

State of New Hampshire

HOUSE RECORD

Second Year of the 160th General Court Calendar and Journal of the 2008 Session

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No. 18

Contains: Hearings, Meetings, Notices and Reports for March 5

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at **10:00 a.m.** on Wednesday, **March 5th**.

As we are nearing the **March 20th** Crossover deadline and still need to act on many bills, the House will also meet at **10:00 a.m.** on Wednesday, **March 12th**, Tuesday, **March 18th**, Wednesday, **March 19th**, and Thursday, **March 20th**, and possibly at **1:00 p.m.** on Thursday, **March 13th**. Once we have passed Crossover and begin hearing Senate bills, we should return to Wednesday-only sessions until the last week of the session when we may again meet more than one day per week.

Your assistance in being efficient in floor debates and getting the appropriate information to the House Clerk in a timely manner will go a long way to ensuring that the House is able to complete its work.

There will be no legislative business conducted on Town Meeting Day, Tuesday, **March 11th**.

Terie Norelli, Speaker

NOTICE

Chairs and Vice-Chairs will meet on Tuesday, **March 4th** from **8:30-10:15 a.m.** in Rooms 210-211 of the LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 5** at **9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 5** at **9:00 a.m.** in Rooms 305-307, LOB.
Rep. Michael D. Whalley, Republican Leader

NOTICE

On Thursday, **March 6th**, at 3:00 p.m. in Representatives Hall, Kate McGovern will present an informational session on the N.H. Retirement System. Ms. McGovern, a consultant on retirement issues and the person who prepared the report for the Commission Studying the Long-Term Viability of the N.H. Retirement System, will discuss the Commission's report and recommendations. All members are urged to attend and learn more about this very important issue.

Reps. Eileen C. Flockhart and David A. Welch
House Continuing Education Committee

NOTICE

Please note that the Calendar closes at 1:00 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

HOUSE DEADLINES

Thursday, March 13, 2008	Last day to report all remaining House bills
Thursday, March 20, 2008	Last day to act on House bills: CROSSOVER
Thursday, April 10, 2008	Last day to report Senate bills going to a second committee
Thursday, April 17, 2008	Last day to act on Senate bills going to a second committee
Thursday, May 8, 2008	Last day to report all Senate bills
Thursday, May 15, 2008	Last day to act on Senate bills
Wednesday, May 21, 2008	Last day to form Committees of Conference
Friday, May 30, 2008	Last day to sign Committee of Conference reports
Thursday, June 5, 2008	Last day to act on Committee of Conference reports

WEDNESDAY, FEBRUARY 13

CONTINUATION OF THE REGULAR CALENDAR

WAYS AND MEANS

HB 1309-FN-A, relative to the definition of "cigarette". **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William A Hatch for the **Majority** of Ways and Means: This bill defines a cigarette by materials used and weight. This assures that products that, for all intent and purpose, are cigarettes are taxed and sold as cigarettes. Currently, products that are truly cigarettes have been colored, labeled and sold as cigars. It has been stated that the tobacco used to fill this product are "sweepings." Therefore they do not give a pleasurable smoke as a cigarette. That may be true for the lower quality of this product, but there are different qualities (priced from 7.99 a carton to 16.99 a carton) and the higher quality does give a pleasurable smoke as a cigarette, according to those who have used this product. It is made, packed and smoked as a "cigarette". Therefore, it is a cigarette. This bill will prevent this product from being sold as a cigar in the future. **Vote 11-6.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: The majority would have us believe that this bill simply represents an attempt to fix a loophole in the cigarette tax. In fact, it represents a new tax on cigars. The majority would have us believe that the items to be included if this bill is passed are simply cigarettes disguised as cigars. There was even testimony from proponents, "If it

walks like a duck (cigarette) and quacks like a duck (cigarette), it is in fact a duck (cigarette).” The minority is convinced that walking or quacking is not the issue here, but smoking is. Clearly, these so-called mini-cigars or cigarillos do not smoke like a cigarette. One member tried to smoke one and found that unlike a cigarette but very much like a cigar, they could not be inhaled; they in fact smoked much more like cigars than cigarettes. Before voting to call these items ducks, the minority suggests representatives sacrifice their lungs and try to inhale a couple of the rascals before you vote. As well intentioned as this legislation might be, an increase in revenues from smokers, this bill is clearly drafted merely to get around Senate refusal to tax cigars in the past. If we are truly serious about taxing cigars like we do other tobacco products, let’s be honest. Let’s not call things cigarettes when they are not cigarettes. In fact, if you want to start taxing cigars or mini-cigars or cigarillos, there is a far more appropriate vehicle to accomplish this end. It’s House Bill 1510-FN-A which is currently being explored by a subcommittee of Ways and Means. The minority believes that rather than rush forward with an OTP motion for this “ducky” tax increase, we should seriously consider the entire panoply of other tobacco products as is the case in HB 1510 which nearly every advocate of smoking cessation programs (Lung, Heart, Cancer representatives, etc.) testified was better than this bill. From a revenue point of view, since so few of these so-called mini-cigars are sold, the benefit would not be great, probably less than a million dollars, but there was compelling testimony that this could negatively effect sales at Ma and Pa and other stores in border areas, the very same stores which have already been hurt with two huge cigarette tax increases in the past two sessions.

HB 1373-FN-A-L, establishing an income tax. INEXPEDIENT TO LEGISLATE.

