there shall be a state referendum prior to the legislature's adoption of an income tax or sales tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P Lockwood for Ways and Means: This CACR allows for a statewide referendum before the introduction of an income tax or sales tax bill. This state is not a referendum state and the committee agreed that this bill should be ITL. **Vote 18-0.**

HB 501-FN-A, relative to keno and using keno revenues for college scholarships. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G Marsh for Ways and Means: While well intentioned, this legislation appears to have a number of technical problems that would cause problems were it to become law. The bill allows charitable organizations to run keno games of chance, and uses the revenues from these games to help fund college scholarships. The committee heard testimony from the lottery commission that the plan would be unworkable as proposed, because keno must be highly centralized, and doing this through occasional charity games would not work. There was also some question whether the prize limit per game of \$3500, taken from the bingo statute, would work with keno, where odds can run much higher. As all revenues are assigned to a college scholarship fund, there did not appear to be any incentive for charitable organizations to organize keno games. Finally, the committee was informed that directing all revenues to a college scholarship fund may violate Article 6b of Part 2 of the state constitution, which requires that all lottery money be used exclusively for the purpose of state aid to education. **Vote 19-0.**

HB 511, increasing the total prize value of a bingo game or series of games and establishing a study committee on increasing the price of lucky 7 tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for Ways and Means: This bill would increase the value of bingo prizes and establish a study committee on increasing the price of lucky 7 tickets. After consulting with many players and organizations that sponsor the games the committee voted to increase bingo \$500 making a cap of \$4000 per game. The committee concluded a increase for lucky 7 is not

appropriate and removed the study committee from the bill. **Vote 18-0.**

HB 622-FN-A-L, establishing an income tax and repealing all state and local taxes, with the exception of the tobacco tax, beginning in 2012. **INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for Ways and Means: By replacing all but one of New Hampshire's current revenue sources with an income tax for a trial period from FY 2012 to FY 2018, this bill would radically reshape how both the state and municipalities raise funds. Committee members were apprehensive about a five-year trial of such magnitude and expressed concern about its implication, including the loss of local control and the assumption that all levels of government could survive on a one-percent increase over recent spending **Vote 18-0.**

HB 635-FN-A, removing exemptions under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G Marsh for Ways and Means: The purpose of this bill was to remove a loophole in current tax statutes that could allow a taxpayer to create more than one exemption to the interest and dividend tax by registering a number of limited liability companies or partnerships. The committee heard testimony from the Department of Revenue Administration that this was not a serious problem, as the cost of creating a limited liability company or partnership and filing taxes for it would probably exceed the tax benefit derived by the effort. The committee also heard testimony from two asset management companies that indicated this change could negatively impact the state's goal to attract financial service companies to the state. Finally, there was a concern that the bill might put in jeopardy the state's ability to collect any interest and dividend tax if it was found to be unconstitutional. **Vote 18-0.**

HB 757-FN-A, relative to the beer tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B Hinkle for Ways and Means: This bill changes the way beer is taxed from \$0.30 per gallon to 5% of the wholesale value per 12 ounces sold to retail. No other state taxes beer this way. The Liquor Commission felt this would make beer tax collection more difficult and complicated to enforce. The proposed changes may result in less tax being collected in the case of keg beer. The Retail Grocers Assoc. was opposed because their member stores enjoy an advantage from having no sales tax. Approximately 40 percent of the sale from convenience stores and mom-and-pop stores is cross-border, and they could lose sales of not only of beer, but of other products as well. This is critical since stores operate at a margin of around 1 percent in the case of larger chains down to ¼ percent for small operators. Other members of the committee felt that, since the features of this bill are contained in another bill being retained by the committee, an amended beer tax could still be considered at a later date, which might not create the same problems. **Vote 18-1.**

HB 784-FN-A, requiring excess revenue stabilization reserve account funds to be used for a credit against business enterprise and business profits taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: This bill would have required that if the balance in the revenue stabilization exceeded 10% of the general fund unrestricted revenues for the most recently completed fiscal year, then such excess would be used as a credit against business taxes. The committee concerns included the feeling that all taxpayers should be treated equally, and eligibility should not be restricted just to business tax credits, and that the stabilization account would not meet the level for distribution in the foreseeable future.

The committee heard additional concerns from DRA including determining a) the increase in restricted revenue, b) the increase in state restricted expenditures, c) the need for additional clarification so that the program could be administered, and d) the additional administrative expenses required to verify and process the tax credits identified in the bill. **Vote 17-2.**

HB 793-FN-A, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Ways and Means: This bill establishes a \$24,000 exemption from the interest and dividends tax for individuals who are 62 years of age or older. The committee commends the sponsor for his attempt to aid this group, however the fiscal note shows a loss \$15,443,000 in revenue based on 2005 tax data and assumes at least that amount in 2008 and thereafter without replacement. Also there is not a means test offered to identify individual need. **Vote 18-1.**

HB 820-FN-A, establishing tax on candy. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: Although well-intentioned, this bill provoked an outcry from wholesalers, distributors and vending machine salespeople. Requiring a stamp on every package and candy bar would present untold expense for the middleman and as such the verdict was inexpedient to legislate **Vote 19-0.**

HB 844-FN, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman L Major for Ways and Means: This bill is a technical correction requested by the department of revenue administration. Section 1 of this bill creates Interest and Dividends tax record retention criteria similar to the Federal (I.R.S.) requirements and the New Hampshire Business tax laws. Section 2 of this bill puts a requirement on the Department to hold a hearing if tobacco products are seized. This fulfills the taxpayer's right to be heard in any case where unstamped cigarettes are seized. This provision will also help us to enforce the Tobacco Master Settlement Agreement. The amendment in section 1 changes the record retention requirement to 3 years from 5 years which is the same as the IRS standards for retaining records.

Vote 18-0.

HB 891-FN-A, establishing a beverage fee to be paid by beverage manufacturers and distributors. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: The committee recognized the financial burden placed on local bottlers, the complexity of tracking the interstate products and the discriminatory issue of determining which products should be included in the fee schedule. Over the past several years, many states have eliminated their beverage fee on nonalcoholic beverages and the committee is aware of only three states that still impose a beverage tax/fee. The Department of Revenue Administration was unable to determine how much revenue this would bring in or the fiscal impact on state expenditures. **Vote 19-0.**

HB 913-FN-A, establishing a senior citizen property tax postponement program. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: This bill requires the New Hampshire Housing Finance Authority to organize, evaluate and administer individual senior citizens property tax relief. The committee determined that the administrative costs will be excessive. The State Treasury Department determined taxable bonds, rather than state tax-exempt bonds must be issued, thus negating any cost advantage in the bond market. The Municipal and County Government Committee has retained a similar bill (HB 829) for future study. **Vote 19-0.**

TUESDAY, MARCH 27

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 289, relative to joint agreements for the payment of postsecondary education expenses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward P Moran for the **Majority** of Children and Family Law: The committee majority felt that subjecting an agreement to divorce court enforcement would create a disincentive to voluntary agreements, and that a better approach would be to encourage parties to contribute to a tax advantaged college savings plan on a best efforts basis, much the same way college or charitable pledges are made. New Hampshire has one of the most successful 529 college plans in America. **Vote 11-7.**

Rep. Carolyn M Gargas for the **Minority** of Children and Family Law: The minority supports the ability of parents to make voluntary agreements to provide for post secondary education expenses for children in their divorce decree. This order can be modified if there is a change of circumstances. Current law prohibits parents from making these agreements.

HB 519, requiring children 12 years of age or under to wear personal flotation devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary E Walz for the **Majority** of Children and Family Law: This bill raises from five to twelve the age when children are required to wear personal flotation devices, also known as life jackets, any time they are outside an enclosed cabin on a moving boat or other vessel. Boats with a three foot high enclosed side rail are exempted. This bill passed the House last year. **Vote 13-6.**

Rep. Edward P Moran for the **Minority** of Children and Family Law: New Hampshire Marine Patrol Statistics over the past eight years showed no children ages 12 and under drowned in boating related incidents (the object of this bill). Those 12 and under who did drown did so while swimming or as a result of falling off a dock or an embankment (not included in the bill). Some drowned with flotation devices on. Further evidence indicated that 2 of the 3 major categories of flotation devices would not prevent unconscious people from having their heads submerged, and that the most supportive was also the most constricting and expensive. The minority felt the statistics spoke eloquently about the level of responsibility shown by adult boaters for the children in their charge, and wondered if a perfect record of responsibility can't prevent legislative intrusion, what is required to be left alone? This seems a good example of where the citizenry who elect us are managing their affairs quite well, but the legislature, in its paternalistic wisdom feels compelled to coerce.

COMMERCE

HB 232, prohibiting retaliatory rent increases in manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce: This bill addresses a particularly onerous practice of isolated manufactured housing park owners raising rents due to adverse judgments gained by tenants. In essence it prohibits the practice. It also encourages mediation of disputes between owners and tenants. **Vote 10-7.**

HB 253, relative to the use of credit rating for automobile or homeowner insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce: This bill makes it a discriminatory and unfair insurance trade practice to charge higher premiums for automobile and homeowners insurance based on credit rating. Current law allows the use of credit reports but bad credit cannot be the sole reason for higher premiums. The input for the bill came from a citizen whose credit score was inaccurate and not corrected within 30 days as required by law. The committee felt that this bill was not needed because credit reports are not the only reason for higher rates. **Vote 12-2.**

HB 263-FN, relative to health insurance riders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P Spratt for Commerce: This bill provides an alternative option in the individual insurance market for individuals whose only other option would be the high risk pool. The committee saw this as an alternative to becoming uninsured due to the cost of the high risk pool and limited exclusion riders to one specified condition. **Vote 15-2.**

HB 305, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 legislative session. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce: The task force established by this bill brings together a group of legislators, state agencies, policy groups, health care providers, insurance carriers, and consumer interests to study the programs of other states such as Massachusetts and Vermont, and develop legislation for the coming sessions, expanding access to affordable health coverage in New Hampshire. **Vote 12-4.**

HB 676, relative to interest on deposits required under gasoline franchise agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P Spratt for Commerce: The committee felt that this bill addressed a unique situation and that its passage would legislate conditions of contractual agreements. With this in mind the committee voted inexpedient to legislate. **Vote 13-4.**

HB 695, relative to regulation of wireless telephone service providers for consumer protection. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P Spratt for Commerce: The committee believed this bill addressed issues which are currently being satisfactorily addressed by disclosures from the issuing companies. These issues are also addressed in CTIA, the consumer code for wireless service. **Vote 14-3.**

HB 713-L, relative to displaying gasoline and diesel fuel prices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for the **Majority** of Commerce: This bill was requested by the owner of several gas stations. He would like the opportunity to change gas prices remotely and electronically, which is not currently possible on the smaller price signs on the top of the pumps. The majority of the committee agreed that the signs on the top of the pumps are important to consumers. **Vote 12-4.**

Rep. Joel F Winters for the **Minority** of Commerce: On gas pumps, stations are required to post the price of fuel in 4 inch high numbers. The amendment to HB713 would allow gas stations to provide notice of the fuel price to customers in 10 inch high numbers on a street sign instead. They would still be required to do one or the other; customers would still know how much they were paying for gas. Having considered the facts, the Minority believes that the amended HB713 is common sense, enabling legislation.

HB 728, relative to access to wireless telephone records. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to give private persons access to their cell phone records in case of an emergency. While it is certainly advantageous for law enforcement to have this access when a crime is committed, letting private individuals get this information, possibly through deceptive means such as pretexting, that could then be used detrimentally by an estranged spouse or a stalker, did not seem appropriate. Law enforcement personnel testified at the hearing that the matter should be left to law enforcement professionals. **Vote 13-3.**

HB 738, requiring insurance coverage for infertility treatments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert F Matheson for the **Majority** of Commerce: The bill requires insurance coverage for infertility diagnosis and treatment up to the birth of a child. The bill as presented leaves out many factors such as age of the women, number of times these procedures should be done if unsuccessful, who would be a likely candidate and other medical factors that are beyond the scope of the committee. **Vote 9-4.**

Rep. Jill Shaffer Hammond for the **Minority** of Commerce: Infertility treatments are no longer "experimental medicine". They have a 20-year track record of efficacy and costs have stabilized. It is time that coverage is included for the disease of infertility.

HB 767, relative to insurance for volunteer drivers. **OUGHT TO PASS.**

Rep. Stephen P Spratt for Commerce: Due to the lack of public transportation in New Hampshire, charitable organizations rely heavily on volunteer transportation. This bill recognizes that fact and prohibits denial of insurance for automobiles or homeowner's insurance or a higher premium based on an individual's status as a volunteer driver. **Vote 12-3.**

HB 790-FN, relative to dependent coverage under the healthy kids program and establishing the joint legislative oversight committee on insurance expansion initiatives. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for the **Majority** of Commerce: This bill expands health coverage in family plans to young adults by defining a dependant as one under 26, who is unmarried; has no dependents of his or her own; is a resident of New Hampshire or is enrolled as a full-time student at an institution of higher education. Young adults (18-25) as a group have a high percentage of uninsured while being one of the healthiest and least costly to the health care system. This measure would provide continued coverage to many in state who attend college part time and work part time. By keeping this group insured and in the system, costs overall will be kept down and accounted for; and help encourage this age group to stay in New

Hampshire. This bill also includes the intent of HB 78. **Vote 8-7.**

Rep. John B Hunt for the **Minority** of Commerce: This bill represents an insurance coverage mandate that will add significant cost exposure to the business community, which is already struggling to pay health care costs, and may jeopardize existing coverage that dependents up to age 18 presently enjoy today. Employers will be required to continue to pay for family policies for a longer period of time, up to 7 years, or may be forced to make the very difficult economic decision to either require more or all of the premium to be paid by their employers. HB 790 may also have damaging effects on the individual market, which is presently growing and vibrant. The minority considers this bill to be the largest single mandate on business in the past 20 years.

HB 853, establishing a commission to study the effect of fiat currency on the wealth of New Hampshire citizens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen T Pelkey for the **Majority** of Commerce: This bill would have no effect or demands on the federal government to change our federal reserve system and therefore would be a poor use of our legislative resources. Although the sponsors' intent is to surface the discussion of fiat currency, the majority of the committee felt strongly that it should not be part of our legislative process. However, in support of the sponsors' intent, Thomas Jefferson was claimed to have said that, "If the American people ever allow private banks to control the issue of their money, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of their property until their children will wake up homeless on the continent their fathers conquered." With that said, the Federal Reserve (a private bank) which controls our money (paper aka "fiat money" which is defined as inconvertible paper by a government decree which is backed insufficiently by gold and by the levying of future taxes) falls exclusively under the jurisdiction of the United States government, not the State of New Hampshire. **Vote 14-1.**

Rep. Joel F Winters for the **Minority** of Commerce: Establishing a commission to study fiat currency is an idea which deserves support. When the Federal Reserve issues paper currency, the new money is not backed by anything of value, yet we treat it as though these pieces of paper actually had some inherent worth. Over time, as more and more money is printed, the law of supply and demand kicks in:

the larger the money supply, the less valuable each piece of paper is worth (inflation). Realizing that this hidden tax hurts the poor most of all by diluting their purchasing power faster than their wages increase, the Minority is unable to support the Majority recommendation. Some of the rising cost of health care, gasoline, and housing can be attributed to inflation; does it not make sense to look at a root cause of these problems which hurt so many New Hampshire families?