Rep. Christine C Hamm for Ways and Means: This bill establishes an income tax at the rate of 3.5 percent. Some committee members objected to it on that basis, noting their anti-tax sentiments. Others expressed concern about potential constitutional issues, citing the specified personal exemption of \$22,000, double that for a two-person household. Others questioned why earnings over \$500,000 would be exempt. Although the bill repeals the interest and dividends tax, this was not figured in calculating the fiscal note. Taken together, these objections left the committee with no assurance that the bill would, in fact, produce tax equity nor even a net increase in revenues. **Vote 15-0.**

HB 1414-FN, increasing the fee for bail commissioners. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Peyton B Hinkle for the **Majority** of Ways and Means: This bill makes a \$15 increase in the fee charged by bail commissioners resulting in a total fee of \$45. This is the first increase in eight years while costs have been increasing. The work load of bail commissioners can fluctuate and this fee will help get them over the slack periods. **Vote 13-2.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: This bill amounts to not just a simple fee increase but to a 50 percent fee increase for bail commissioners, from \$30 to \$45 per incident. The minority is not comfortable with giving such large salary increases even when faced with the argument that this fee has not been increased for eight years. After all, the salary of State Representatives and Senators has not been increased in well over 200 years. Like State Reps, no one is forcing anyone to become a bail commissioner. Testimony before the committee was that some of these bail commissioners handle up to 20 transactions a day. If that’s true, logic demands that we assume the bail commissioner is not spending a great deal of time on each transaction. Testimony that commissioners at times are required to travel was also not convincing since in rural areas, sheriffs’ personnel are usually available in lieu of bail commissioners. Twenty transactions a day would amount to a \$600 a day salary with the current fee, \$900 with the fee increase, not bad for a part time job, nor is it bad if on an hourly basis if the bail commissioner handles far fewer transactions. The minority was also not impressed with the argument that this fee had to be increased since Massachusetts is in the process of increasing its \$40 fee. Nor is the minority impressed with the argument that this will not affect state revenues since the fee is paid by the accused person. The minority would point out that this accused person, not even convicted at the time he or she is forced to incur this fee, is often the poorest and least able to pay among us (although there was in fact testimony that the fee is waived for anyone who can prove indigence). In

effect, what we are doing is increasing a fee for a person who may well be innocent and may well be incurring exorbitant other costs to “prove” his or her innocence.

WEDNESDAY, MARCH 5

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1148, relative to the enforcement of parenting plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Hull Richardson for Children and Family Law: The court currently has the authority to enforce parenting plans. This bill was found to limit the authority and effectiveness of the court and was therefore declared inexpedient to legislate. **Vote 18-0.**

HB 1188, relative to grounds for modification of parental rights and responsibilities. **REFER FOR INTERIM STUDY.**

Rep. Mary E Walz for Children and Family Law: This bill attempted to address modifications of parental rights and responsibilities when a divorce occurred before the major changes enacted in 2005. All but the most contentious are resolved by the parents outside of the courts. As a matter of practicality, this bill was designed to address a small number of high conflict cases. The committee wants more input from the family courts as to the criteria being used to modify old custody orders.

Vote 13-0.

HB 1189, relative to the development and enforcement of the parenting plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M Gargasz for Children and Family Law: The committee had several concerns with this bill that establishes special procedures in high conflict divorce cases where there are minor children. The bill may include evaluation by a psychologist as to which parent is causing the acrimony. Concerns about the psychologist 1.) Who is a “qualified” psychologist? 2.) Who would pay the cost in indigent cases? 3.) Psychologists tend not to identify who is the acrimonious parent. The committee also felt the best interest of the child would not be the prime concern if the time with the acrimonious parent was limited or reduced. The committee felt a better solution in high conflict cases is the appointment of a parenting coordinator which is currently happening in the courts. **Vote 17-1.**

HB 1190, establishing a commission to study issues related to child support. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth D Blanchard for Children and Family Law: The department of health and human services is in the process of hiring an economist pursuant to RSA 458-C:6, which requires review of child support guidelines every four years. The economist will conduct the review and submit the report before December 1, 2008 in compliance with the state statute. Failure to establish the commission will not impact the state’s compliance with federal law. Therefore, HB 1190 is not necessary. **Vote 14-1.**

HB 1213, establishing a commission to study the juvenile justice system. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C Itse for Children and Family Law: The House has already passed HB 159 establishing an Interbranch Criminal and Juvenile Justice Council making this bill unnecessary. **Vote 18-0.**

HB 1239, relative to the legislative youth advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M Gargasz for Children and Family Law: This bill clarifies certain procedures of the Legislative Youth Advisory Council. It provides that the council’s records will be kept in the House Clerk’s Office. The amendment adds a duty that the council will communicate with other youth councils. **Vote 15-0.**

HB 1280, repealing divorce based on irreconcilable differences and replacing it with divorce based on mutual consent. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C Itse for Children and Family Law: The committee agrees that the concept of no fault divorce or irreconcilable differences has had negative unintended consequences. However, it was further agreed that eliminating no fault divorce would also have negative unintended consequences. Therefore, we recommend HB 1280 as inexpedient to legislate, but that the issue be addressed in the future. **Vote 15-0.**

HB 1289, relative to court-ordered placements for a child in need of services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel C Itse for Children and Family Law: This bill complies with federal guidelines regarding not putting juveniles into secure detention inappropriately. The amendment provides that failure to comply with court orders under RSA 169:D (CHINS) need not result in dissolution of the family. This is an enormous step forward in strengthening New Hampshire families. **Vote 15-0.**

HB 1290-L, establishing a committee to study insurance coverage and related issues for children required to do community service. **OUGHT TO PASS.**

Rep. Jane B Johnson for Children and Family Law: This bill addresses two concerns that the committee deemed important. First, many community or non-profit agencies are hesitant to participate in the N.H. Diversion Program due to the liability issue. Secondly, the N.H. Diversion Program statutes were enacted in the 1970's and the committee felt a review was in order. **Vote 15-0.**

HB 1319, relative to the reasonable cost of medical support for dependent children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P Moran for Children and Family Law: This bill amends existing law as to the definition of reasonable cost of a parent's medical support obligation to an otherwise uninsured child. It changes "net" income to "gross" as the basis for calculation because net calculations, in practice, become extremely unwieldy to accurately calculate. The court has discretion to determine "reasonable" cost. This would be up to 5% of gross income of each individual parent. The bill as amended also has the act take effect upon passage instead of 60 days after passage. **Vote 15-0.**

HB 1321, relative to the inspection of juvenile detention facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P Moran for Children and Family Law: This bill was requested by the department of health and human services. The federal government requires juveniles being detained be held in appropriate, separate facilities and that all facilities as well as detailed records be inspected periodically. The division of juvenile justice was experiencing some sporadic resistance from some facilities to the inspections, and this bill was to clarify the expectations and require access so that the department would be in compliance with Federal Law. **Vote 18-0.**

HB 1323, relative to certification of out-of-state placements in juvenile proceedings. **REFER FOR INTERIM STUDY.**

Rep. Edward P Moran for Children and Family Law: This bill deals with out of state residential treatment facilities for adolescents with both mental health and substance abuse problems. Its intent is to move the decision process entirely into the court's jurisdiction, whereas, under current law the court may recommend a placement, but there must be certification of the out of state facility by health and human services (HHS). After consulting with the court and HHS, the committee felt there was an active collaboration in process to develop New Hampshire based dual diagnosis residential resources and the committee will monitor progress, thus the decision for interim study. **Vote 15-0.**

HB 1370, establishing a pilot program for an integrated juvenile justice information sharing system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edith A Hogan for Children and Family Law: The committee is very impressed with what Belknap County has done in instituting restorative justice in the juvenile system. The committee is in full support of this pilot program to study its effect on recidivism. **Vote 15-0.**

HB 1386, relative to a grandparent's rights to access court and case records involving a grandchild. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne C Grassie for Children and Family Law: This legislation provides grandparents access to court and case records involving grandchild/grandchildren within proceedings concerning delinquent

children, child abuse and neglect, children in need of services, and department case records. The court can grant access upon the grandparent's request and notice to all parties. **Vote 15-0.**

HB 1388, requiring the department of health and human services to gather statistical information relative to medications prescribed to children in court-ordered placements and establishing a commission to study the issue. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Hull Richardson for Children and Family Law: This commission will study the extent to which medications are prescribed to children in out-of-home placements, the circumstances under which medications are prescribed, and other relevant issues. The commission's final report will reflect the recommendations and improvements necessary to ensure that best practices are being followed relative to the prescription, administration and use of medications. **Vote 16-0.**

HB 1490, adopting the uniform child custody jurisdiction and enforcement act. **REFER FOR INTERIM STUDY.**

Rep. Edward P Moran for Children and Family Law: The UCCJEA is a uniform state law that was approved in 1997 by the National Conference of Commissioner on Uniform State Laws (NCCUSL) to replace its 1968 uniform child custody jurisdiction act (UCCJA), which this state adopted. The proposed law is voluminous and complex. The committee sought commentary from the courts, practitioners and health and human services (HHS) and given the time constraints, all felt further review was prudent. This view was endorsed by the sponsor. **Vote 15-1.**

COMMERCE

HB 1137, relative to contracts with illegal aliens. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce: Illegal aliens would have all of their contracts, including leases, loans, and insurance contracts, declared unenforceable under this bill. Because this would violate the equal protection clause (the 14th amendment) of the US Constitution, the committee found this bill inexpedient to legislate. **Vote 14-0.**

HB 1140, relative to insuring personal jewelry. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce: This bill proposed that insurance policies for personal jewelry should cover replacement value and allow repair or replacement to be done at a jeweler of the consumers choice. Policies already exist that allow appraisals to be done to determine replacement value. Appraisals should be updated regularly to make the replacement value accurate. Insurance companies allow the insured to have the repair or replacement done at a jeweler of their choice subject to the company's approval. **Vote 13-1.**

HB 1152-FN, relative to annual reports filed by business corporations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S Houde for Commerce: This bill deems documents and/or fees to be timely filed and/or paid if received on the next business day where a statute specifies a deadline that falls on a weekend or legal holiday. Without this interpretation, filers and fee-payers could be subject to late penalties (for example, if a business was required to file its annual report on April 1, but April 1 fell on a Sunday). This statutory interpretation not only makes common sense, but is also consistent with existing filing rules with the courts of the state. **Vote 14-0.**

HB 1174, relative to condominium association meetings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F Winters for Commerce: Every condominium association would be required by the amended HB 1174 to make meeting minutes available to the residents within 60 days of the meeting or 15 days after the minutes are approved. Regular meetings would also have to be posted and open to residents, with certain limited exceptions. The bill, as introduced, would have mandated all associations distribute minutes electronically. Small associations may not keep electronic records, so the committee felt that requirement could be too burdensome. **Vote 15-0.**

HB 1177, relative to prohibited interests in on-premises liquor licensees. **OUGHT TO PASS.**

Rep. Edward A Butler for Commerce: This bill allows liquor and wine manufacturers, liquor and wine vendors or liquor and wine representatives to have a business interest, ownership in whole or in part, in establishments that have an on-premise liquor license. The majority of the committee finds that there are good controls in existing law and regulation which will prevent such an owner

from having a competitive advantage over other similar businesses. Therefore, there seems to be no reason to prevent such involvement **Vote 14-1.**

HB 1187, regulating disclosure of personal information obtained in the course of business.

INEXPEDIENT TO LEGISLATE.

Rep. Paul McEachern for Commerce: This bill places unreasonable burdens upon small business without obtaining any discernable benefit to the public or individual privacy. **Vote 12-2.**

HB 1198, limiting the annual interest that may be charged on small loans. **REFER FOR INTERIM STUDY.**

Rep. Matthew S Houde for Commerce: The bill would have capped the interest rate on all small loans at 36%. At the time it was introduced, there had not yet been a vote on HB 267, which caps the interest rate on payday and title loans at 36%. Since that time, HB 267 has passed both the House and Senate (notwithstanding an amendment to the effective date) along with SB 472, which calls for a study commission to look at options for consumer credit, the impact of predatory lending practices and the potential for the development of new products to provide responsible consumer credit. In light of these developments, the committee recommends interim study. **Vote 18-0.**

HB 1214, establishing a committee to study adjustable rate mortgages. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce: No one appeared at the public hearing to advocate for this legislation. Federal agencies and our state banking department are both monitoring the mortgage industry. **Vote 18-0.**