HB 860, relative to maintenance of draft beer equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The legislation would have the effect of threatening the existence of independent contractors who now clean the lines of all draught lines in an establishment. It further would hinder diversity in the choices of draught beers available, especially in a small establishment which may only have three or four choices now. **Vote 14-2.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB607-FN, relative to the death penalty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Stanley E Stevens for the **Majority** of Criminal Justice and Public Safety: This bill, as usual, was a close vote in the committee. It seeks to repeal the death penalty in Capital Murder cases. New Hampshire, unlike other states that still have the death penalty, has a very narrowly defined law with a very complex procedure that must be followed. It is crafted so as to be applicable only under very narrowly defined circumstances. Opponents argue that since there have been no executions since 1939, it is unnecessary. This speaks more to the fact that the law is so narrowly applied it is not necessary to use the penalty, not that it is inappropriate. One of the major protections provided by current law is to make the death penalty applicable for the murder of a police officer, a judge, or a corrections officer who are acting in their official capacity. For this reason alone, if for no other, this law is a necessary protection for the guardians of our society. **Vote 10-8.**

Rep. Lee M Hammond for the **Minority** of Criminal Justice and Public Safety: Failing to pass this legislation would keep the death penalty in New Hampshire law and keep us in company with Saudi Arabia, North Korea, Iraq, Iran and China rather than in the community of nations, including all of Europe and most of the rest of what we consider the "civilized world." While our state has not had an execution since 1939, it remains an option that should not be part of our contemporary New Hampshire society. The representatives of all religions who testified before us oppose the death penalty. It only embraces vengeance. It does not act as deterrence. The cost of implementing a single execution far exceeds that of a sentence of life imprisonment without the possibility of parole.

EDUCATION

HB 556, relative to school emergency response plans. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for the **Majority** of Education: The committee recognizes the importance for every public and nonpublic school in the state to have in place a site-specific emergency response plan. Many already have plans, but some do not. This bill

provides the opportunity for assistance to the school districts for support in the development, implementation and review of an emergency response plan, as may be needed. **Vote 12-6.**

Rep. Sharon M Carson for the **Minority** of Education: This bill requires that every school district across this state implement an Incident Command System and the National Incident Management System to address a variety of potential disasters that could affect any given school. A minority of the committee agrees school districts should have disaster preparedness plans, but to reference two specific programs with no financial assistance creates an unfunded mandate, a violation of Article 28a of the New Hampshire State Constitution.

HB 927-FN, relative to the specific criteria and substantive educational program that define an adequate education.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. J. Timothy Dunn for the **Majority** of Education: This bill represents the hard work and deliberative process of a bipartisan subcommittee of the House Education Committee. The committee's philosophical premise underlying this bill is that the crucial policy decision regarding how to define an adequate education needs to be accomplished first and separate from any attempt at determining the specific methodology of costing it. We must first identify the specific content areas that make up an adequate education. This approach also responds to the mandate of the Supreme Court in the Londonderry decision to determine the definition of a constitutionally adequate education by July 1, 2007. This bill defines an adequate education as meeting the New Hampshire school approval standards and curriculum frameworks in nine specific content areas. The committee further believes that kindergarten is an essential component of an adequate education based on the overwhelming research in the field. In fact, the most requested aspect of adequacy given in testimony to the Joint Legislative Task Force was that kindergarten be included in the definition. While including half-day kindergarten, local communities still have flexibility in meeting that requirement, and the Attorney General's office reported to the subcommittee that including kindergarten would not create a 28-A, unfunded mandate problem because the state must pay for adequacy. A bipartisan subcommittee of House Education was assigned the task to review all the bills addressing adequacy and to recommend the best approach to defining adequacy for the state. This bill as amended represents that effort. It is the belief of the majority of the committee that this bill defines with specificity what constitutes an adequate education as required by the Londonderry decision and is costable as required by the court. Furthermore, the bill expresses the clear intent of the committee that when the general court moves on to determining the cost of an adequate education, it should account for the services, educational supports, and instructional resources, including teachers, that are necessary to provide the opportunity for an adequate education. **Vote 11-6.**

Rep. Sharon M Carson for the **Minority** of Education: The committee was charged with the task of defining adequacy; however, the majority has stated that adequacy shall be defined independent of cost. It is the position of the minority of the committee that the Legislature must define adequacy, but that we must also determine the cost, fund it in a constitutional manner and ensure its delivery. While some have put emphasis on the definition, it is poor public policy to not discuss these other issues. The committee amendment to this bill proposes a definition of adequacy including mandatory kindergarten as a component of adequacy, which the courts have never weighed in on, nor suggested should be a part of adequacy. The Attorney General's office explained to the committee that including kindergarten in the definition of adequacy mandates the program statewide, and requires that the state fully fund it. This is a cost driver in the definition, yet one that we are told must be overlooked since it is not appropriate to discuss cost at this time. This will be a large expense borne by the state since kindergarten is not currently required, and several large communities (Hudson, Derry and Salem for example), do not have the facilities, means or existing programs to deal with this new mandate. This overrides local control. Further, the minority of the committee believes that the support for kindergarten should be determined in separate legislation and not be a component of adequacy. The evaluation of fiscal implications has been routine and essential when it comes to the legislative process, and no bill should be passed on without some sort of estimate at the very least. Unless we are prepared to discuss opening a whole new revenue stream, we must be cognizant of the cost of any definition we adopt. A minority of the committee offered an amendment that does much of what was agreed to in the adequacy subcommittee, but it adds specific criteria to the definition of adequacy in terms of hours at the elementary level and credits at the high school level, similar to state standards. It addresses concerns of costing because it further establishes a legislative committee that is responsible for recommending costs of an adequate education and recommending the amount of aid to be distributed to communities, among other things. The proposed minority amendment more clearly reflects what the Legislature is responsible for in terms of defining and delivering an adequate education to the children of New Hampshire. We ask that the House pass the amendment to be offered by a minority of the committee.

ELECTION LAW

CACR 7, relating to county officers. Providing that certain county officers shall be appointed rather than elected.

INEXPEDIENT TO LEGISLATE.

Rep. Shawn N Jasper for Election Law: This CACR would require that county treasurers, registers of probate, county attorneys, sheriffs and registers of deeds be appointed by counties. As written, it fails to specify who would make the appointments. It also fails to specify a term of office making it unclear as to whether the two year term remains or if it becomes a life-time appointment. Currently, the register of probate reports to the judicial branch. Under this proposal, it would appear

that would change as well. The current system is working well and aside from a problem with one such elected official, there was insufficient testimony to convince the committee that the process should be changed. If the Constitution was amended in this manner, further legislation would be needed to make it work. **Vote 14-2.**

HB 32, requiring photo identification to obtain a ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for Election Law: The bill, as introduced, would have required photo identification for voting purposes. The sub-committee which was dealing with the bill was interested in creating voter identification cards. At the suggestion of the secretary of state's office, an amendment was adopted which replaced the original bill and forms a study commission to deal with the creation of voter registration cards. The commission would have six members of the House, four members of the Senate, a city clerk, a town clerk and the secretary of state. It would report back by November 1, in time for legislation to be introduced for 2008. **Vote 14-2.**

HB 109, eliminating straight ticket voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law: The committee has already held a hearing on SB 36, which is word for word the same as HB 109. We believe that it is not necessary to hold two debates on the same bill, nor do we believe that passing HB 109 and thus requiring the Senate to hold another hearing and vote on the same bill is in the public interest. The vote on this bill is not indicative of the committee's position on the issue of eliminating straight ticket voting. **Vote 13-2.**

HB 128, establishing a committee to study ballot reform. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Hopfgarten for the **Majority** of Election Law: Although the committee recognizes this bill was just calling for a study and appreciates the concern regarding ballot reform, the majority was concerned about some aspects of this bill including the complexity of "instant runoff voting." Additionally, it was felt that there are other vehicles for studying ballot reform available in that the committee has retained a number of other bills dealing with ballot reform issues. **Vote 9-5.**

Rep. Charles F Weed for the **Minority** of Election Law: The intent of the sponsor was to increase voter interest and turnout as well as to increase the number of candidates who might be out of the mainstream of the major parties. Instant runoff voting would require ranking candidates according to preference. The winner of the election would be required to receive a majority and one of the votes, therefore it would require an amendment to the New Hampshire Constitution. The minority believes that there is substantial available information from places where instant runoff voting has been used which should be considered by the New Hampshire Legislature.

HB 141, giving voters the option of bypassing voting machines. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee appreciates the sponsor's objective of increasing voter confidence in elections. However, we believe that voter confidence issues should be addressed and satisfied prior to the election with tightened chain of custody procedures, transparent and public tests of voting machines, and clear purposes for storing and examining voting machine software. The committee has retained all of these issues for further study. The lack of a guarantee that ballots bypassing the vote counting machines would be counted seemed a major flaw in the bill. **Vote 13-3.**

HB 191, relative to the authority of the secretary of state concerning sealed ballots in a state election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F Weed for Election Law: The committee believes that this bill provides an easy cure to an infrequent, yet serious problem. From time to time, the "official election return" is sealed along with the ballots after a long election day. This bill provides a mechanism by which the "official election return" can be returned at the polls by unsealing the ballots in the presence of a state election official. **Vote 15-1.**

HB 192-FN, requiring vote counting by election officials at polling places using vote counting machines. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee plans to study the need for recounting ballots in order to assure the integrity of electronic voting machines. However, this bill would place an increased burden on election officials after a long day at the polls. In terms of tiredness, there would be reasonable doubt about the accuracy of the hand count. In terms of increased costs for paying election officials for extra hours, it would probably trigger an Article 28-a challenge. **Vote 13-2.**

HB 196, relative to changes of party registration on primary day. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The majority of the committee believes that since either or both parties have the option to close their primaries to non-party members should they choose, and that the number of New Hampshire voters who are undeclared is greater than those registered in either major party, therefore, the public interest is served by continuing to permit voters to return to undeclared status after casting their ballot while still at the polls during New Hampshire primary elections. **Vote 11-5.**

HB 276, relative to political advertising placed on state-owned rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Hopfgarten for Election Law: The committee understands the issue regarding sign pollution on our state rights-of-way. However, it was felt that this would be unfair to private land owners on state rights-of-way including some whose stone walls are in the right-of-way and prevent the viewing of the sign on the highway. This is also a private property issue. **Vote 14-2.**

HB 413, relative to the order of names on ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law: The committee has retained HB 358 which deals with the same subject matter as this bill. We are in agreement that the committee should thoroughly study the issue of the placement of names on the ballot; however, it is not necessary to retain two bills for that purpose which was in fact the only disagreement we had in reaching our decision. **Vote 15-1.**

HB 429, relative to nominations by multiple parties. **OUGHT TO PASS.**

Rep. James R Splaine for Election Law: This bill eliminates the provision that currently permits candidates to be nominated by multiple parties. The committee believes that there is value in providing voters the option of writing in candidates on their party ballot, and they will continue to be able to do so. This legislation will guarantee that voters know who is running on either party ballot with as much advance time ahead of a general election as possible and allows write-in of challenging candidates while preventing candidates already on the ballot of one party from getting a duplicate nomination on another party. **Vote 14-1.**

HB 465-FN, relative to marking ballots cast at elections. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: This bill seeks to require that ballots be marked with a stamp provided by the secretary of state before being issued to voters for the purpose of preventing stuffing the ballot box with counterfeit (un-stamped) ballots. The secretary of state testified that there have been no verified instances of ballot stuffing or even any complaints of ballot stuffing. Also, the committee reasonably projects that if a ballot was inadvertently not stamped, that voter's vote would be lost and the voter unnecessarily disenfranchised. There being no need for the bill, the committee voted accordingly. **Vote 15-1.**

HB 480, relative to party columns listing names on ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Janet F Allen for Election Law: With a new column style ballot, there was confusion by voters, evidenced during recounts when candidates from different parties were listed on the same line. They were often thought of as opposite each other. By staggering the names such that candidates from different parties do not fall on the same line, HB 480 seeks to rectify this problem. It also allows the secretary of state to determine the location of any additional columns that may appear on the ballot. **Vote 14-1.**

HB 687, requiring the redistricting of the house of representatives for the 2008 elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee believes that since the demographic data that would be used for redistricting prior to the 2008 state primary would be light years old, changing district boundaries only two years in advance of the 2010 decennial census would be both premature and inaccurate. The committee was advised that the constitutional change adopted by the voters in 2006 did not require action in this session. **Vote 12-3.**

HB 746, relative to listing candidates on election ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee believes this bill is unnecessary. HB 146, relative to nicknames passed the House on March 6, 2007. It dealt with clarifying a candidate's choice of how his or her name would be listed on the ballot including using a nickname. **Vote 14-1.**

HB 748, requiring disclosure of gifts and campaign contributions by lobbyists and political committees, and requiring lobbyist statements to include certain information. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee believes there are many problems with this bill. It appears to require candidates to report information about contributions from lobbyists to the political committee contributing to the candidate which may not be known by the candidate. It requires lobbyists to list specific bills they are promoting or opposing instead of the general issue areas. Lobbyists point out which bills are in their interest change because of amendment process and are impossible to determine in advance. The extensive new filing requirements passed in the last session should be tried and scrutinized before new requirements are added. **Vote 14-1.**

SB 36, eliminating straight ticket voting. **OUGHT TO PASS.**

Rep. Deborah L Billian for Election Law: Eliminating straight ticket voting rids confusion for the voter who, after checking off the box at the top of the ballot, proceeds down the ballot to check other candidates. Removing the party box at the top of the ballot will clarify the voter's intent. **Vote 10-4.**

ENVIRONMENT AND AGRICULTURE

HB 234, establishing a committee to study state environmental laboratory fees and services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Derek Owen for Environment and Agriculture: The amendment to this bill temporarily establishes environmental laboratory fees. A study for changes in fees would take place at a later date than the amendment states. The existing fee structure has been in force since 1999 and does not reflect increased costs. **Vote 11-6.**

HB 332, relative to the procurement of eggs and egg products by the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for Environment and Agriculture: The intent of the bill is to mandate that the state procure eggs and egg products only from producers that do not have caged chickens. The majority was split on whether caged birds are good or bad. But it is clear that today there are no caged birds in New Hampshire. We were generally opposed to mandating where a product could be bought, since currently the procurement criteria is cost. According to testimony, egg prices would increase for the state if we used only un-caged birds as the source. Testimony indicated a doubling of egg prices was a reasonable

expectation. The state buys a lot of eggs, led by the department of corrections. We do believe that the better mandate for food procurement by the state should be, where possible, buy from local New Hampshire producers. That is for another bill though. **Vote 12-4.**

HB 407-FN-A, establishing a dairy stabilization fund for dairy farmers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara A Sad for Environment and Agriculture: This bill provides emergency funding for New Hampshire dairy farms. It asks the state to appropriate \$3 million to this end. The committee considered the question of whether dairy farms should be subsidized when the rest of the state is suffering under a heavy property tax burden. Farmers have been paying the same high property taxes other residents pay, and in addition, are required, by the nature of their business, to pay Business and Enterprise Tax (BET), even when they take a loss for the year. During the hearings, farmers testified that, due to the extremely low bulk milk prices and increasing costs in utilities, grain, fertilizer and fuel – both on road and off – in all likelihood there would be extremely high losses which they can ill afford. Grain prices have nearly doubled over the last year and are expected to increase another fifty percent, due to the high demand for ethanol. It is not unusual for a dairy farmer's grain bill to have increased, as in one example presented to the committee, to \$25,000 per month from \$15,000. Yet milk prices – paid at the farm or, as it is known, 'farmgate' prices – fell through the floor last May to a low of \$12.61 per "hundred weight" of milk (100 pounds is the equivalent of 11.5 gallons of liquid milk). At the same time, average retail prices of milk were at a near high.