HB 1237, establishing a committee to study liquor advertising. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce: The liquor commission is unique among state agencies, and the bidding process is unworkable in some cases when it comes to advertising. The purpose of the study committee is to determine if there is an appropriate method for the liquor commission to by-pass the bidding process as required by law for all state agencies. This by-pass would only be for the purpose of advertising. The amendment is to clarify that the study committee is only for the liquor commission. **Vote 19-0.**

HB 1244, relative to auditable basis policies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce: This bill clarifies when audits shall be conducted on those policies issued on a auditable basis and was requested by the NH Insurance Department. **Vote 15-0.**

HB 1245, relative to insurance department records, investigations, and enforcement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce: This bill is a request of the insurance department. It clarifies the documents and records required to be produced and the use of such documents and records during an insurance investigation. **Vote 18-0.**

HB 1246, relative to insurance policy denial provisions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce: This bill adds a definition of "insurance claims adjuster" and clarifies the exemptions from the law governing them. It also clarifies when the insurance commissioner may disapprove of forms filed by insurers. This bill is at the request of the NH insurance department. **Vote 16-0.**

HB 1249, relative to gasoline and diesel fuel prices. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce: On gas pumps, the price is usually posted with a fractional price, usually 9/10ths of a cent. Retailers would be required to round up to the next cent under HB 1249. Gas would therefore be more expensive, something no one on the committee wants to see. **Vote 14-0.**

HB 1274, relative to certain securities professional designations and securities administration. **OUGHT TO PASS.**

Rep. Matthew S Houde for Commerce: This bill, requested by the secretary of state's office, would do the following: (1) prohibit securities broker-dealers or investment advisers from using designations that imply that the broker-dealer or investment adviser has special certification or training in advising seniors unless such certification or training has been granted or provided by certain enumerated organizations; (2) allow the secretary of state's office to bar a person from licensure

(currently a person may only be barred via a consent agreement - as opposed to at a hearing as well); and (3) allow the secretary of state's office to send letters of censure, caution, or admonition as a result of audits, inspections, investigations or hearings. This bill not only provides additional tools for the secretary of state's office to protect seniors from potentially abusive securities practices but also clarifies for securities broker-dealers and investment advisers which certification is necessary in order to use such designations. **Vote 14-0.**

HB 1279, relative to the scope of certain insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce: This bill is at the request of the insurance department and clarifies the scope of certain insurance laws. It stipulates that fees for value added services by a producer must relate to the policy. The bill also addresses concerns about surplus lines not subject to regular laws but subject to the Consumer Protection Act. Specific regulations and consumer guarantee contracts do apply to the Consumer Protection Act since they are not under the insurance department. **Vote 16-0.**

HB 1292, relative to amending the charter of Dartmouth college. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S Houde for Commerce: This bill would have repealed SB 133, Chapter 161 which was adopted into law in 2003. That law allowed Dartmouth College to change its charter without obtaining the consent of the legislature (ie, after SB 133, Dartmouth was treated as other non-profit corporations in New Hampshire, which are subject to RSA 292:7). While Dartmouth has a unique history (a royal charter was granted in 1769, which was transferred to the legislature after the Revolutionary War, and required the approval of the legislature to amend until 2003), other non-profit corporations, such as the New Hampshire Historical Society, have gained the authority to amend their own charters through legislation similar to Chapter 161, 2003. The committee saw no compelling reason to revisit the judgment of the legislature in 2003, or set a precedent limiting the corporate authority of non-profits; therefore we decline the invitation to mediate an apparent internal dispute between alumni of the college and the college with respect to trustee composition. **Vote 14-1.**

HB 1356-FN, prohibiting the use of certain information to underwrite motor vehicle insurance coverage. **REFER FOR INTERIM STUDY.**

Rep. Matthew S Houde for Commerce: This bill would have made it an unfair insurance practice to ask for social security number, occupation, or level of educational attainment for use in the underwriting and rating process. An amendment offered by the sponsor would have limited the areas of inquiry to occupation and level of educational attainment. The committee received studies that arrived at different conclusions: one indicating the use of such factors has a potentially discriminatory result and another suggesting their use was justified. Few companies doing business in New Hampshire actually use the factors of occupation and educational attainment. Furthermore, the Department of Insurance reviews actuarial design to determine that their use is justified (i.e., that there is a correlation between those factors and loss ratio, and that they are not used exclusively). However, since there was evidence presented that a change in one of these factors - when all other factors are consistent - can result in significant rate disparities, the committee believes additional study is appropriate. **Vote 14-2.**

HB 1382, adopting the uniform prudent management of institutional funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce: The bill will allow institutional funds that are trusts to also be able to be unitrusts. A unitrust is also known as "total return" so the disbursement from the trust may also include the growth of principal rather than be simply dividends only. This is a Uniform Act so it is being considered in all states and is intended to be uniform throughout the country. The amendment added two sentences that were inadvertently not in the original bill relative to a fund held by a town or other municipality, and that the Attorney General must be notified if the fund is less than a million dollars. The amendment also changes the length of time that a fund could be changed from 20 years to 25 years. **Vote 15-0.**

HB 1384, relative to the regulation of designated agents by the New Hampshire real estate commission, and relative to the disclosure of certain property conditions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce: This bill is intended to provide an additional choice for consumers of real estate in general, and specifically does three things: allow the practice of Designated Agency in New Hampshire, as is the case in 32 other states; clarify and streamline the practice of facilitation in New Hampshire, which is currently called Non-Agency; and clarify the duty of licensees to disclose certain conditions affecting real property. This legislation has the endorsement of the New Hampshire Real Estate Commission and the New Hampshire Association of Realtors. **Vote 15-1.**

HB 1402-FN, relative to community health centers. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Commerce: This bill directs the board of the business finance authority to develop a mechanism to increase access to financial opportunities for such centers. It may include prioritization within pools of funding, loans, state loan guarantees and any other mechanisms to increase capital funding. **Vote 19-0.**

HB 1417, relative to banning the sale of low-efficiency light bulbs. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce: The sponsor asked the committee to ITL this bill because it is being taken up at the federal level. The committee agrees that it is more appropriate to regulate this issue nationally rather than on a state by state basis. **Vote 18-0.**

HB 1421, relative to an exemption from the indoor smoking act for certain restaurants. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce: This bill was proposed to create an exemption from the indoor smoking act for establishments selling cigars. The intent is covered in the 'cigar bar' bill, HB 1457 and is therefore not needed. **Vote 14-0.**

HB 1497-FN, requiring proof of motor vehicle liability insurance prior to selling a motor vehicle to a person under 21 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S Houde for Commerce: This bill would have made it a misdemeanor for any person (commercial or private) to sell or lease a motor vehicle to any person under 21 years of age without first receiving proof that the buyer possesses motor vehicle liability insurance. It stems from a unique, although admittedly unfortunate, circumstance. Specifically, an individual under the age of 21, without insurance, purchased a motorcycle and caused damage for which he was liable. Had the vehicle been of a four wheel variety, the parents' policy would have typically responded. And had the purchase been financed through a bank, bank policy (though not New Hampshire law) would have required collision insurance coverage. Finally, had the purchaser been under 18, proof of insurance would have been required at registration by law. None of these safeguards were triggered in this situation. However, since New Hampshire does not otherwise require insurance, the committee saw no reason to treat those aged 18 to 20 differently than the rest of the population with respect to requiring insurance coverage. **Vote 15-0.**

HB 1518-FN, relative to prescription drug marketing, restrictions, and disclosure. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce: This bill would require pharmaceutical companies to file an annual disclosure detailing any marketing to health care providers. The department of health and human services would be required to compile these reports and report to the legislature and attorney general annually. The department states this task would require a highly skilled individual with knowledge of pharmacy and/or health economics, and no such individual current exists at the department. Testimony at the public hearing indicated the doctors and community health centers use the free samples for trial use or to save lower-income patients the cost of the prescription. The literature and marketing by the pharmaceutical industry must be approved by the FDA.

Pharmaceutical representatives are forbidden to make claims not already approved, with penalties ranging from fines, criminal penalties and the possibility of being excluded from Medicaid and Medicare programs. **Vote 13-1.**

HB 1540-FN, relative to coverage for clinical trials under the children's health insurance program and the state Medicaid program. **REFER FOR INTERIM STUDY.**

Rep. Joel F Winters for Commerce: Under this bill, the SCHIP program and the state Medicaid program would be required to cover the cost of clinical cancer trials, which would offer hope to parents of children dying from cancer. Various existing laws are in conflict with this bill as drafted and there is also concern about the cost of implementing it. Everyone on the committee supported the motion of Interim Study out of respect for the former representative from Rochester, who was working on this legislation when he passed away. **Vote 18-0.**

HB 1557, relative to enforcement of modular building standards. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce: The content of this bill has been included in the amendment to another bill about modular building standards, HB 1459, and is therefore no longer needed. **Vote 17-0.**

HB 1558-FN, requiring disclosure of fees by automobile dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. James R Martin for Commerce: The committee felt that while disclosure of fees associated with the purchase of an automobile is to be encouraged, the bill as drafted does not accomplish this goal. As drafted the bill is both impractical and vague. The Consumer Protection Act already prohibits auto dealers from charging undisclosed fees. **Vote 17-1.**

HB 1566-FN, prohibiting automated teller machine skimming devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce: Making ATM skimmers illegal with this bill is not necessary. Existing law already prohibits the use of skimming devices or reencoders when used for fraudulent purposes. Despite the title of the bill, HB 1566 would only prohibit advertising of, not possession of, credit/debit card reencoders and scanning devices, which do have legitimate uses in the banking industry. **Vote 14-0.**

HB 1591-FN, relative to vehicles traded to automobile dealers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S Houde for Commerce: The bill was introduced in order to address the problem of delays in payment of liens when a vehicle that is subject to such lien is traded or sold in a retail transaction. The bill, as amended, requires payment be remitted to the lien holder within 21 days of the date of sale. The amended bill is supported by the NH Auto Dealers' Association as well as the NH department of justice, which indicated that nonpayment of outstanding debt on traded-in vehicles too often adversely affects consumer credit. **Vote 17-1.**

HB 1605-FN, making certain technical changes in the insurance laws. **REFER FOR INTERIM STUDY.**

Rep. Edward A Butler for Commerce: This bill is a technical bill requested by the insurance department. It will deal with the issue of how insurance companies and the NH insurance department treat a policy that insures an individual employed by a business whose main office is in another state but which issues a policy for an employee who works in a "bricks and mortar" office in NH. Furthermore, it relates to how mandates approved by the NH legislature must be dealt with when an employee resides in New Hampshire but works for a company outside of our state. There were several concerns registered by the insurance companies and not successfully resolved by the insurance department or the committee. It was felt, therefore, that interim study was needed.

Vote 12-0.

HB 1608-FN, requiring insurance coverage for colorectal screening for adults in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce: The sponsor asked the committee to ITL this bill because this screening is currently covered by all carriers in the state. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1130, relative to repealed DWI laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill, as amended, restates the legislative intent that offenses committed under the prior DWI and associated statutes continue to be offenses under the newly codified DWI statutes and shall count as prior offense. The committee believes that this is good legislative policy. **Vote 17-0.**

HB 1159, establishing a conditional early release bond. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: The intent of this bill was to establish a method for allowing certain individuals convicted on non-violent offenses and sentenced to incarceration to be released early by posting a bond with a private bonding agency which would take responsibility for monitoring the released offender. The committee heard testimony from the Director of Field Services from the Department of Corrections in opposition to the bill. A representative from the Attorney General's Office stated that the bill would gut the truth in sentencing laws. The committee was concerned that this bill might be a step toward privatization of the criminal justice system and might favor offenders who have more financial resources at the expense of indigent offenders. Recently passed legislation, which created a clemency board within the Department of Corrections, provides a mechanism for early release which avoids these drawbacks. **Vote 16-1.**