Supermarkets were selling a gallon of whole milk for \$2.91 -- only two cents off the average high for the year. In fact, milk used for making cheese (Class III) is the exact same price today as 1980. Experts estimate that a realistic breakeven price is about \$18.00 per hundred. At present, prices are hovering at around \$15.00. The farmer ("producer") meanwhile is receiving in real dollars only about \$6.09. In short, farmers are getting the same pay they received twenty-five years ago. The benefits that a farm provides are many. One milking heifer contributes approximately \$10,000 to \$14,000 to the local economy; therefore, a dairy farm with 100 milking heifers, which is considered the average for the state, generates on an annual basis about \$1,000,000 to \$1,400,000 locally. While that is justification in its own right, farms keep land open for wildlife, recreation, snowmobiling and hunting. Their presence enhances property values while providing indirectly revenue through various fees and taxes generated through tourism and recreation. Farmers not only till and maintain their own fields and pastures but those of other landowners. Farms are the most efficient and least expensive form of land conservation and preservation; moreover, open land does not place a demand on local services, nor the school system. If there is ever a serious interruption of the food chain, these same farms may be an important and necessary part of the food supply. Ten years ago, there were over five hundred working farms in New Hampshire. Currently there are only about 134. These farms create about 750 jobs. (In comparison, the five wood burning power plants account for only about 350 jobs, and the potential power plant which Public Service wants in Berlin probably only 50 jobs.) It is estimated that the dairy industry provides approximately \$70-80 million to the New Hampshire economy. These reasons are why we need to support our dairy farmers and why passage of this bill as amended is so necessary. New Hampshire cannot afford to lose any more farms. **Vote 16-0.**

HB 416, relative to mercury reduction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G Phinizy for Environment and Agriculture: It is estimated that each year over 150 pounds of mercury are deposited in New Hampshire's solid waste landfills or incinerators. This bill bans the disposal of all mercury-added products, regardless of mercury content, in solid waste landfills, transfer stations and incinerators. Products such as mercury devices, switches, light bulbs and button batteries contribute to the toxicity of the waste stream. This bill will divert these products into a recycling program or will require disposal as a hazardous waste. Even though manufacturers are producing newer products with less mercury, there is still a cumulative effect. Also, it is particularly important to capture those products which are still in the public usage and which are high in mercury content. Industry and business are already required to recycle fluorescent light bulbs; it is only fitting, consistent and logical that New Hampshire residents follow the same standard. **Vote 15-0.**

HB 552, prohibiting the intensive confinement of caged egg-laying hens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard H Snow for the **Majority** of Environment and Agriculture: The bill requires that fowl that are used for the production of eggs can not be confined in a living space that prevents it from extending its limbs without touching the sides of the living space. The committee heard extensive testimony on this bill and carefully considered it. While the committee as a whole was sympathetic to the intent of the bill, the majority accepted the reality of modern, scientifically accepted methods of production necessary to manage the health and viability of the flock in a cost effective manner. Further, the state veterinarian testified that he can, and has in the past, exercised his authority to intervene if it becomes necessary in a case where an owner isn't treating their animals, including fowl, in an acceptable, moral, reasonable and utilitarian manner. **Vote 15-2.**

Rep. Linda J McCarthy for the **Minority** of Environment and Agriculture: We all learned as long ago as high school biology that one of the primary defining characteristics of animals is the ability to move. Movement is essential to life, and the minority believes that this bill does nothing more than provide the chickens that produce a valuable commodity for our society, eggs, with the right to move. No one is asking for us to stop eating eggs. No one is even asking that chickens be allowed to roam freely. All this bill does is guarantee that caged chickens at least have enough room to spread their wings. Opponents note that these so-called battery cages are not currently used in New Hampshire. The minority responds, so much the better. Then, we are not inconveniencing even one single farmer or egg producer. At the same time, we are sending a powerful message that such cruelty

would never be tolerated in New Hampshire, that we value the simple basic right of animals, even those confined for our benefit, to move a tiny bit. Since such cages are not used in New Hampshire, the price of eggs will not increase even one penny should this bill pass. This bill has great merit and should pass overwhelming. Note also that although the total indicates a minority of only two, the original ought to pass motion had six aye votes.

HB 699, establishing a commission to study methods and costs of sewage, sludge, and septage disposal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A Webb for Environment and Agriculture: Methods and costs of disposal of sewage, sludge, and septage are an ongoing concern. The majority of the committee agreed that such issues as alternatives to current disposal methods and the feasibility of utilizing emerging technologies such as bioreactor landfills are worthy of study. **Vote 12-1.**

HB 812, relative to making permanent certain exceptions to limits on land application of septage and sludge. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H Haefner for Environment and Agriculture: Nine farms along the NH riverways have been given an exception since 1998, allowing them to apply biosolids (sludge) to livestock feed crops within 75 feet if it is mixed in or 125 feet if top dressed (consistent with other state requirements) of waterway, drainage or wetlands. No degradation of water quality has been detected during testing in the last nine years. The bill makes the nine exceptions permanent, as long as farmers continue to comply with all requirements. **Vote 10-4.**

HB 836, prohibiting wastewater treatment plants from excluding towns for septage treatment and disposal services. **INEXPEDIENT TO LEGISLATE.**

Rep. Leigh A Webb for Environment and Agriculture: Although well intentioned, the committee found several problems with this bill. The committee recognizes the right of municipalities to develop their own ordinances to regulate or ban the use of land application of biosolids, but also believes that those same municipalities should not be exempt from the economic impact of those decisions. Passage of this bill would have the unintentional consequence of limiting the authority of cities and towns with their own waste treatment facilities from promulgating their own rules and regulations regarding septic treatment and disposal services. Additionally, the Department of Environmental Services opposed passage of this bill for many of the reasons stated above plus the bill's attempt to change definitions already in common usage in federal and state statutes and rules. **Vote 14-2.**

HB 907-FN, relative to the sale, distribution, and disposal of certain mercury-added products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G Phinizy for Environment and Agriculture: This bill phases out the sale of certain types of mercury-added products such as measuring devices, thermometers, flow meters, switches, relays and thermostats. These products contribute large amounts of mercury to the solid waste stream when they are discarded and all have existing, economical, non-mercury substitutes already on the market. The bill exempts replacement switches and relays used in existing equipment, as well as those products mandated by federal requirement. The bill also contains an exemption process for mercury-added products that have no alternatives on the market. Products such as fluorescent light bulbs and button batteries are not affected by this bill. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 38, relative to terms of appointment for certain state officers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for the **Majority** of Executive Departments and Administration: This bill provides that commissioners of agencies in state government can remain in their positions after their term has expired if the governor gives written authorization for the commissioner to extend his/her service. The status of remaining in the position after a term expires is commonly referred to as a "hold over" which extends the incumbent's service in order to minimize disruption in replacing personnel and allows a governor to continue to search for and nominate a successor with the consent of the Executive Council should he/she choose. A bi-partisan majority of the committee believes that the amended version of HB 38 is in the interest of good government, good management and personnel practices as well as assuring accountability within the executive branch on behalf of New Hampshire citizens. **Vote 11-4.**

Rep. James F Headd for the **Minority** of Executive Departments and Administration: The original bill applied to all appointees in classified positions as well as boards and commissions. The bill was amended to include only compensated employees. The minority's concern is that should the governor and council not agree on the nomination of a new commissioner, the deputy commissioner would then assume the commissioner's duties. This overlapping of position could last indefinitely with the deputy doing both jobs.

HB 229, relative to licensing requirements for operators of games of chance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Hector M Velez for the **Majority** of Executive Departments and Administration: This is a combination of two bills related to charitable gaming. There was bi-partisan agreement that, if a facility allowed charitable gaming to be conducted less than three times in a calendar year, the facility in which the games of chance were conducted shall be exempt from licensing requirements. The bill also clarifies that all applicants shall be subject to national criminal background checks, including the

submission of fingerprints to the Federal Bureau of Investigation for a criminal background check. The committee also had discussion around the fact that there is a study commission (set up by the Legislature in 2006), that has been taking an extensive look at charitable gaming in the State of New Hampshire and will continue to study charitable gaming. The report is due out to the Legislature by July 1, 2007. **Vote 8-4.**

Rep. Ken Hawkins for the **Minority** of Executive Departments and Administration: The minority can not agree with an amendment that was brought forth. The original bill allowed for the pari-mutual commission to implement fines after approval by the Joint Legislative Committee on Administrative Rules. Presently, they can only suspend or revoke a license, and this would have given them another avenue to use in the case of minor violations. The second more critical part that was taken out of the original bill was the removal of the section that mandated 35% of the gross revenues must go to charity and all other expenses would come from the remaining 65%. By removing this section, the charity would pay the rent of the hall out of their 35% and we do not feel that that is fair.

HB 543, establishing a commission to study the licensing process for licensed alcohol and drug counselors. **OUGHT TO PASS.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill calls for an interdisciplinary commission to explore the licensing process for alcohol and drug counselors. The original statute was passed in 1998. Much has been learned about substance abuse since that time. The charge to the commission is to review and make recommendations regarding the following: the number of hours of supervision required for those in training, the course content required for licensure, the number of relevant work hours required and the scope of practice for individuals licensed under the RSA. **Vote 15-2.**

HB 571-FN, relative to full-time seasonal state employees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for the **Majority** of Executive Departments and Administration: This bill will allow full-time temporary state employees to be included in the death benefit under RSA 21-I:29. Currently, they have no benefits that a normal employee would have. They are hired for seasonal work – such as college students during the summer. It was discussed in committee that we would be now giving a benefit that was not negotiated, but these people do not belong to any union that could negotiate for them. They work in sometimes challenging positions along our state highways and could be killed by motorists or equipment. The funeral expenses can be a burden to their family. One young man did in fact die last year (while swimming on lunch break), and that is what brought this issue forward. **Vote 10-6.**

Rep. John Reagan for the **Minority** of Executive Departments and Administration: This bill was prompted by an emotional reaction to a tragedy befalling a New Hampshire family. The family's loss was made worse by the deceased having made no provision for his final expenses. The young man died during a work day for the Department of Transportation while on his lunch break. As a seasonal employee, he was not entitled to a death benefit that is commonly negotiated for state classified employees. He survivors did receive a workers compensation settlement. It is not our function as guardian of the taxpayer's dollar to confer benefits on state employees because they failed to purchase life insurance. The hiring authority negotiates or grants benefits in order to recruit and maintain a productive workforce. It was not found necessary to offer a free life insurance policy to maintain the seasonal workforce. The Legislature should not second guess the executive function of hiring employees or the wisdom of the executive regarding the use of benefits to compensate the workforce. There is a process to negotiate wages and benefits for state employees. It is not appropriate for the Legislature to override the compensation process administered by the Personnel Division in Administrative Services. We are sorry for the family of the unfortunate person who lost his life. We are at the same time conscious of the burden of paying taxes to maintain state government.

HB 593-FN, relative to penalties for violations of licensing requirements for certain regulated professions. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne E Beauchesne for Executive Departments and Administration: This bill would increase penalties for violations of licensing requirements for a number of regulated professions. On the day of the hearing, the sponsor did not appear to present or defend the bill, nor was any testimony – pro or con – made available. **Vote 13-2.**

HB 653, relative to the membership of the New Hampshire retirement system board of trustees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: The committee amended this bill to include aspects of a number of retirement bills and to retain the defined benefit plan of the New Hampshire Retirement System (NHRS). This comprehensive approach is a first step to stabilize the pension fund and the employee and employer rates. The aim is to attain a funding level of the consolidated retirement system equal to or greater than 85% of full funding of the retirement costs of all current employees and retirees. The funding methodology for financing the NHRS will change to "entry age normal" (pay as you go) and is anticipated to require a 30 year amortization of unfunded actuarial accrued liabilities (UAAL) of all public retirement systems by the Governmental Accounting Standards Board. This change will reduce the volatility of the employer's contribution to the pension fund and assure predictability for the beneficiaries and the employers. In the future, the employer rates will be no less than the employees' rates. After the consolidated retirement system is 85% fully funded, funds may go to the special account. Earnings of the remaining assets of the retirement system which are in excess of 10 and one-half percent (a trigger) will be allocated to the special account. More flexibility will be allowed for the fiscal committee to provide supplemental allowances (cost of living allowances – COLA's) should they see fit to consider any additional benefits. One new member has

been added to the board of trustees of the NHRS to provide representation from the management in local government. **Vote 16-0.**

HB 828-FN, relative to a state ethics officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill, as amended, requires that the secretary of state designate an employee of the department of state to be the state “ethics officer.” The mandated responsibilities of this individual will be to follow through on the administrative requirements related to the submission and review of the specific legislative reporting forms, to communicate with candidates for public office re: completion and submission of forms, respond to all inquiries from candidates for public office, and make or forward complaints alleging violations of the state ethics code to the attorney general. This individual will be a knowledgeable, consistent voice for current and prospective office holders as well as members of the executive branch on the ethics laws over which the secretary of state has jurisdiction. The amended version of the bill removes any responsibilities that may have necessitated the “ethics officer” become a new position. Therefore, there is no longer a fiscal note attached to this bill. **Vote 12-3.**

HB 881-FN, relative to the licensure and regulation of interior designers. **INEXPEDIENT TO LEGISLATE.**

Rep. Catriona D Beck for Executive Departments and Administration: This bill relates to establishing a board of interior designers which would implement regulation and licensure certification in the practice of interior design within the state of New Hampshire. The committee recognized and commended members of New Hampshire Interior Design Coalition (NHIDC) for the amount of hard work and effort put forth to present their case in expressing their support of licensure for the interior design profession within the state of New Hampshire. The committee, having heard testimony from countless members of the interior design community with differing opinions regarding licensure and regulation within the industry, could not find sufficient or compelling enough evidence to support licensure for interior designers at this present time. It was noted that only four states require regulation and licensure of the interior design profession. The committee took into consideration the financial impact on small businesses within the industry, the restrictive conditions and hardship this bill would cause to many New Hampshire interior designers, the lack of educational courses offered within our state, the wide philosophical differences within the New Hampshire interior design community and lack of impact on the welfare and safety of the public at large. **Vote 12-4.**

HB 923, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Francis B Sullivan for the **Majority** of Executive Departments and Administration: This bill would prohibit dog racing in New Hampshire and establish a committee to make recommendations to study the impact of eliminating racing. This bill would in effect shut down an entire industry by abolishing dog racing in New Hampshire. The committee heard extensive testimony over two days of hearings from all sides on this issue. Passage of this bill would mean the 500 plus employees of race tracks (most of whom are New Hampshire residents), the state employees who regulate the industry and employees of the kennels who care for the dogs would lose their jobs. Every aspect of the business is highly regulated. For example, every employee involved must be licensed by the state. The race tracks contribute millions of dollars to the economy of our state including over \$500,000 in taxes and fees to the three communities where the tracks are located. Information presented also demonstrates that many injuries referred to by the bill’s proponents in fact did not occur during a race, but resulted from everyday activity just as it could happen to a pet in a home. The majority of the committee believes that the racing dogs are well cared for. We have confidence in state regulators that they hold the welfare of the dogs in the highest importance. **Vote 14-3.**

Rep. John Reagan for the **Minority** of Executive Departments and Administration: The arguments against this bill are directed at the economic impact of closing the tracks. The bill allows for a study commission aimed at the economic impact of not allowing dog racing. Everyone agreed many injuries occurred to the animals. Proponents stated not all injuries occurred during actual races. We all do agree all injuries occur to the animals while they are at the track. The difference is between incidental and accidental occurrences of death and injury compared to overlooking regular injury and death at the tracks. Our society should not accept a state revenue dollar amount as justifying an immoral activity.