HB 1180, relative to the definitions of "law enforcement officer" and "judicial officer" under the capital murder law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill, as amended, places three categories of persons back under the umbrella of the capitol murder statute. All three groups were originally included, but because of actions of the Legislature, creating family court, criminal justice, or consumer protection investigation positions (formerly sworn as deputy sheriffs) and the change from deputy sheriff to bailiffs, or court security officers were removed. The committee also amended the bill to create a commission to study the death penalty in New Hampshire made up of 15 members consisting of criminal justice system, prosecution, police, defense attorneys, AG's office as well as legislators and five members of the public. Among the duties of the commission are to study whether there is a significant difference in the crimes of those selected for the punishment of death as opposed to those who receive life in prison and whether alternatives to the death penalty exist that would sufficiently ensure public safety and address other legitimate social and penalogical interest, including the interests of families of victims. **Vote 15-1.**

HB 1194, relative to theft of stones from stone walls. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: State law already makes theft of a stone wall a crime. Therefore, the committee determined that this bill is unnecessary. However, the committee further concluded that some stone walls and other objects of historical significance have value that cannot easily be determined. The committee believes that this is an area of concern and would mean separate study in future legislation. **Vote 19-0.**

HB 1233, relative to the privilege of habeas corpus. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: The purpose of this bill was to insure that the privilege of habeas corpus, which is a cornerstone of the Bill of Rights in both the U. S. Constitution, could be defended by the N.H. attorney general's office. The committee heard testimony that the bill could create a conflict of interest for the attorney general, who could be put in the position of filing a writ of habeas corpus on behalf of an individual in state custody and then prosecuting that same individual and also, that laws concerning habeas corpus were strictly constructed and strictly observed in New Hampshire. The committee received information indicating that if the N.H. attorney general were to intervene on behalf of an individual held in federal custody in New Hampshire, the intervention probably would not be successful because of issues of jurisdiction. The committee did not hear testimony about any documented violations of habeas corpus within the NH justice system and concluded that while such abuses may exist within the federal justice system, they must be addressed by other means. **Vote 18-1.**

HB 1234, relative to drug trafficking. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P Charron for Criminal Justice and Public Safety: This bill establishes an affirmative defense to prosecution for a possession offense if a person has a lawful prescription for a controlled drug. Again, it shall be an affirmative defense under this chapter that the person charged had a

lawful prescription for the controlled drug in question, or was, at the time charged, acting as an authorized agent for a person holding a lawful prescription. An authorized agent shall mean any person, including, but not limited to, a family member or caregiver who has the intent to deliver the controlled drug to the person for whom the drug was lawfully prescribed. **Vote 17-0.**

HB 1238, relative to "course of conduct" in the stalking statute. **REFER FOR INTERIM STUDY.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill was filed in response to an incident at the University of New Hampshire (UNH). A female student discovered that a male student that she considered a friend had doctored or altered a pornographic picture by superimposing her face onto the female figure and posted the picture on his "face book" internet site which can be accessed by other students. When campus police realized that they couldn't arrest the offender who lived one floor below in the dormitory, she claimed that she was in fear of this person. A civil restraining order was obtained and the offender was removed from the dormitory. An attorney who represented the victim supported the bill, which adds this type of activity to the stalking statute. The attorney general's office and the Commission on Sexual and Domestic Violence were concerned that if passed it would weaken the stalking statute. The committee had similar concerns and realized that the situation was resolved. Further, we could not define what level of fear was generated by the particular offense that would make such an offense criminal in nature. The stalking statute will be studied by the AG's office and interested parties during the summer. They have agreed to consider the circumstances described here. We consider the offense serious and decline to kill the bill, but instead prefer to send it to study so we can participate with the study of the stalking statute. **Vote 18-0.**

HB 1257, relative to license suspensions for persons driving a vehicle while possessing drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: The bill, as submitted, required an administrative license suspension (ALS) hearing for transporting a controlled drug in motor vehicle. ALS is designed to remove dangerous drivers from the highway quickly. The transportation of a controlled drug is already covered under a separate statute and is properly handled in a court during a trial and not in an administrative hearing. However, while the DWI statutes prohibits driving while under the influence of alcohol or a controlled drug, or a combination of alcohol and a controlled drug the ALS statutes cover only the operation under the influence of alcohol. The amendment brings the ALS statutes into conformity with the DWI statutes that have been in effect for a long time. **Vote 17-0.**

HB 1258, relative to vehicle impoundment following an arrest for DWI or refusing consent to a blood alcohol test. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill as originally introduced would have mandated the impoundment of a motor vehicle whenever the driver was arrested for DWI/aggravated DWI, or refusal of consent under the implied consent law. The bill required the law enforcement agency to impound, store and only release the vehicle if numerous conditions were met. This would have prevented a sober person who had been in the vehicle, or another person whom the driver requested to remove the vehicle (for example the driver's spouse) from doing so. The amended version allows the law enforcement officer to have the vehicle towed and provides that the towing company shall not release the vehicle until the person picking up the vehicle presents a valid drivers license and proof of lawful authority to operate the vehicle, is able to operate the vehicle in a safe manner, and meets any other condition for release established by the law enforcement agency. The bill further requires that the towing company shall send a notice to the owner of any such vehicle that has been held for more than 48 hours. **Vote 16-0.**

HB 1301, relative to the definition of service dogs. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill just puts a person with a seizure disorder diagnosed by a physician into RSA 167-D:1. Their disability cannot be seen and they sometimes have problems taking their dogs into restaurants or stores. **Vote 16-0.**

HB 1311, relative to impaired driver intervention programs. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill makes housekeeping changes to the intervention programs for aggravated DWI, bodily injury and second offense. The changes are

to ensure that the offender successfully completes the program, not merely completes or attends the program. Successful completion will now include meeting all further counseling requirements. Terminology is changed from “24 hour periods” to read “days,” so that when a program is successfully completed during the day the participant does not have to wait for the exact hour to leave. **Vote 15-0.**