HB 928, relative to the Christa McAuliffe planetarium commission. **OUGHT TO PASS.**

Rep. Pamela V Manney for Executive Departments and Administration: This bill would repeal the provision which administratively attaches the Christa McAuliffe Planetarium Commission to the department of regional community technical colleges. The administrative repeal is needed because the regional community technical colleges are proposing to separate from the state and therefore would no longer offer state services to the Christa McAuliffe Planetarium. If passed, oversight of the Christa McAuliffe Planetarium Commission would be that of the governor and council. Both the governor and the department of regional technical colleges support the repeal. This bill also makes technical corrections to RSA 12-L relative to the Christa McAuliffe Planetarium and Alan B. Shepard Discovery Center. Technical changes would include: adding an “aviation” and “earth” science component to the planetarium’s mission; making education community members serving on the commission as coming from the private sector; change the word “shall” to “may” regarding receipt of payment of mileage for those serving on the commission and adding having the authority to accept “grants and donations” of money and property. **Vote 11-4.**

FINANCE

HB 46-FN-A-L, making an appropriation to support kindergarten programs in the towns of Merrimack, Hampstead, and

Goffstown. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A Foose for Finance: The state now takes three years to include students in its count for the purpose of state aid. The state agreed to fund \$1,200 per student during the three year period while waiting for the kindergarten students to be counted by the state. This agreement has been extended many times over the years. It is the belief of the committee that we should continue this policy to assist towns who commit to school kindergarten. **Vote 24-0.**

HB 553-FN-A, requiring the state to pay legal fees for certain supreme court justices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick W King for Finance: This bill requires the state, through the Department of Administrative Services, to pay the full and final legal fees incurred by certain Supreme Court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature. **Vote 16-6.**

HB 558, requiring any education trust fund surplus to be transferred to the revenue stabilization reserve account. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L Weyler for Finance: The Education Trust Fund was created for the first Adequate Education Grants in 1999. It was to assure the donor towns, (who contributed about 4%) that all their funds would go to schools. It was the repository of several surtaxes and some one-time revenues to reassure the public that we were following the mandate. From its inception it was a problem for both revenue and budget calculations. The split between the base tax and the increase due to the surtax took lengthy discussions. Some errors were made in distributing money between the General Fund (GF) and the Education Trust Fund (ETF). The most recent example occurred last session when we believed that the revenue at the end of the biennium would yield a 40 million dollar surplus. Hours later, after allocating the surplus to programs, we were informed that it was really only 18 million. Twenty-two million had to stay in the ETF. In most budgets the ETF was short of funding the Adequacy Grants. An amount from the GF made up the difference. The Education Trust Fund was misnamed from the start. It never was a Trust Fund. The name was designed to give the public some confidence that the money that was raised was to meet the State's requirement to fund an adequate education. But it is the existence of the General Fund, not of the so-called Education Trust Fund that guarantees that the State fulfills this obligation. A final problem relates to our bond rating. The rating is based on the per cent of our unrestricted General Fund Revenue that is used for bonding. By isolating the hundreds of millions in the ETF, they can not be used in the calculation. If the ETF were eliminated, as the amendment does, then, even though all that money could still go to education, by passing it through the General Fund, some believe that our bond rating might benefit. Please support the unanimous vote of the Finance Committee; simplify our lives. Ten years of supporting school funding should be sufficient evidence that the General Court intends to honor our obligation to support education. **Vote 23-0.**

HB 583-FN, relative to funding for HIV/AIDS services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: This waiver became necessary due to the loss of \$1,000,000 of federal funds, which have been replaced by state general funds in this year's budget. It is hoped that this waiver may permit additional federal dollars to be matched to the general fund dollars, to effectively expand provision of these services. This bill requires the Department of Health and Human Services to submit a waiver to the Centers for Medicare/Medicaid (CMS) regarding services for HIV/AIDS affected individuals. Amendments to the bill clarify that the department, in preparing its planned waiver, shall consider potential costs to develop the waiver and any costs for implementation of the proposed waiver. A copy of the proposed waiver will be reviewed by the Legislative Fiscal Committee, prior to being submitted to CMS. **Vote 17-8.**

FISH AND GAME

HB 565-FN, prohibiting the use of leghold traps and conibear traps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Vincent E Greco for the **Majority** of Fish and Game: This bill, seeking to ban leg hold and "conibear" traps, faced strong opposition from the Fish and Game Department, New Hampshire Wildlife Federation, Department of Transportation, New Hampshire Timberland Owners Association, New Hampshire Farm Bureau, Department of Agriculture, local communities, New Hampshire Trappers Association and the general public. A prohibition aimed at the common types of traps used would have a financial impact on local communities and landowners as property damage would increase and the practice of trapping would effectively end. Nuisance complaints would also increase and affect both Fish and Game and animal control agencies. Trapping is a long standing practice, highly regulated, and does not occur without written permission from landowners and registration with the Fish and Game Department. The New Hampshire Trappers Association, working with the Fish and Game Department has developed a code of ethics and is very active in policing their activity and the members. Testimony that trappers no longer make a living pursuing their activity is not relevant. Dogs caught in traps, an infrequent occurrence, is usually the result of the animal being on private property without landowner permission and results in distress both to the pet owner and also to the landowner. Although the bulk of the testimony was in opposition to the bill the compelling reason for rejecting this legislation again, as it was rejected in 1997, is that we choose not to restrict lawful and longstanding practices here in New Hampshire. **Vote 13-2.**

Rep. Carla M Skinder for the **Minority** of Fish and Game: This is a humane treatment of animals issue. Until there are truly humane traps, the minority is unable to support the position of the majority on this bill. There are solutions to many of the

problems that are encountered by “nuisance” animals.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 273-FN, relative to special needs trusts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth Z Bleyler for Health, Human Services and Elderly Affairs: This bill simply states that when determining continuing eligibility for Medicaid, the distributions from “Special Needs” trusts should be counted, or not counted, as provided for in federal law, specifically Title XVI of the Social Security Act. Thus, distributions other than for food and shelter can be made to enhance quality of life while retaining medical benefits necessary for well-being. The committee heard from several experts who testified to the security families need in knowing that their disabled family members may continue to maintain a similar quality of life after the trauma of losing a parent; thus providing stability that could prevent the need for additional support from the state. The Department of Health and Human Services acknowledged that with this amendment, the amount of the fiscal note will decrease. Testimony received at the hearing did not support any costs to the department, but in fact the department may save dollars. **Vote 19-0.**

HB 408, establishing a council for the homeless. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Daler for Health, Human Services and Elderly Affairs: This bill would create a council on homelessness to include actual homeless or recently homeless individuals. The committee felt there are at least two current vehicles, the Emergency Shelter and Homeless Coordination Commission and the Governor’s Interagency Council on Homelessness, which can be worked with to include those voices. It was recommended that a caucus on homelessness be created to work on legislation addressing this complex issue. **Vote 17-1.**

HB 563, relative to obtaining birth certificates for stillborn children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill, as amended, changes the terminology of a Certificate of Fetal Death to a Certificate of Stillbirth. It may provide some measure of comfort for grieving parents. There was no opposing testimony, and the sponsor agreed. **Vote 16-1.**

HB 774-FN, relative to the use of marijuana for medicinal purposes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert G Bridgham for the **Majority** of Health, Human Services and Elderly Affairs: This bill would attempt to immunize from state prosecution the preparation and use of marijuana for relief of symptoms associated with “debilitating medical conditions.” There was consensus in the committee that the limiting provisions in the bill are so loose and broad that effective control is not possible. Authoritative national organizations, such as the National Academy of Science and other prestigious medical organizations have not produced statements of clear guidance regarding the consequences of marijuana use. This may be because reliable science on marijuana is difficult, since it is not a single substance, but a mixture of many chemicals, different with each lot. This bill would create a dangerous precedent by authorizing a drug for medicinal purposes through legislative action, bypassing the FDA process in which the effectiveness and safety of prescription drugs are established and their prescription, distribution and use carefully monitored. Much of the symptomatic relief claimed for marijuana may soon be available from Sativex, a drug now in the FDA process of investigation and approval. The majority of the committee found the bill to be fundamentally flawed. The possession and use of marijuana is illegal under federal laws, and state law in this area cannot block federal law. Litigation has gone all the way up to the U.S. Supreme Court. The Ninth Circuit Court of Appeals has also just reaffirmed that individuals are not immune from federal prosecution even if their state has a medical marijuana law. It would be fundamentally cruel to promise protection to the sick and vulnerable that this bill cannot provide. **Vote 12-7.**

Rep. Evalyn S Merrick for the **Minority** of Health, Human Services and Elderly Affairs: The minority of this committee believes the legislature should pass HB 774. The Minority also believes the use of marijuana, for medically-appropriate purposes only, will provide safe, responsible and humane options for patients suffering from severe and chronic pain. Studies, and available evidence have proven that marijuana can and does alleviate and/or minimize pain and suffering associated with certain diseases, illnesses and powerful drug therapies (i.e. chemo). The Minority contends that meaningful, appropriate and acceptable legislation often begins at the state level. The Minority does not condone the legalization of marijuana. However, HB 774, as written, provides safeguards to assure the controlled, certified, monitored, and appropriate use of marijuana. A physician must deem its use medically necessary, at a therapeutic level, based on the patient’s diagnosis. Finally, the Minority feels that no physician should be told which therapeutic intervention he/she can or cannot prescribe. To withhold a treatment, which has proven to ameliorate and/or reduce substantially, severe pain and suffering, is immoral, unethical and unconscionable. At this time, there is no other pharmaceutical agent which provides the relief to patients that marijuana does.

HB 826-FN, relative to coverage of medically necessary services and items under the medical assistance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: This bill addresses coverage of services and items, including durable medical equipment, under the state Medicaid program. It affirms the intent of the Legislature to support persons with special health care needs and disabilities so that they may live in their homes and communities as independently

as possible. It requires DHHS to establish a review process that would consider extenuating circumstances in individual cases. The amendment replaces the bill's definition of medical necessity with a requirement that the department develop definitions consistent with federal law and the Legislature's intent, and sets criteria for the review process. Criteria include consideration of whether the service or item is medically necessary, denial would be clinically contraindicated, new scientific evidence demonstrates efficacy or medical appropriateness, or the service or item will prevent the need for a more costly covered service or item, including hospitalization or institutionalization. The bill specifically requires coverage of disposable incontinence supplies. This would enable citizens to live in dignity and would prevent the greater cost of institutionalization, since incontinence is a major reason for admissions to nursing homes. **Vote 19-0.**

HB 864-FN, requiring licensing of outpatient abortion facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: The majority is concerned that this bill would micromanage the practice of licensed doctors and nurses and health care providers working in outpatient abortion facilities. If passed, it would require DHHS to inspect and license abortion facilities, requiring additional inspectors in an already over-extended licensure staff. Currently, outpatient providers are required to meet federal OSHA and clinical laboratory improvement amendments, and the credentialing requirements of Medicaid, Medicare and private insurers. In addition, this bill would add certain fees and fines. The majority strongly agreed that this legislation is not needed in light of the professional licensing requirements. **Vote 13-4.**

HB 893-FN, relative to long-term care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: This bill is the continuation of a number of bills relative to enhancing and strengthening the long-term care program within the State of New Hampshire. Of critical importance in the bill is the fact that it maintains current eligibility criteria for nursing facility services established through HB 691 in 2005, which would have otherwise sunset and reverted back to the old unacceptable criteria prior to the enactment of HB 691. The bill also reinforces that individuals really are in control of their lives in their waning years by adding stronger language both to their role in the long-term care process and in maintaining their ability to remain in their own home for as long as possible. It requires the department to make public an annual report that quantifies certain needs that elderly and chronically-ill adults have and how those needs are or are not being met, as well as the reasons why they are not being met. It also looks at the length of time it takes with respect to the process for an individual to receive these critically necessary services from the time one applies for them or is referred to them, among other areas of concern. The bill also establishes a presumptive eligibility process for those individuals who in all probability would meet the clinical and financial eligibility criteria; services could be provided in a much more timely manner rather than having to wait, at times, months for all the paperwork to wind its way through the system. The department will set the eligibility requirements, allowing them to control risk. Applicants that the department believes less likely to meet eligibility requirements would not be fast tracked through the presumptive mechanism, which will protect the state from making a hasty wrong decision. The great majority of the committee looked at this bill primarily as a bill of efficiency to help fix a system that has been struggling a great deal over the last two years for numerous reasons at the client's expense. Timely intervention into these critically-ill individuals' lives will allow them to receive the necessary services that hopefully will enable them to remain in their own homes and not have to enter more costly, more restrictive nursing home care. **Vote 18-1.**

JUDICIARY

CACR 1, relating to: the definition of marriage. Providing that: marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R Lasky for the **Majority** of Judiciary: This constitutional amendment proposal would put to the voters the question of whether to amend the New Hampshire Constitution to recognize only the legal union between one man and one woman. The majority of the committee voted to find it inexpedient to legislate for several reasons. First and foremost, the majority believes that this "House of the People" should not enshrine discrimination of any kind in the New Hampshire Constitution. All our citizens deserve the freedoms, protections and rights guaranteed in the document. The Constitution should be a protector of minority rights and this Legislature should never allow otherwise. **Vote 14-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: Given that we have many bills attempting to redefine marriage, the minority believes that we should let the people vote and have a voice in what the future of marriage in this state will be.

CACR 15, relating to citizen review retention elections for judges. Providing that a judge shall be subject to a citizen review retention election at the biennial election next occurring after he or she has served for 2 years and subsequently at regular intervals which depend on the court in which the judge serves. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter S Espieffs for the **Majority** of Judiciary: CACR 15 is a proposal to amend the Constitution (Art. 35 and Art. 73) that would add another requirement, called a citizen retention election, which every New Hampshire judge would have to periodically undergo to keep his or her judicial appointment alive. For instance, the proposed amendment would require a NH Supreme Court Justice appointed in April 2007 to undergo a statewide election at the time of the first biennial election after two

(2) years of judicial service. This would have the judge on the ballot in the 2010 biennial elections. Thereafter, if he survived that election he would then be required to undergo further citizen retention elections every six (6) years. These judicial elections would be virtually closed to any active public participation by the so-called candidate-judge because a judge cannot publicly comment on or respond to issues involving the merits or demerits of his or her rulings and decisions. This CACR would force judges to compromise their independence and their commitment to the rule of law, in exchange for the security of continued reelections. This proposal also creates a shorter political leash for Supreme Court judges who would face elections every 6 years, while District Court judges would face elections every 10 years, and all other judges every 8 years. Our judges are already subject to several processes that oversee their competence and good behavior. They are subject to regular Performance Reviews. Complaints of misconduct are heard by the Judicial Conduct Committee. The impeachment process under Articles 17 and 38 of the Constitution allow for prosecution and removal on charges of bribery, corruption, malpractice and maladministration. Finally, under Art. 73 a judge may be removed by the Governor and Council for reasonable cause upon the Address of both Houses. The majority believes that our judges are not out of control, and need no further oversight in performing their duties. **Vote 13-4.**

Rep. Maureen C Mooney for the **Minority** of Judiciary: CACR 15 proposes a mechanism by which a judge can be removed by citizen review. Every state except for 3 (MA, RI, NH) has some form of direct review by citizens either through elections, a reappointment process (terms), or retention elections. This CACR creates Citizen Review Retention elections to allow citizens a public review of their judiciary in a fair process where the judge is only running against himself/herself and his/her own performance. The sponsor of the amendment believes the people of New Hampshire deserve the same right of public review of the Judiciary that citizens in other states presently enjoy.

HB 71, excluding a municipality's list of owners of registered dogs from the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald R Buxton for the **Majority** of Judiciary: This legislation, as originally referred to the committee, would have removed the list of owners of registered dogs from the right-to-know law. The majority acknowledged the apprehension many experience in making any alterations, however slight, to the right-to-know law. Therefore, the bill was amended, taking the matter out of the right-to-know realm and placing it into the dog owners statutes. The heart of the matter lies around dog lists being sold to advertisers who use the lists to market their product to customers who may not wish to be solicited. The majority believed that the list of owners of registered dogs did not constitute any public interest and that the privacy rights of dog owners was a prevailing concern. **Vote 13-1.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill restricts our expectations of an open government. While the ability to see the dog lists is a small matter, the next item we restrict may not be. There does not appear to be a serious problem and this solution leads us down a slippery slope to a closed government

HB 83, relative to the deliberations of certain state agencies under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for the **Majority** of Judiciary: The Board of Tax and Land Appeals has historically been exempt from the Right-to-Know Law when it conducts deliberations. This bill preserves that exemption. The BTLA conducts its hearings in public, but needs to be able to deliberate and write extensive opinions similar to those of court of law with multiple drafts. Requiring the BTLA to conduct deliberations in public would significantly interfere with its proceedings. **Vote 15-5.**

Rep. Robert H Rowe for the **Minority** of Judiciary: In New Hampshire, we have over 60 administrative agencies which act as judge and jury deciding citizens disputes. The members of these boards and agencies are both paid and unpaid appointees. Plus we have hundreds of city and town zoning boards which also act as quasi judicial boards in deliberating and deciding matters. This bill is one of a series proposed by agencies to exempt them from the Right to Know Act. HB 83 authorizes the Board of Land and Tax Appeals to deliberate and decide matters in private. They requested this bill but gave no reason for the exemption except that it would be more difficult for them to deliberate in public. Certainly secrecy in government is quick, efficient and easy; open government is more difficult and possibly costly but it is the public's business and the public has the right to see and hear its government at work. The minority believes that the Right to Know law should not be weakened without valid reasons and we should not continually pick away at the Right to Know law agency by agency. Complying with the Right to Know law is more important than the convenience of governmental boards and agencies.