HB 1317, relative to firearms proficiency requirements for armed security guards. **INEXPEDIENT TO LEGISLATE.**

Rep. Armand D Forest for Criminal Justice and Public Safety: This bill is identical to the existing law Title VII, Detective Agencies and Security Services Section 106-F: 8-a. The department of safety already requires armed security guards and armed private detectives to be licensed and be proficient with firearms and qualified under the above section. It would be redundant to pass a bill that is written exactly, word for word, the same as existing law. **Vote 16-0.**

HB 1379, relative to the authority of state agencies to prohibit state employees from lawfully carrying a firearm. **REFER FOR INTERIM STUDY.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill would preclude any state agency from prohibiting an employee of that agency from possessing a firearm on his or her person while on property owned or leased by the state. One department that attended the hearing was the department of transportation, which has such a policy. Employees aggrieved by that policy gave testimony as well. The assistant commissioner of safety testified that passage of such a bill would create a serious problem with the marine patrol, which as a matter of policy is an unarmed patrol in most instances. A meeting with the assistant commissioner of DOT revealed that there is a statewide policy in effect by the department of administrative services that governs all state owned vehicles and prohibits firearms in those vehicles. The committee wants to negotiate for reasonable exceptions to that policy and recommends Interim Study to accomplish this purpose. **Vote 17-0.**

HB 1410, relative to the age requirement for fighting brush and forest fires. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Everett A Weare for Criminal Justice and Public Safety: The original bill was to allow 16 and 17 year old youths to assist in putting out forest fires. Upon checking with the division of forestry, state fire marshal, fire academy and the labor department, it was found this was already allowed through labor laws and the procedures of the other state agencies. The amendment places the labor department rules and places them in chaptered laws. It makes it easier for any fire department, those that so desires, to participate in this program to have all rules in one place. **Vote 16-0.**

HB 1470, relative to vehicular pursuits by police officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George D Winchell for Criminal Justice and Public Safety: This bill, as amended, establishes certain procedures and requirements of vehicle pursuits by police. Everyone agrees that capture of a criminal is the objective of law enforcement. However, safety of the public and the officers outweigh the perils of pursuit that sometimes arise. This bill pretty much mirrors guidelines set by C.A.L.E.A. (Commission on Accreditation for Law Enforcement Agencies) making them uniform throughout the state. The amendment adds sheriff's department after state police as having statewide jurisdiction. **Vote 17-0.**

HB 1481, relative to identification of registered sex offenders on the state website. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill would require all sex offenders, including those convicted of misdemeanors, to be on the public list. The committee heard testimony from representatives from the defense attorney's association and the attorney general's office opposing this legislation. The bill attacks an issue which should be fine-tuned with a blunt instrument. The committee currently is considering a bill which brings N.H. sex offender registry laws into compliance with the federal Adam Walsh Act, setting up a process for determining who should and should not be on the registry. **Vote 17-0.**

HB 1559-FN, requiring home confinement for certain drug possession crimes. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: The bill required home confinement for certain drug possessions crimes. While well intended, it would have made a drastic change in the way minor drug offenses are handled. Where the most common punishment for minor drug possession has routinely been a small (\$100 or so) fine, this bill would have mandated home confinement, increased costs, loss of liberty and harsher penalties. **Vote 17-0.**

HB 1567-FN, permitting the possession of marijuana in certain quantities. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill would have allowed any person to possess .25 oz of marijuana for medical or recreational purposes and would exempt them from arrest. The committee felt that the appropriate bill to discuss the reduction in penalties would be HB 1623 and, therefore, found this bill Inexpedient to Legislate. **Vote 14-1.**

HB 1568-FN, relative to endangering the public water supply. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill as amended addresses a problem that has occurred several times throughout the state when a contaminated well that has been removed from the public water system by order of the department of environmental services is re-attached without proper treatment or corrective action, usually without public knowledge. The amendment simply changes the “state of mind” from “willfully” to knowingly.” This is the mensrea that is required. The bill increases the penalty from a misdemeanor to a class B felony for endangering the lives and safety of the public. The penalty rises from a \$10,000 fine up to \$100,000 (class B felony) for a corporation and from a misdemeanor for an individual to a class B felony.

Vote 15-0.

HB 1609-FN, relative to misrepresentation as an owner of a service dog. **REFER FOR INTERIM STUDY.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The committee feels this is a problem with people saying their dogs are service dogs when in fact they are not. It has become a problem for people who need service dogs in stores, etc. Interim Study will help us find a solution to this problem that will help the people who need these service dogs. **Vote 16-0.**

HB 1619-FN, requiring sex offender counseling for female inmates incarcerated in a state or county correctional facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P Charron for Criminal Justice and Public Safety: The intent of this bill is well intentioned and has provided an insight as to the importance of fair and equitable programming throughout the male and female incarcerated population. The committee was concerned with a couple of issues: 1. Legislating the commissioner of corrections to provide specific programming. 2. The bill also directed that the commissioner of corrections also provide sexual offender programming for female inmates in county correctional facilities. It should be noted that many programs such as this one have fallen to the wayside because of a lack of funding due to budget cuts over the years. As to the county involvement, as you see in the amendment, it was eliminated simply because the state would be funding the programming according to the bill. It needs to be noted that counties are responsible for their own programming and that the average stay of a county inmate would not be conducive to an intensive program. It is also important to note that counties hold pre-trial inmates and investing in such a program for them when they have not been found guilty would be inappropriate. Testimony provided to the committee by an official of the state department of corrections provided an update on this issue. The state has recently contracted with an outside agency to provide for this type of program and the female population is included. The committee felt that adequate time should be allowed to get the program activated, but as you will see in the amendment, a report will be provided time specific as to the progress of this program, specifically toward the female offenders. The report from the department of corrections is required in session law rather than statute. **Vote 18-0.**