HB 210, establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy McV Weber for the **Majority** Judiciary: There was sympathy on the part of the committee with the goal of making membership in the New Hampshire Bar Association optional. However, in 2004, the NH Supreme Court held, in Petition of NH Bar Association, that under Part 1, Article 37 of the NH Constitution, the judicial branch of government retains ultimate authority to regulate the practice of law, and in that exercise of authority it is necessarily permitted to determine whether certification of the Bar is advantageous." Any attempt by the legislature to regulate in this area will undoubtedly result in further expensive litigation. Moreover, testimony revealed that the current system works well, on the whole, to regulate the practice of law. The majority therefore believes the establishment of a study committee is unnecessary and would be a waste of

resources **Vote 11-7.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill in addition to establishing a committee to study the effects of rescinding the charter granted by the legislature in 1873 to the New Hampshire Bar Association and the subsequent incorporation of a voluntary membership organization, doe the following, establishes the authority and procedures for the regulation of attorneys by the Supreme Court, removes from current law all references to the New Hampshire Bar Association, and its mandatory membership as a requirement to practice law or hold state appointed positions in RSA 494:1, RSA 363:1, RSA 604-B:2X. It further deletes the contract approval requirement by the Board of Governors of the New Hampshire Bar Association for the public defender program, and replaces with the words "State Bar" all previous references to the New Hampshire Bar Association.

HB 235, relative to the recognition of out-of-state marriages. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for Judiciary: This bill, as amended, was written to provide that any marriage legally contracted and valid outside of New Hampshire be recognized as valid in this state. The majority believes this bill now does just that and affords legally married people the rights accorded to any married couple. **Vote 10-8.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: It is the position of the minority that this bill allows same sex couples to go out of state and marry and then have those marriages recognized in this state. This bill would also allow polygamous marriages from other countries to be recognized in this state, thus lowering the status of women and children. The minority feels that we should not go in this direction.

HB 377-FN-L, relative to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen C Mooney for Judiciary: This bill with amendment completes the long awaited updates to the Right to Know law contained in RSA 91-A. The bill reflects the new types of communications created by advancements in technology, such as the internet and conference call telephone systems. The update was the product of a three-year study by a commission formed by the legislature to revise RSA 91-A. Additionally the bill prohibits communications outside of a public body meeting among the quorum of the membership and sequential communications. All parties agreed that it was essential to make the changes provided in HB 377 as amended. **Vote 19-0.**

HB 401-FN, relative to the removal of certain property tax abatement petitions filed with the superior court. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Rowe for Judiciary: Under current law, when a citizen appeals his or her municipal real estate tax, he or she has the statutory right to make the appeal either to the superior court or to the Board of Tax and Land Appeals. This bill would eliminate the appeal to the superior court unless the taxable value in controversy is more than \$500,000. The committee is sympathetic to the fact that the Board of Land and Tax Appeals is being subject to an ever increasing volume of cases, and thus to the laudable goal of the sponsor. Nonetheless, the committee felt that it was important to preserve this statutory right for citizens from lower property value communities and of more modest means. **Vote 18-0.**

HB 421, relative to the right to a jury trial. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for Judiciary: The language and the intention of this bill is unclear and the constitution already provides more than adequate protection of the right to a trial by jury. **Vote 15-0.**

HB 430, establishing a committee to study a constitutional amendment to guarantee a right to personal privacy. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R DiFruscia for Judiciary: The right to personal privacy is important. Some committee members believed that the Constitution already addressed the issue while other members fear that the RSA was a more appropriate method to address privacy issues. A study is unnecessary. Common law of New Hampshire recognizes the importance of privacy and courts have upheld the right to privacy. RSA 644:9 makes it a crime to invade a person's privacy. **Vote 11-5.**

HB 437-FN-L, permitting same gender couples to enter spousal unions and have the same rights, responsibilities, and obligations as married couples. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R Lasky for Judiciary This bill establishes civil unions in New Hampshire. RSA 457 will be amended to allow same gender couples to enter civil unions and have the same rights, responsibilities and obligations as married couples. The majority of the committee feels the time has come to give same gender couples and their families the same legal protections that married couples enjoy. Over the years the committee has heard hundreds of pleas from couples who have told us of the difficulties they encounter in their daily lives with property rights, hospital visitation, health benefits to name only a few. With the passage of HB 437 New Hampshire will move closer to equality. **Vote 15-5.**

HB 518-FN, relative to establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R DiFruscia for Judiciary: The purpose of this bill was to begin the process of establishing reciprocal arrangements with other states to limit the liability of each when sued for damages in another. The exposure to damages of each state enacting this or any substantially identical bill would be limited to the statutory limit (if any) enacted by that state, regardless of in which other participating state it was sued. In the case of New Hampshire this would mean that, when sued in the courts of any other participating state, its exposure would be limited to the current statutory cap of \$250,000 establishing by

RSA 541-B:14, the same limit to which it is exposed when sued in the courts of this state. Several objections to this bill were raised, which included its confusing wording, the questions of why other states would wish to limit the recovery rights of its citizens to a cap so low as that of New Hampshire, and the constitutionality – notwithstanding decisions of our Supreme Court upholding it – of any statutory cap on damage awards, given the right expressed in Article 14 of our Bill of Rights that every subject of the state is entitled to have recourse to a complete remedy of all injuries. **Vote 16-0.**

HB 554, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. **OUGHT TO PASS.**

Rep. Frances D Potter for Judiciary: Concord area residents needing legal assistance are served by the Legal Assistance Office in Manchester which is stretched thin. NH Legal Assistance has a proven record in easing state and local budgets by helping clients obtain SSI benefit, Medicare coverage, town/city welfare payments and child support in domestic violence cases. The poor and the near-poor (those with incomes at or below the basic needs budget) must often represent themselves in court proceedings – a daunting role – especially for the growing population of elderly. HB 554 has no FN since it only provides for the distribution of existing funds from the civil legal services fund in the office of the state treasurer. **Vote 16-1.**

HB 577-FN, establishing the number of associate justices of the superior court. **OUGHT TO PASS.**

Rep. Lucy McV Weber for Judiciary: This bill requested by the Supreme Court would increase the number of justices on the Superior Court from 21 to 23. In support of the bill, the court produced a weighted case study showing that, even with the transfer of domestic cases to the Family Court, the Superior Court would require 23.8 associate justices to keep up with the case load. The request was for only two additional associate justices. **Vote 16-1.**

HB 612-FN, relative to coercion of abortion on a minor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Preston for the **Majority** of Judiciary: This bill makes anyone who uses or threatens the use of force to make a minor undergo an abortion guilty of a class A felony. It makes a person guilty of a class B felony if he or she uses coercion to induce a minor to have an abortion. Although the committee believed that coercion and the use or threat of physical force in order to procure this type of medical procedure is inappropriate and unjustifiable, it also believed that existing criminal statutes covering simple assault and criminal threatening adequately address the issues raised by the sponsor. Thus the committee decided that additional legislation is unnecessary. **Vote 13-4.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill establishes a class A felony if a person uses or threatens the use of physical force against a pregnant minor under 18 years of age in order to force the minor to have an abortion. The bill also establishes a class B felony if a person uses coercion to induce such a minor to have an abortion against her will. There was substantial testimony in committee that there is abuse happening in this state, both physical and psychological. We currently do not have laws that would make this aggressive behavior a crime. As the decision to have an abortion has far reaching consequences, the minority feels that this bill should be passed to protect the girls of this state.

HB 614-FN, relative to eminent domain. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: This bill attempts to redefine the term “public use” in the statutes and codify the constitutional language adopted last year found in Part 1, Article 12-a. Last session, the House and Senate had separate task forces to study eminent domain legislation in light of the Kelo v New London US Supreme Court decision. Additionally, the House had a subcommittee that extensively studied eminent domain legislation. Last session’s legislature carefully defined the term “public use” for the first time in the New Hampshire statutes and carefully crafted constitutional language to further protect private property from unlawful government takings. The changes to the statute became effective on January 1, 2007 and the constitutional language was adopted by the voters in November 2006. The committee felt the changes in HB 614 are premature in light of the statutory revisions made last session. **Vote 17-1.**

HB 615-FN, relative to the locations of superior courts, district courts, and the judicial branch family division. **INEXPEDIENT TO LEGISLATE.**

Rep. David J Bettencourt for Judiciary: This legislation as originally referred to the committee would have vastly changed where superior and district courts throughout New Hampshire would or could be physically located. While the majority was sympathetic to the predicament in Cheshire County, as detailed by the sponsor, we believed that the original methodology in locating the courts in the current locations was sound and carefully crafted. We further believed that the particular issue raised could be dealt with individually. **Vote 13-4.**

HB 744-FN, relative to informed consent before abortion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R Lasky for the **Majority** of Judiciary: This bill would require informed consent before a woman procures an abortion. Health care service providers now carefully follow all legal and regulatory requirements and RSA 332-I:32 already mandates informed consent and protects the rights of patients to be fully informed. The majority of the committee felt HB 744 would establish government intrusion into the relationship between a health care professional and the patient and would impose an undue burden by requiring a 24 hour waiting period. Also, the testimony given by many who stated that they had not been informed sufficiently was generally 20 years old. **Vote 12-5.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill requires informed consent before a woman procures an abortion

unless it is a medical emergency. The bill requires the Commissioner of the Department of Health and Human Services to publish printed materials relative to options available to the woman. This information shall also be available on the internet. Information is always a good thing. We heard many women discuss the less than favorable outcomes of their abortions due to misleading information or no information at all. Given that women in our state have suffered consequences in our abortion clinics that could have been avoided if they had been given the necessary information, the minority feels that we should pass this legislation.

HB 791-FN, relative to religious freedom and civil marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for the **Majority** of Judiciary: This bill would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to be passed. The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. While some in the majority of the committee strongly believes in marriage equality, we feel that too many legal questions and concerns are still unanswered. With the establishment of a commission which will seriously study all the ramifications of same gender marriages and all the marriage statutes we believe true equality can be achieved. **Vote 15-5.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: The minority feels that marriage should be between a man and a woman. Additionally, civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the expense of an additional commission is unnecessary.

HB 849, relative to rent payments by voucher issued by a state or municipal agency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frances D Potter for the **Majority** of Judiciary: The existing statute RSA 540:9-a provides that rent vouchers (promises to pay) from state, county or town agencies shall constitute payment by the tenant of the amount stated in the voucher. Typically such agencies also expect "ordinary and reasonable verification" from the landlord of the requested rental information. HB 849 provides that in any eviction based on non-payment it shall be an affirmative defense that the tenant's payment was refused or that the landlord hasn't provided verification. (The gap in the existing law arises when the landlord fails to complete the verification form.) Affected tenants are often destitute and have no way to get a new apartment. **Vote 11-6.**

Rep. Robert H Rowe for the **Minority** of Judiciary: The minority agrees that this bill fills an important requirement for New Hampshire tenants who are financially needy or possibly in a temporary status where they need financial assistance to make their rent payments. The bill insures that landlords cannot evict those tenants just because rent payments are made by a municipal voucher. The objection to the bill is that it gives the many agencies providing the voucher undefined and broad authority to demand information from the landlord that may be an invasion of the property owner's privacy. The bill should limit or define the tenancy information the landlord must provide, such as a copy of the lease or other specified information.

HB 866, relative to the right-to-know law application to board of tax and land appeals and public utilities commission matters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for the **Majority** of Judiciary: This bill addresses a unique situation within the Right to Know law. The Public Utilities Commission is a full-time Commission with quasi-judicial functions and is comprised of only three members. The provisions contained in HB 866 will allow the PUC to conduct its business efficiently with a quorum of two in a timely manner. HB 866 would exempt the PUC from certain specific provisions of RSA 91-A. Notwithstanding, the PUC must make their adjudicating proceedings and investigations publicly available. **Vote 18-1.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill as amended exempts the Public Utilities Commission from some of the Right to Know provisions. It is the concern of the minority that we are heading in the wrong direction and weakening the public's right to know.

HB 882-FN, relative to limitations on tort liability of government units. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R DiFruscia for the **Majority** of Judiciary: The bill as amended raises the limits of liability of a governmental unit from 150,000 to 275,000 and from 500,000 to 925,000 per occurrence. The committee amendment is a compromise since the present limits have not been raised since 1986. The bill also raises the tort limits against any agency from 250,000 to 475,000 per claimant to a max of 3,750,000 per incident. The committee felt that this is below the inflation level from 1986 to the present. **Vote 12-7.**

Rep. Robert H Rowe for the **Minority** of Judiciary: This bill will increase the municipal liability caps for bodily injury, personal injury and property damage suits against New Hampshire towns and cities from the current cap of \$150,000 per single incident to \$1,000,000. The bill will increase the aggregate damage limit cap from \$500,000 to \$3,000,000. The bill was sponsored and supported by only one individual. Testimony in objection was made by the municipal association, the office of the attorney general and one selectman. While the purpose of this bill is laudable, this six-fold raise will increase the liability insurance costs to our cities and towns, and may be considered as a unfunded mandate under section 28A of our Constitution.

HB 905, establishing civil unions as legally recognized relationships. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R Lasky for Judiciary: This bill was one of a group of bills the committee dealt with regarding same gender marriages. We chose to find this bill inexpedient to legislate and incorporated many of the concepts and ideals into another bill. **Vote 19-1.**

HCR 1, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This resolution requests that the Legislature declare that the Claremont rulings are not binding on the Legislative and Executive branches of government. The majority of the committee believes that under the New Hampshire Constitution the Supreme Court is the final arbiter of the constitutionality of legislative acts. **Vote 15-5.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: This resolution is identical to that which, as HCR 14, passed the House 213-142 in 2003, but was tabled in the Senate. It declared that the Claremont school funding decisions were not impartial adjudications, but were in fact result-driven policy choices by the Supreme Court that usurped the authority of the Legislature. The adoption of this resolution would, in the view of the minority, go a long way towards restoring the proper balance of power between the Legislative and Judicial branches

HR 8, requesting an opinion from the New Hampshire supreme court on certain questions regarding education funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy McV Weber for the **Majority** of Judiciary: The resolution would require the justices of the New Hampshire Supreme Court to answer many detailed questions for the entire series of education funding decision dating back to 1993. The questions include each justices' training in New Hampshire and American history and constitutional law, the bases for the individual justices nomination and confirmation in addition to the bases for each justices legal decisions. Article 74, Part II of the New Hampshire Constitution provides that "... the legislature ... shall have the authority to require the opinions of the Justices of the Supreme Court upon important questions of law and upon solemn occasions. The majority of the committee did not believe that Article 74 was sufficiently broad to include the information sought in the resolution. **Vote 13-7.**

Rep. Gregory M Sorg for the **Minority** of Judiciary By this resolution, the House would invoke Article 74 of Part II of the New Hampshire Constitution to require the Supreme Court to answer specific questions concerning the constitutional, historical and factual basis of the conclusion in the Claremont school funding decision that the word "cherish" in Article 83 of Part II creates an individual right to an "adequate" education at state expense. Scholarly articles published since the original Claremont decision war issued in 1993 strongly suggest that the founding generation plainly intended to continue the colonial-era practice of funding public schools 100 percent by means of locally raised properly taxes. This is not to say that this is the best way to fund public education, but only that it is not unconstitutional. The Supreme Court, however, has consistently refused not only to revise its prior rulings in light of this scholarship; it has refused even to address pleadings filed in subsequent Claremont cases that have directed its attention to it. This refusal leaves begging the fundamental issue of the very legitimacy of the Claremont decision, and invites the fundamental question of whether the Court can defend the intrusive role it has carved out for itself in education funding policy. The authority of the Court must not be permitted to control the discretion of the Legislature any further than the force of its reasoning may deserve.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 81, relative to required pay for employees called into work. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: Under current law, when an employee reports to work at an employer's request he or she shall be paid no less than two hours pay at his or her regular rate of pay. This bill changes the number of hours an employee must be paid to three. With the increased costs of travel to and from work, the majority of the committee felt it was reasonable that the employee be paid a minimum of three hours when called into work. **Vote 10-7.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority of the committee believes the bill is unnecessary and will do nothing other than increase the cost of doing business in New Hampshire. Current law requires employers to pay for two hours of work in situations where an employee is scheduled to work and then sent home. The majority argues that increasing the number of mandatory hours paid to three instead of four is a good compromise. It is not a compromise made by the employers who are affected by it and is still a 50% increase in costs to employers complying with the law. Other than the sponsor of the bill, no one spoke in favor of this proposal at the public hearing. This is not a good time to needlessly increase costs to small business in the state and the minority of the committee asks that you join us in opposing this measure.

HB 203, relative to protections for temporary workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: This legislation defines the differences between a day laborer employer, and a temporary worker employer. It also prohibits a temporary help service from charging a fee for the

cashing of an employee's check. Day laborers are paid daily and are charged up to \$1.00 a day if they are given cash from their employer. The majority of the committee felt the fees were excessive to be paying daily and felt that no employee should have to pay to receive cash from their employer versus a check. **Vote 12-4.**

HB 254, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill allows employees the right not to attend a meeting that is about either political or religious beliefs or about joining a union without fear of reprisal. It does still allow employers to conduct meetings in these three areas. However, it is the choice of the employee to attend or not attend. **HB 254** is neither in conflict nor is it duplicative of existing federal labor law. **Vote 11-5.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill is preempted by the National Labor Relations Act (NLRA) and would be invalid if enacted. **HB 254** would also have the unintended effect of subjecting employees to conduct currently unlawful under the NLRA. Under the proposed law, employees would be put in the position of identifying themselves to their employer and co-workers as supporting or being against unionization when they choose or choose not to attend meetings or participate in communications. Such self identification would run counter to the protection afforded by secret ballot elections and would interfere with the established body of NLRA law protecting employees in these circumstances. No other state has seen fit to enact legislation such as this.

HB 514-FN-L, relative to the applicable minimum wage for hourly employees. **OUGHT TO PASS.**

Rep. Sally H Kelly for Labor, Industrial and Rehabilitative Services The minimum wage for New Hampshire citizens has not increased in nine years and in that time, education costs healthcare costs and housing costs have all increased. A strong bi-partisan committee supports the bill vote. **Vote 15-2.**

HB 797, regulating mandatory overtime for nurses and assistants. **OUGHT TO PASS.**

Rep. Mary J Gorman for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say "no" if asked to stay longer than his or her shift without being subject to disciplinary action. Nurses are bound to act in the patient's best interest. The chances for medical errors increase with human fatigue. This bill also allows an employer to enter into a written agreement with employees wishing to be exempt from this legislation and submitting such agreements to the Department of Labor. **Vote 11-2.**

HB 819, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **MAJORITY: INEXPEDIENT TO LEGISLATE.. MINORITY: OUGHT TO PASS.**

Rep. Randolph N S Holden for the **Majority** of Labor, Industrial and Rehabilitative Services The majority of the committee felt that **HB 819** was not in the best interest of the working citizen of New Hampshire. The committee felt that this bill is a bi-annual bill and is killed time and time again. The committee voted overwhelming in a non partisan vote. **Vote 15-3.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill is about individual freedom in the work place. At a time when we are focusing on the rights of workers in the labor force, no one should face the prospect of losing their job for choosing to join a union and paying dues, or choosing not to join a union and paying a mandated fee to the union (a private organization). Basic rights such as these must not be on the negotiating table and **HB 819** would uphold those workers rights.

HB 848, relative to a private right of action to recover workers' compensation coverage payments. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: A private right of action to recover workers' compensation coverage payments allows a civil action in the name of the State of New Hampshire to be taken against an employer if probable cause exists, showing an employer is engaging in workers' compensation fraud. **Vote 11-5.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services The minority believes that this bill at its core has to do with independent contractors and workers' compensation laws. The bill sets a dangerous precedent by allowing private individuals and groups the ability to bring suit and receive compensation costs and attorneys fees if they prove an employer was not in compliance with current workers' compensation laws. Until now, fines and penalties could only be assessed by the Department of Labor. Also, some of the collected funds can not be used by the Department of Labor administration fund as outlined in the bill.

MUNICIPAL AND COUNTY GOVERNMENT

HB 293, allowing municipalities to establish agricultural commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The Farm Viability Task Force worked on **HB 293** in order to create local agricultural champions to promote farms and offer advice to other town boards on how to encourage towns to be farm-friendly. The amendment offered removed any authority for the commission to control any money received and the ability to buy and control real property. The committee felt that having an advisory commission on agriculture was a good idea as long as there were no enforcement powers or regulatory authority given the commission. The local legislative body may establish this commission so the bill is enabling at the local level. The stakeholders on the Farm Viability Task Force invested a lot of time and effort into this bill and they agreed with the amendment. **Vote 15-1.**

HB 390, relative to review of developments of regional impact. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Elliott for Municipal and County Government: The Regional Planning Commissions (RPCs) are a resource tool for the local communities within their regions and are supported by dues paid by each municipality. When a local planning board determines that a development will have regional impact, a copy of the plans and discussion are given to the RPC and a review is done. HB 390 would require each regional planning commission to develop guidelines to assist local land use boards to determine if there is a potential regional impact. The process for developing these guidelines would be paid for by the applicants, putting the cost onto individuals, not the RPCs who are making decisions regarding regional impacts. Testimony was given that the RPCs are already assisting the local land use boards when asked and have sufficient authority now for assisting the municipalities. **Vote 13-3.**

HB 457, allowing municipalities to restrict lawn watering during declared droughts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Watson for the **Majority** of Municipal and County Government: This bill would enable cities and towns to establish regulations to restrict residential lawn watering when the state or federal government have designated the region as being under a declared state of drought. Each municipality would have the authority to decide what restrictions, if any, would be appropriate for its community. The bi-partisan majority, while respectful of individual property rights, believes that water is a shared resource that should be used responsibly during droughts. We agree with the Department of Environmental Services that reasonable restrictions on a discretionary water use like lawn watering can help prevent water supply emergencies. **Vote 9-5.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: During times of drought it is very necessary to educate every citizen to conserve water, which is one of our basic needs. Currently public alerts and notices advise the citizens of any drought situations and those public alerts have worked. HB 457 would require restricting the use of water from private or public water systems for residential outdoor water when any administrative agency of the state or federal government designates a drought in any region. The intention of HB 457 is to distinguish agricultural watering and golf courses or other businesses where watering is critical. Commercial property land owners also sprinkle their lawns but these properties are not included in the "residential outdoor lawn watering" category. The minority of the committee feels that this restriction will be hard to enforce and is also uncertain who will be the enforcement arm of the government. Private land is a sacred right of our citizens. Many residential land owners are not on public water systems and the minority of the committee believes that those owners are intelligent enough not to water lawns during a drought. Not to require the restriction of all outdoor lawn watering during drought conditions discriminates against private property owners.

HB 479, relative to the default budget in official ballot towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: The committee believes that abuse, if any, of default budget calculations, which the sponsors wished to address in the bill, can best be remedied by voters at the local ballot box. Towns and school boards can also adopt, under existing law, a process that allows default budget calculations to be used by a town budget committee. Testimony received did raise questions of potential unintended consequences on towns who do not abuse the system. Detailed laws to govern the calculation of a default budget may never be sufficient to totally avoid abuse. Support for the bill was limited to citizens from one community in the state. The bill was opposed by the NH Municipal Association. **Vote 11-3.**

HB 662-FN-A-L, exempting vehicles adapted for use by persons with disabilities from motor vehicle registration fees.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Larry Brown for the **Majority** of Municipal and County Government: The majority of the committee while agreeing that the scope and costs of vehicle modifications can, in particular cases, be high, felt that the financial resources of disabled individuals, trust to established for their benefit, and the resources of family members vary and that this was an issue separate from the transportation needs of individuals with a permanent and total disability. **Vote 9-5.**

Rep. Joseph A Guthrie for the **Minority** of Municipal and County Government: The minority vote, reflected a desire to assist those persons with a permanent and total disability by exempting them from paying registration fees on vehicles specially modified or adapted to accommodate the person's disability.

HB 838-FN-L, allowing municipalities to recover certain costs related to right-to-know requests. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L Osborne for the **Majority** of Municipal and County Government: The committee felt that the "costs associated" was a nebulous term in the bill and left open many costly options which could be a disincentive for citizens to get the public information they need and request. The commission on the Right to Know Law is currently addressing many issues and the issue contained in this bill will be addressed by the commission this year. **Vote 11-3.**

Rep. Earle Goodwin for the **Minority** of Municipal and County Government: There have been many instances in Dover when one or two individuals have imposed unreasonable and extensive requests for public records. These very expensive costs in turn are passed on to the taxpayers of the community. The minority appreciates that 91A must be preserved, but in this instance, the action of a few adversely affects the pocket book of all taxpayers, many who can't afford any increase in taxes. This information may be passed onto the Right to Know Commission, but the potential problem could occur in any community in the state. In addition, the bill does not state the actual amount of costs that could be charged for "public records."

HB 863, relative to the assessment of property subject to a housing subsidy restriction. **INEXPEDIENT TO LEGISLATE.**
Rep. Bennett F Moore for Municipal and County Government: This bill would have limited property tax liability on property subject to housing subsidy restrictions to 10%. The committee recommendation of ITL was based on the perception that such property already benefits from federal subsidies or tax credits and low interest loans. The issue of determining fair market value for such properties may also be discussed by the assessing standards board. **Vote 13-1.**

PUBLIC WORKS AND HIGHWAYS

HB 739, relative to contractor accountability and disclosure in the public works construction procurement process.
INEXPEDIENT TO LEGISLATE.

Rep. Franklin T Tilton for Public Works and Highways: This bill deals with information on subcontractor bid prices, the requirement of state approval for the substitution of a new subcontractor, and the posting of details on subcontractors on the jobsite. Most, if not all, of these requirements currently are routinely being done on Department of Transportation projects. The additional paperwork suggested by the legislation is not desirable. The details proposed in the bill are limited to the traditional design-bid-build method and would not be compatible with the construction management, or design-build methods that are becoming more common in public as well as private construction. While the study has been useful in drawing attention to these contract administration procedures and has caused sharing of different procedures among agencies, the legislation is not necessary. **Vote 9-7.**

HB 753-FN-A, relative to the electronic toll collection transponder inventory fund. **OUGHT TO PASS.**

Rep. John A Graham for Public Works and Highways: This bill allows the Department of Transportation to establish a revolving fund for the purpose of maintaining an adequate supply of EZ Pass transponders. The fund would be capped at \$1 million, with the source being the turnpike fund. In 2006, the House passed an identical measure (HB 1656), and while it passed the Senate, the bill died in a committee of conference when the House would not agree to a non-germane amendment. **Vote 14-0.**

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: This bill dissolves the Maine-New Hampshire Interstate Bridge Authority. This Authority was established in the 1930's to build and operate the Sarah Mildred Long Bridge between Portsmouth and Kittery. The Authority has outlived its usefulness and should be eliminated. The amendment establishes a non-lapsing fund for the remainder of the funds under the control of the Authority, which was originally funded through tolls. This new fund will be utilized for the operation and maintenance of the bridge until such time as it is exhausted. **Vote 12-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 898, relative to the use of sled dogs and the training of sled dogs on state trails. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter R Goyette for the **Majority** of Resources, Recreation and Development: This bill as amended defines “mushing” to include training sled dogs using ATV’s when there is no snow, to control their speed. Mushers and the Department of Resources & Economic Development Bureau of Trails want to start opening some trails to ATV-assisted sled dog training that currently are specified for non-motorized use only. Mushers need straight long rock free trails to train off-season. They attested that they would have an impact that would be very different from usual ATV riding. HB 898 provides for a pilot project that opens seven specific trails until January 1, 2009, during which the impact on both mushers and the other users of the trails can be assessed. In the meantime, the Bureau of Trails will be able to develop criteria for opening trails to ATV-mushing and approaches management of that activity. **Vote 13-5.**

Rep. David H Russell for the **Minority** of Resources, Recreation and Development: The minority had an amendment requiring the Bureau of Trails to adopt administrative rules for approving trails for off season sled dog training with ATV’s, rather than putting a list of approved trails in statute. We feel that this bill as passed gives the appearance of micro-managing, rather than allowing the Bureau of Trails to adopt rules defining trails appropriate for this use. The Bureau has more expertise in this than a legislative committee.

SCIENCE, TECHNOLOGY AND ENERGY

HB 165, establishing a committee to study the feasibility of carbon reduction incentives. **INEXPEDIENT TO LEGISLATE.**
Rep. David A Borden for Science, Technology and Energy: The original intent of this bill was to study the concept of incentives to reduce carbon consumption and promote energy conservation by citizens and organizations in New Hampshire. The majority agreed that the intent of this bill could be satisfied in other legislation, notably HB 467, which would develop a climate change action plan. **Vote 15-2.**

HB 467, requiring the department of environmental services to develop a climate action plan and to report on global warming issues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Borden for Science, Technology and Energy: It shall be the goal of the state of New Hampshire to reduce

greenhouse gas emissions to 1990 levels by 2010 and 10% below 1990 levels by 2020. This is consistent with a plan endorsed by the Conference of New England Governors and Eastern Canadian Premiers and the commission will be charged with establishing a plan for New Hampshire to meet these goals. **Vote 11-3.**

HB 689, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Borden for Science, Technology and Energy: Biodiesel, produced from vegetable oils and animal waste, potentially could replace 20% of the fossil fuels used in diesel and home heating oil in New Hampshire. The commission created by this bill will explore how New Hampshire farmers and businesses can develop local production facilities for biodiesel, and for distribution of this fuel to our residents. **Vote 15-1.**

HB 768, relative to voluntary registration with the Eastern Climate Registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas R Fargo for Science, Technology and Energy: This bill amends RSA 125:L to replace New Hampshire's existing voluntary greenhouse gas registry with the regional Eastern Climate Registry. The committee recognized that documenting greenhouse gas emissions needs to be regional in scope and requires rigorous data quality assurance protocols. Participating in the Eastern Climate Registry would enable businesses and other greenhouse gas sources to document their early voluntarily emission reduction efforts and establish a baseline by which potential future state and federal regulatory action could be measured. Testimony indicated that businesses are seeking opportunities to report their environmental leadership efforts. The Eastern Climate Registry includes standards for reporting emissions data and third-party verification. The bill anticipates expansion into a multi-state and perhaps national registry and directs the department of environmental services to coordinate with other states and report annually to the legislature. The majority felt that the legislature should affirmatively support New Hampshire's participation established by statute, rather than participating by executive order. **Vote 12-5.**

HB 873-FN-L, establishing minimum renewable standards for energy portfolios. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: Twenty-three states have adopted a renewable portfolio standard (RPS), including every New England state except NH. HB 873 will require electric suppliers to obtain renewable energy certificates (RECs) for a certain percentage of their electricity supplied to NH customers. Eligible renewable resources include development of a broad range of new electricity generation as well as certain existing renewable generation common to NH. The purpose of the bill is to spur economic development, reduce our dependence on imported fuels, mitigate energy price and supply volatility, and reduce air emissions from our energy supply. An economic analysis by UNH's Whittemore School of Business & Economics showed a small short-term cost but a long-term economic gain from the positive effects on the energy market and in-state development. Over many months the bill's sponsors scheduled group meetings with the state's energy stakeholders, including the utilities, associations, and private companies, plus DES, the Office of Energy Planning, and the Public Utilities Commission, to listen to interests and concerns and develop a NH RPS that would satisfy the majority of parties. The committee held an all-day hearing at which members heard overwhelming support for an RPS. **Vote 14-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 7, urging increased consideration and preservation of local authority in international trade and investment agreements. **OUGHT TO PASS.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: As pertaining to the New Hampshire Constitution the purpose of HR7 is to ensure that governor of New Hampshire retains the opportunity to use the authority granted to him/her by the people of this state to have input into any international and/or investment agreement that may be entered into by the federal government that could have a major impact on the citizens and businesses of New Hampshire. Whenever the U.S. Senate gives up its constitutional authority to approve all treaties by allowing the President "fast track" authority the citizens are placed at risk. There have been a number of occasions where the people of New Hampshire have paid a high price for fast tracked agreements. An issue of grave concern to many communities is who controls ground water withdrawal rights. HR7 tells our local congressional delegation that we as citizens desire that they withhold their final votes until the governor has had his/her input. **Vote 7-5.**

HR 9, supporting the U.S. Mayors Climate Protection Agreement. **OUGHT TO PASS.**

Rep. Doreen Howard for State-Federal Relations and Veterans Affairs: It is very important that we don't confuse HR 9 with a global warming bill. This resolution is to tell congress that the people at the local level around New Hampshire and the country have taken it upon themselves to come with new and inventive ways of eliminating wastefully energy usage and reducing our dependence on foreign oil with renewal energy sources, while reducing the amount of pollution that we release into our surrounding environment. This while reducing the tax burden on our citizens. The U.S. Mayors Climate Protection Agreement has proven that governments at the local levels in partnerships with local businesses can improve energy efficient without destroying or limiting the private's sector ability to make a profit. This HR is telling congress we know we can and have done it better and cheaper at the local and state level and now we would like to see the same result at the federal level. **Vote 7-5.**

HR 10, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Pamela D Coughlin for the **Majority** of State-Federal Relations and Veterans Affairs: This House Resolution continues to support the troops while asking the President and Congress to fully fund veterans' medical needs, as well as the need to pursue diplomatic avenues to end the present war in Iraq. The citizens of the State of New Hampshire strongly support the soldiers serving in the United States armed forces. The citizens of the State of New Hampshire recognize, support and appreciate the great sacrifices the soldiers and families protecting our freedoms for our state and country. The original House Resolution as written could have serious and detrimental effect on our soldiers deployed today and all of our current veterans. The committee felt that the original text of the Resolution needed to be amended to better reflect the oral and written testimony given by New Hampshire citizens. **Vote 10-7.**

Rep. Eleanor Glynn Kjellman for the **Minority** of State-Federal Relations and Veterans Affairs: The minority believes that the original intent of HR10 was to express disapproval of the escalation of the war in Iraq by the deployment of 20,000 plus troops, to fully fund all veterans benefits and appropriately care for veterans returning from war, to encourage the President and Congress to begin talks with countries in the Middle East and most importantly to begin the orderly withdrawal of American military forces from Iraq. The minority confirms that HR10 as written does not require any timeline. Further, we noted that "orderly withdrawal" could be interpreted to mean that Americans could be taken off the front lines, that they would train and support Iraqis who would be the primary ones to defend their own country, patrol the streets, search neighborhoods and homes, and settle their own disputes. We believe that the amendment so changes the original Resolution as to completely reverse the intention. The amendment does not address the escalation in troop strength and its effect on our over-extended military. The amendment mimics the original resolution's phrase "begin the orderly withdrawal of American military forces from Iraq" but adds the qualifier "upon task completion." This completely reverses the intent of the original resolution. There is no definition of the "task" and no indication of how to measure completion and no indication of who is to say when the task is completed. As we enter the fifth year in the war in Iraq, a country that has been in conflict for centuries, the minority thinks the open-ended nature of "upon task completion" requires that the amendment fail, and that the HR 10 in its original form be passed by the House.

TRANSPORTATION

HB 296, prohibiting the use of flatbed trailers with outrigger wheels in parades. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W Williams for the **Majority** of Transportation This bill simply states "no person may use any type of flatbed trailer with outrigger wheels in a parade." It removes the use of a dangerous vehicle which, when used, increases the possibility of serious injury or death if a person falls off a trailer in a parade. **Vote 13-4.**

Rep. Brenda L Ferland for the **Minority** of Transportation: This bill came out of a tragic accident during a parade and although the minority sympathizes with what happened we feel this leads to the slippery slope of what will be banned next or if these parade vehicles are greatly modified at such a cost that most people or companies will not volunteer the use of their equipment. Most towns that have the permitting process for parades can and will continue to set limits of what can be done. There was so much publicity of this tragedy we feel modifications in future parade vehicles will take place without laws banning certain vehicles

HB 685, prohibiting New Hampshire from participating in a national identification card system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A Packard for Transportation: In May of 2005 the US Congress passed a law that never received a hearing, called the Real ID Act. The Act would require all states to have uniform driver licenses. It also requires that a national data base be established by linking all driver license information together. This Act created a national identification card. It is estimated by the National Conference of State Legislatures to cost the states \$11 billion to implement and Congress approved \$40 million at passage. After a year and 10 months when the Dept. of Homeland Security finally released a 160 page draft copy of the rules and regulations, they estimated the cost to the states and federal upgrades at approximately \$24 billion. This act is one of the most egregious pieces of legislation ever passed by the U.S. Congress. Not only does it violate the unfunded mandate law, it is a clear violation of the 10th Amendment of the U.S. Constitution. The law states that if a state does not comply, that the driver license cannot be used to board a plane or enter a federal building. This is federal blackmail of the most heinous manner. Numerous other states are working on legislation to prevent their state from complying. When we took our oath of office, we swore to uphold the N.H. and the U.S. Constitution and because of this oath we have no choice but to tell the federal government that just because they feel that they can violate the U.S. Constitution, the Legislature of N.H. will not. Our liberty and the liberty of this country are at stake, if we do not say no to this piece of madness that came out of Washington. We ask the N.H. House to abide by our oath of office and unanimously pass HB 685. **Vote 16-0.**

HB 755-FN, relative to transfers of motor vehicle registration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean-Guy J Bergeron for Transportation: This bill allows a person who transfers the registration of his or her vehicle to receive a refund if the permit fee for the new motor vehicle is less than the permit fee for the previously registered motor vehicle **Vote 10-5.**

HB 802, relative to passenger restraints. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W Williams for the **Majority** of Transportation: This bill would ask New Hampshire to join the 49 other states of the union and mandate the use of seat belts in most instances. The General Court has resisted attempts at such “mandatory” legislation in the past largely grounded on a generalized notion that the reach of the legislature should be temperate and allow people to make such decisions as a matter of individual selection. In point of fact, the NH Highway Safety office testified that voluntary seat belt use continues to be encouraging—though that office conceded—as well it must—that the current 64% attainment level was the lowest in the nation and that usage would increase significantly by enactment of HB 802. The NH Highway Safety Office was the paradoxical exception to the majority of the testimony that featured a cross section of state agencies, physicians, nurses, law enforcement personnel and citizens. The overwhelming majority of evidence received at the hearing clearly and abundantly demonstrated that the public safety would substantially improve by requiring the use of seat belts consistent with our authority to assure the safety of the citizens of the state. Evidence received from the medical community—particularly emergency responders-- clearly indicated the value of seat belt use. Evidence received from the law enforcement community, including the NH Chiefs of Police, clearly indicated that enactment of the bill would enhance public safety and avoid the tragic consequences of many automobile accidents. Evidence received from the National Transportation Safety Board revealed that NH is last in seat belt use. That evidence, coupled with an alarming increase in un-belted fatalities shared with the committee by the sponsors based on a study conducted by the University of New Hampshire, revealed that enactment of the law would directly enhance driver safety and protect citizens. The Commissioner of Transportation appeared and urged the committee to enact the bill and the Department of Safety joined to express its desire that the bill be passed to put an end to the many injuries, trauma and fatalities that resulted when accidents occur without seat belt use. The committee is mindful of the concerns of those who claim enactment of the law would in some measure surrender what they described as one of the unique features of New Hampshire living and impact their particular concept of liberty. We are no longer persuaded by the arguments and decide today to pass the legislation. We believe the safety of all citizens on the highways of the state is implicit in a free society and that the risk of trauma, tragedy, injury or death should be avoided when reasonable regulations are available. The use of seat belts in 2007 is reasonable, and more importantly, a reasonable use of the legislative authority to protect all drivers and passengers from the avoidable carnage of the all too human capacity to have accidents. Accordingly, the committee recommends that the public policy of the state be changed and that we pass HB 802 as a strong signal of our continued commitment to safety. **Vote 8-7.**

Rep. Brenda L Ferland for the **Minority** of Transportation: No insurance company representative that testified said that our insurance rates will go down if we adopt an adult seat belt law. As a matter of fact we are enjoying some of the lowest auto rates in the New England area. A lot of the testimony focused on young drivers and we already have a law to cover them. Driving while intoxicated and inattentiveness are still the leading causes for accidents. No state gets 100% usage even with a primary offense law. There is no dispute about the education of using seatbelts. The state does not lose any federal funding because we don’t have the adult seat belt law. As a matter of fact, we were told we would get additional funds if we passed the law. Somehow or another, this smacks of the “No Child Left Behind” program and the Real ID Act. Let us, the federal government, get you, the state, to adopt our rules and we may or may not give you more funds. We are the last state to not adopt an adult seat belt law. So what’s wrong with being unique? We are unique in our freedom of rights which is why people move here from other states. The minority feels we should stay unique.

WAYS AND MEANS

HB 494-FN-A, relative to keno in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: This bill was an attempt to expand our lottery revenues for the Education Trust Fund. However, testimony indicated the placing of 500 keno machines in the state would generate no more than \$2-6 million after expenses, based upon results in average performing states, Maryland and Missouri. The sponsor agreed this was not worth the effort. **Vote 13-6.**

HB 619-FN-A, establishing an additional exemption from the interest and dividends tax for individuals who are 70 years of age or older. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman C Shattuck for Ways and Means: While the committee is very sympathetic to the plight of many older citizens, the committee believes that this legislation is an inappropriate approach to this issue. This legislation would give this additional exemption to all individuals who are 70 years or older, regardless of need. There is no needs test such as is found in other existing legislation. The committee feels that is unfair. At the same time, existing legislation provides much more substantial relief to qualified elderly for property taxes. Selectmen may further abate property taxes if appropriate. **Vote 17-2.**

HOUSE DEADLINES

Wednesday, March 28, 2007	Last day to act on all House bills not in a second committee, except budgets
Thursday, April 5, 2007, noon	Last day to report all remaining House bills for action in the first year session Last day to report list of retained House bills
Thursday, April 12, 2007	Last day to act on House bills: CROSSOVER

Thursday, May 10, 2007, noon	Last day to report Senate bills going to a second committee
Wednesday, May 16, 2007	Last day to act on Senate bills going to a second committee
Thursday, May 31, 2007, noon	Last day to report all remaining Senate bills for action in the first year session Last day to report list of retained Senate bills
Wednesday, June 6, 2007	Last day to act on Senate bills
Wednesday, June 13, 2007	Last day to form Committees of Conference
Thursday, June 21, 2007, noon	Last day to sign Committee of Conference reports
Wednesday, June 27, 2007	Last day to act on Committee of Conference reports

LAID ON TABLE

HB 177-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)

COMMITTEE MEETINGS

MONDAY, MARCH 26

FINANCE – (DIVISION I), Room 212, LOB

- 9:00 a.m. Public hearing on proposed amendments to **HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor. The proposed amendment is relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls. Copies of the amendments are available from the Sergeant-at-Arms office.
- 9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Room 202, LOB

- 10:00 a.m. **HB 663-FN-A**, relative to the comprehensive shoreland protection act and making an appropriation therefor.

FINANCE – (DIVISION II), Rooms 210-211, LOB

- 9:00 a.m. **HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.
- 9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION III), Room 209, LOB

- 9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

- 9:00 a.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

- 9:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Subcommittee work session on **HB 25-FN-A**, making appropriations for capital improvements – Capital Budget lapse dates.

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. Full committee work session on revenue estimates.
- 10:30 a.m. Public hearing on proposed amendment to **HB 576-FN-A**, increasing certain fish and game nonresident license or permit fees. The proposed amendment (0690h) adds an additional fee for OHRV and snowmobile registrations. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
- 11:00 a.m. Full committee work session on **HB 576-FN-A**, increasing certain fish and game nonresident license or permit

fees.

1:00 p.m. Full committee work session on revenue estimates.

TUESDAY, MARCH 27

FINANCE – (DIVISION I), Room 212, LOB

9:30 a.m. Or immediately following the House session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION II), Rooms 210-211, LOB

9:30 a.m. Or immediately following the House session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. Or immediately following the House session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

WEDNESDAY, MARCH 28

FINANCE – (DIVISION I), Room 212, LOB

3:00 p.m. Or immediately following the House session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION II), Rooms 210-211, LOB

3:00 p.m. Or immediately following the House session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION III), Room 209, LOB

3:00 p.m. Or immediately following the House session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

THURSDAY, MARCH 29

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 308, LOB

10:00 a.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 837**, relative to easements and the land and community heritage investment program and creating a farm viability program.

11:00 a.m. Full committee work session on **HB 837**, relative to easements and the land and community heritage investment program and creating a farm viability program.

FINANCE – (DIVISION I), Room 212, LOB

9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION II), Rooms 210-211, LOB

9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION III), Room 209, LOB

9:00 a.m. Work session on **HB 628-FN-A**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund.

9:30 a.m. Work session on **HB 721**, relative to the appropriation to the department of health and human services for rates

paid for nursing services.

10:00 a.m. Work session on ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and ***HB 2-FN-A***, relative to state fees, funds, revenues, and expenditures.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Capital Budget work session – Planetarium
10:00 a.m. Capital Budget work session – Tobey Building relocation.
10:30 a.m. Capital Budget work session – Cultural Resources.
11:00 a.m. Capital Budget work session – Office of Information Technology.
11:30 a.m. Capital Budget work session – Open.
1:00 p.m. Capital Budget work session – Lapse extensions.
2:45 p.m. Full committee work session on the capital budget proposal.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. ***HB 283***, allocating a portion of unrefunded road tolls to the dam maintenance fund.
9:30 a.m. ***HB 471-FN-A***, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund.
10:00 a.m. Full committee work session on revenue estimates and ***HB 884-FN-A***, increasing the rate of the tobacco tax.

FRIDAY, MARCH 30

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. **Continued** regular meeting.

FINANCE – (DIVISION I), Room 212, LOB

9:30 a.m. Work session on ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and ***HB 2-FN-A***, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION II), Rooms 210-211, LOB

9:30 a.m. Work session on ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and ***HB 2-FN-A***, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. Work session on ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and ***HB 2-FN-A***, relative to state fees, funds, revenues, and expenditures.

MONDAY, APRIL 2

FINANCE, Rooms 210-211, LOB

11:00 a.m. **Rescheduled** executive session on ***HB 628-FN-A***, establishing the New Hampshire Rx advantage program and continually appropriating a special fund and ***HB 721***, relative to the appropriation to the department of health and human services for rates paid for nursing services, ***HB 663-FN-A***, relative to the comprehensive shoreland protection act and making an appropriation therefor, ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and ***HB 2-FN-A***, relative to state fees, funds, revenues, and expenditures, ***HB 498-FN-A***, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department, ***HB 488-FN-A-LOCAL***, relative to the state chief medical examiner and medico-legal death investigations, ***HB 704-FN-A***, relative to the commission on the status of men and making an appropriation therefor, ***HB 752-FN***, relative to per pupil funding for charter school pupils.

FINANCE – (DIVISION I), Room 212, LOB

Immediately following the executive session, work session on ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and ***HB 2-FN-A***, relative to state fees, funds, revenues, and expenditures, if necessary.

FINANCE – (DIVISION II), Rooms 210-211, LOB

Immediately following the executive session, work session on ***HB 1-A***, making appropriations for the expenses of

certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, if necessary.

FINANCE – (DIVISION II), Rooms 210-211, LOB

Immediately following the executive session, work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, if necessary.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Full committee work session with Finance Division II on the Capital Budget proposal.

TASK FORCE TO STUDY THE CASH ASSISTANCE PROVIDED TO NEEDY FAMILIES UNDER THE STATE TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) PROGRAM (HB 1461, Chapter 247:1, Laws of 2006), Room 205, LOB

2:00 p.m. Regular meeting.

TUESDAY, APRIL 3

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on **HB 837**, relative to easements and the land and community heritage investment program and creating a farm viability program.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

3:00 p.m. Regular meeting.

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), American Legion Post 79, 35 West Brook Street, Manchester

5:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Executive session on **HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements, **HB 570-FN-A**, increasing the fee for a wild turkey hunting license, **HB 576-FN-A**, increasing certain fish and game nonresident license or permit fees, **HB 585-FN**, requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered, **HB 599-FN**, relative to fees for meals and rentals licenses, **HB 610-FN-A**, requiring the criminal justice and public safety committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions, **HB 664-FN**, relative to annual dam registration and permit application fees, **HB 714-FN**, relative to motorized watercraft rental agencies, **HB 815-FN-A**, requiring the display of boater education decals on vessels registered in other states, **HB 868-FN**, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program.

WEDNESDAY, APRIL 4

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009 and **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FRIDAY, APRIL 6

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 303, LOB

12:00 p.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

MONDAY, APRIL 9

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), Department of Revenue Administration Training Room, 57 Regional Drive, Concord
1:00 p.m. Regular meeting.

THURSDAY, APRIL 12

STATE ENERGY POLICY COMMISSION (HB 1146, Chapter 257:1, Laws of 2006), Room 304, LOB
9:00 a.m. Wind citing subcommittee meeting.

FRIDAY, APRIL 13

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
12:00 p.m. Rescheduled regular meeting.

MONDAY, APRIL 16

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB
9:30 a.m. Regular meeting.

FRIDAY, APRIL 20

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will hold a public meeting on Monday, **March 26** beginning at 7:00 p.m. The meeting will be held at the Belknap County Complex in the multi-purpose room, 34 County Drive, Laconia. The purpose of this meeting is to hear a request from the Gunstock Area Commissioners “Pursuant to the authority of Chapter 399:15, 1959 NH Law as amended.”
Rep. Stephen H. Nedeau, Chairman
Belknap County Delegation

The Internal Revenue Service has set the standard mileage rate for transportation expenses for 2007 at forty-eight and one half cents (\$0.485) per mile. The federal mileage reimbursement rate for members of the NH House of Representatives increases from forty-four and one-half cents (\$0.445) per mile to forty-eight and one-half cents (\$0.485) per mile for all miles incurred on or after January 1, 2007.

Joyce Phinney, Manager
Office of Legislative Accounting

Reservations for the use of the Upham Walker House are now being made with Doug Dolcino, Director of Operations for the General Court, at 271-3324.

Terie Norelli, Speaker

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs. 74, 173, 493, 501, 502, 504, 571, 567, 572, 574, 576, 577, 579, 580, 581, 582, 585, 588, 590, 591, 592, 596, 597, 598, 599, 602, 604, 613, 614, 615, 616, 618, 619, 622, 624, 626, 627, 629, 631, 635, 636, 638, 641, 642, 643, 644, 645, 646, 656, 677, 678, 679, 714, 726, 740, 760, 771, 776, 777, 778, 781, 782, 784, 785, 786, 787, 788, 789,

791, 793, 799, 805, 813, 815, 820, 824, 834, 838, 843, 861, 865, 867, 870, 873, 874, 877, 878, 879, 880, 882, 883, 884, 885, 887, 889, 891, 892, 894, 895, 897, 899, 903, 904, 912, 913, 921, 922, 924, 925, 927. SBs 35, 65, 128, 200.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

In recognition of "Save Your Vision" month, the NH Optometric Association invites legislators and staff to drop by the State House Cafeteria any time from 8:00 to 9:00 a.m. on Wednesday, **March 28** for an "Eye Opener" breakfast and information on eye health. Muffins, fruits, juices and coffee will be available.

Rep. Bette Lasky

All legislators are invited for luncheon on Thursday, **March 29** from 11:00 a.m. to 1:00 p.m. at St. Paul's Church, Concord. The NH Public Health Association will present a "mini conference" focusing on an overview of public health, public health policy, NH's public health community, and the association's policy priorities. RSVP by March 22nd to Karen Sloper, 228-2983 and check your mail box for your invitation.

Linda T. Foster, Deputy Speaker

All representatives are invited to a public forum sponsored by NHTI and the William Joiner Center at UMass-Boston with the Army War College Eisenhower Series College Program. The forum will be a discussion and debate concerning Afghanistan, Iraq, and present and future military policy, with eleven field grade officers. Friday, **March 30**, 11:00 a.m. to 1:00 p.m., NHTI campus Student Center. Lunch prepared by NHTI culinary students as a fundraiser will be available.

Rep. Eleanor Glynn Kjellman

Members are invited to a Sugar on Snow event at former speaker Harold Burns sugar house, **March 31** at 2:00 p.m., Rte 116, Whitefield, NH. The event is sponsored by the Coos County Republican Party, but all are invited to attend.

Rep. John E. Tholl, Jr.

One of the NH Order of Women Legislators (OWLS) prime missions is to provide a scholarship for a non-traditional student pursuing higher education. If anyone knows of a student who might be interested in applying please pick up an application on the 4th floor in the LOB. The deadline for return of the completed application is **April 1st**. We would also like to invite all members of the legislature to join the OWLS. The dues are \$10 and are tax deductible. If we can get enough participation we may be able to award a second scholarship. Please help us even if you don't want to join the OWLS with a contribution which would be appreciated. Make your check out to the OWLS and mail it to the OWLS, Room 405, Legislative Office Building, 33 North Main Street, Concord, NH 03301.

Rep. Jacqueline A. Cali-Pitts

The Legislative Caucus for Young Children (LCYC) will meet at 1:15 p.m. on Monday, **April 2** in Room 206, LOB. The agenda will include an overview of relevant bills that have passed the House and an update on the work involved in defining an adequate education. All members welcome.

Rep. Mary Stuart Gile

The University of New Hampshire Alumni Association and Parents Association are pleased to invite members of the New Hampshire General Court and Staff to the annual UNH Legislative Breakfast on Wednesday, **April 4**, 2007 from 7:30 to 9:00 a.m. at the New Hampshire Historical Society Tuck Library, Park Street, Concord. Learn how undergraduate student researchers at UNH are focused on the most compelling challenges in New Hampshire and the world. Meet students as they share their discoveries at this special event.

Rep. Marjorie Smith

All legislators and staff are cordially invited to attend the Ski NH's 2007 Legislative Reception to be held on Wednesday, **April 4**, 2007 from 3:30 – 6:30 p.m., at The Red Blazer Restaurant, 72 Manchester Street, Concord, N. H. Please RSVP to Kim, 745-9396, ext 201, kim@skinh.com.

Reps. Mary Jane Wallner and Michael Whalley

The Granite State Airport Managers Association is hosting a luncheon for legislators on Thursday, **April 5** from 11:30 a.m. to 1:30 p.m. in the State House Cafeteria. They hope to inform us of the vital role our public access airports play in so many areas. Some companies will only locate where they have airport access. Emergency plans often include the airports for quick access and emergency supply delivery. Do you know where your nearest airport is to your district? Do you know how many aircraft are based there? Do you know the economic impact on your community? Please come and meet with these dedicated airport managers.

Rep. Kenneth L. Weyler

Former Governor Mitt Romney will be the special guest of the Merrimack County and Sullivan County Republican Committees at a joint Lincoln Day Dinner on Sunday, **April 15** at the Mt. Sunapee Lodge in Newbury. Dinner tickets are \$50. Social hour begins at 6:00 p.m. with dinner at 7:00 p.m. A VIP reception for \$100 (includes dinner ticket) will begin at 5:45 p.m. For tickets or more information contact Reps Eric Anderson (228-0448) or Beverly Rodeschin (863-1941).

Reps. Eric Anderson and Beverly Rodeschin

The components of the NH Dental Society will be inviting legislators to events in their area in order to educate legislators regarding oral health issues in New Hampshire. Events are being scheduled for March. Please watch for invitations in the mail.

Rep. James R. MacKay

The House Republican Alliance will meet each **Tuesday** morning at 8:30 a.m. at the Upham Walker House.

Rep. David J. Bettencourt

Main Street Republicans will meet each **Tuesday** morning at 9:00 a.m. in Room 104, LOB. All Republicans are welcome to discuss pertinent issues. Join us for some lively and informative debate.

Rep. David H. Kidder

State House Visitation Schedule 2007

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in Mar. & Apr. 2007. These listings are to ensure all members be notified in a timely manner of visitors from their district. Please note that schools may schedule and reschedule, therefore you may contact the

Visitor Center to check on updates. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors' Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Caitlin A. Daniuk, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
Mar. 26	10:00	South Merrimack Christian School	4/18
Mar. 26	10:00	Milford Christian Academy	4/5
Mar. 26	11:00	Sarah Porter School – Langdon	3&4/16
Mar. 27	9:30	East Kingston Elementary School	4/36
Mar. 27	11:00	Greenland Central Elementary School	4/40
Mar. 28	9:30/11:00 SH/HM	Smyth Road School – Manchester	4/75
Mar. 28	12:00	Wheelock School – Keene	4/15
Mar. 29	10:00/11:30 SH/HM	Newmarket Elementary School	4/90-100
Mar. 30	9:30	Epsom Central School	4/41
Mar. 30	11:00/12:30 SH/HM	Appleton Elementary School – New Ipswich	4/60
Apr. 2	8:45	Parkside Middle School – Manchester	8/45
Apr. 2	10:00/11:30 SH/HM	Marston Elementary School – Hampton	4/75
Apr. 3	9:30/11:00 SH/HM	Maple Ave. Elementary School – Goffstown	4/75
Apr. 3	12:00	St. Joseph's Regional School – Salem	4/24
Apr. 4	9:30/11:00 SH/HM	Maple Ave. Elementary School- Goffstown	4/50
Apr. 4	12:00	Effingham Elementary School – Center Ossipee	4/19
Apr. 5	10:00/11:30 SH/HM	Matthew Thornton Elementary School – Londonderry	4/85
Apr. 6	10:00/11:30 SH/HM	Marston Elementary School – Hampton	4/80
Apr. 6	1:00	Lafayette Regional School – Franconia	4/15
Apr. 9	9:30/10:30 SH/HM	DAR	100
Apr. 9	11:00/12:30 SH/Planet	Little Harbor School – Portsmouth	4/60
Apr. 10	9:00	Broken Ground School – Concord	4/45
Apr. 10	10:00/11:30 SH/HM	Garrison School – Dover	4/88
Apr. 11	8:30	Kimball Elementary School – Concord	4/52
Apr. 11	10:00/11:30 SH/HM	Crescent Lake School – Wolfeboro	4/85
Apr. 12	9:00	Broken Ground School – Concord	4/45
Apr. 12	10:00/11:30 SH/HM	Matthew Thornton School- Londonderry	4/85
Apr. 12	2:00	Kendal at Hanover	Adult/25
Apr. 13	9:00	Broken Ground School – Concord	4/45
Apr. 13	10:00/11:45 SH/HM	Nottingham West School- Hudson	4/70
Apr. 13	11:45	NH Rec. & Park Association	Adult/20
Apr. 13	2:00	Heritage Home Schoolers – Dunbarton	Multi-Age/18
Apr. 16	8:45	Parkside Middle School – Manchester	8/45
Apr. 16	10:00/11:45 SH/HM	Nottingham West School – Hudson	4/70
Apr. 17	9:45/11:00 SH/HM	Southwick Elementary School – Northfield	4/100
Apr. 17	1:30	French Exchange Students – Keene High School	HS/26
Apr. 18	8:30	Greater Rochester Chamber of Commerce – Rochester/Dover/Somersworth	Adult/30
Apr. 18	9:45/11:00 SH/HM	Hooksett Memorial Elementary School	5/83
Apr. 18	12:00/1:30 SH/HM	Paul School – Wakefield	4/64
Apr. 19	9:45/11:00 SH/HM	Hooksett Memorial Elementary School	5/61
Apr. 19	12:15	Wilton School	8/12
Apr. 20	9:30/11:00 SH/SC	H.W. Moore School – Candia	4/50
Apr. 20	12:00	Fuller School – Keene	4/40
Apr. 23	1:00	Kids For Democracy	10
Apr. 24	9:30/11:00 SH/HM	Towle Elementary School- Newport	4/90

Apr. 24	12:30	Derry Girl Scouts & Homeschool	12
Apr. 25	9:30/11:00 SH/HM	Canaan Elementary School	3&4/90
Apr. 25	12:00	Hinsdale Elementary School	4/40
Apr. 26	10:00/11:30 SH/HM	Seminary Hill Elementary School – Lebanon	4/60
Apr. 26	12:00	Seminary Students	Adult/25
Apr. 27	10:00	Enfield Village School	4/42
Apr. 27	11:00/12:00	Maple Ave. School – Claremont	4/60
Apr. 30	9:30/11:00 SH/SC	Lancaster Elementary School	4/57

-----Clip and Post-----

NOTICE

HOUSE EMERGENCY NOTIFICATION SYSTEM

In past sessions, a plan was developed for the House Leadership to communicate with members of the House at night and at such other times as the members are at home.

In most emergencies the individual member will be aware that an emergency exists, though may be in doubt as to its extent. The following procedure has been developed:

- 1. Notice of an emergency message will be given to State Police Headquarters in Concord and commercial wire services.
- 2. State Police Headquarters will send the message via computer to the stations listed.
- 3. Reliance will be placed on each individual legislator to call the terminal station nearest his or her home and inquire for any emergency message to legislators in times of emergency or suspected emergency. This will include, but not be limited to cancellation of sessions due to severe weather conditions.

Gilford	Police Station	527-4737
Laconia	Police Station	524-5252
Keene	Police Station	352-2222
Lebanon	Police Station	448-1212
Manchester	Police Station	668-8711
Nashua	Police Station	594-3500
Concord	Police Station	225-8600
Rockingham County	County Sheriff	679-2225
Portsmouth	Police Station	427-1500
Dover	Police Station	742-4646
Claremont	Police Station	542-9538
Newport	Police Station	863-3232
Merrimack	Police Station	424-2222
Salem	Police Station	893-1911
Ossipee	County Sheriff	539-2284
Derry	Police Station	432-6111

In addition to the above listed numbers you can also call the numbers listed below nearest you.

State Police Headquarters

Department of Safety
10 Hazen Drive
Concord, NH 03305
Tel: 271-3636

Rockingham & Strafford Counties

Troop - A
Route 125
Epping, NH 03042
Tel: 679-3333

Hillsborough County

Troop - B
4 Meadowbrook Drive
Milford, NH 03055
Tel: 672-3333

Cheshire & Sullivan Counties

Merrimack County

Troop - C
Box 272
Keene, NH 03431
Tel: 358-3333

Department of Safety
10 Hazen Drive
Concord, NH 03305
Tel: 271-3636

Belknap & Carroll Counties
Troop - E
Box 235
W. Ossipee, NH 03890
Tel: 323-3333

Coos & Grafton Counties
Troop - F
Box 440
Twin Mountain, NH 03595
Tel: 846-3333

Also in the event members wish to obtain road or weather conditions during periods of inclement weather they should call the nearest Troop Station to their residence or Headquarters Communications in Concord. When calling Headquarters Communications, they should ask to speak with the Communications Supervisor. When calling a Troop Station, inquiries will be handled by the Communications Specialist on duty at the time.

The caller should specify the information he or she wishes to obtain. This information should be readily available to communications personnel and every effort will be made to accommodate these requests in a timely manner.

Please be advised when calling State Police Headquarters to call **271-3636** and not any of the 800 lines, which are used for emergency purposes only.

A toll-free 24-hour weather and traffic hotline is now available by dialing 511.