EDUCATION

HB 1161, relative to the definition of truancy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill, as amended, establishes a study committee to bring our truancy statute into compliance with the required age of attendance. The committee realized there

are multiple issues in order to deal with the various age groups. The committee felt those views needed to be part of the report and designated them in the amendment. Any future legislation would reflect this combined effort. **Vote 14-0.**

HB 1164, relative to the counting of charter school pupils in the definition of average daily membership in residence. **REFER FOR INTERIM STUDY.**

Rep. Sharon M Carson for Education: This bill attempted to address two issues concerning charter schools. First, the bill required that pupils attending an approved charter school be included in the average daily membership in residence of the district in which they legally reside. Additionally, it would exclude charter school pupils for whom the state pays tuition directly to the charter school. The committee agreed that this was a complicated issue touching on many different aspects of charter school law and should be referred to the Charter School Oversight Committee. **Vote 13-1.**

HB 1282, amending the pre-engineering technology curriculum. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon M Carson for Education: This bill, as amended, expands the pre-engineering technology program for grades 6-12. It also requires the New Hampshire department of education to coordinate with regional vocational education centers in the operation of the program and curriculum. The committee believes that it is important to expand educational opportunities for all New Hampshire students. **Vote 14-0.**

HB 1304, authorizing Plymouth state university to award doctoral degrees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon M Carson for Education: This bill allows Plymouth State University to award a Doctorate of Education degree. The university system has approved and the committee agreed this was an appropriate action. **Vote 19-0.**

HB 1328, relative to disciplining school employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education: The committee deems this bill unnecessary and over-regulating. Individual districts have discipline policies built into their contracts. **Vote 18-0.**

HB 1390, relative to educational improvement and accountability. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M Carson for Education: The purpose of this bill was to establish a growth model-based accountability program and to create a revised state-wide standard of accountability. The bill, as presented to the committee, contained many unanswered questions, including costing measures. Implicit within the discussion are the federal requirements the state is obligated to implement under NCLB. The New Hampshire department of education needs additional time to address these issues, so they can obtain federal approval and clarify the concerns of the committee. Assessment will be the final issue addressed in the court-ordered process of defining, costing and funding an adequate education. **Vote 18-0.**

HB 1482-FN-L, requiring schools and school libraries to install Internet filters. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S Casey for Education: Because the prime sponsor had another bill covering similar content, she requested this bill be deemed inexpedient to legislate. **Vote 17-0.**

HB 1489, prohibiting the start of public school until after Labor Day. **REFER FOR INTERIM STUDY.**

Rep. Sharon M Carson for Education: This bill suggests prohibiting public schools from starting the school calendar year prior to Labor Day. We heard testimony that the New Hampshire tourism community loses business and workers with early start dates. Five states have uniform, statewide start dates and seven are considering such measures. The committee also heard testimony that districts can already do this if they so choose. To mandate this for the entire state interferes with local control and the committee determined that while the bill did have merit, these decisions should be left up to school districts and deserves to be studied further. **Vote 12-0.**

ELECTION LAW

HB 1131, relative to protection of poll workers' employment. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: This bill would permit an employee to sue his employer if he is fired for serving as a poll worker on election day. The committee commends the sponsor's intent of protecting a poll worker's employment. However, the bill is flawed because it does not require that the poll worker give notice of his intent to miss work on election day. Without notice, the employer would have no opportunity to plan for the poll worker's absence and would be "left in the lurch" and forced to operate its business on election day without a full staff. Because this bill presents an unintended risk of harm to employers, the committee voted against it. **Vote 14-1.**

HB 1170-FN, requiring that certain contributions be reported to the secretary of state before they may be used by a candidate. **INEXPEDIENT TO LEGISLATE.**

Rep. James R Splaine for Election Law: The intent of this legislation to provide greater transparency in campaign donating and expenditures, is good, but logistically cannot be achieved through the process created by the bill. **Vote 15-0.**

HB 1204, relative to the number of write-in votes required to receive a party's nomination. **OUGHT TO PASS.**

Rep. Eileen S Ehlers for Election Law: This bill increases the number of write-in votes to 35 required for a person to be nominated for office by a party. The committee agrees that 35 is a reasonable number of write-ins for a serious candidate for office and may discourage ballot fill-in names by those not intending to serve if elected. **Vote 15-0.**

HB 1218, relative to signs at polling places. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: This bill would limit polling place visibility workers to holding only one sign no larger than 3 feet by 2 feet. The bill's sponsor testified that he brought the bill to minimize the risk of physical injury to voters and the chance that large signs may intimidate voters. The solution to these problems – if they exist at all -- is not to restrict the right to freely express political opinion, but to restrict the proximity of the signs to the voters. Because this bill opts to suppress free speech instead of proposing a real solution that does not infringe a fundamental constitutional right, the committee voted unanimously against it. **Vote 15-0.**

HB 1227, clarifying when persons elected may assume certain offices. **OUGHT TO PASS.**

Rep. Richard B Drisko for Election Law: The intent of this bill is to clarify when a person elected to town office may take the oath and assume the office based on whether the office was contested and whether a recount or appeal occurs. **Vote 15-0.**

HB 1240, relative to disqualification of certain election officers and relative to arrangement of polling places. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F Weed for Election Law: The committee believes this "housekeeping" bill will solve most of the ambiguities faced by elected officials who serve simultaneously in the capacity of election officials while running for another office on the ballot. This bill clarifies that such election officials may carry out their election duties, but shall not handle marked ballots or be involved in vote counting. Since many election sites already use pens for marking the ballots, we needed to add pens with machine readable ink to the statute which referred only to lead pencils. **Vote 15-0.**

HB 1255, relative to declarations filed by candidates for office. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: This bill would make it a misdemeanor for an officeholder to not assume the duties of the office to which he is elected. The Committee voted unanimously against this bill for two reasons. First, the bill would unfairly penalize the officeholder who is not able to assume the duties of office for reasons outside his control. Second, the bill only penalizes the officeholder who won't "assume" the duties of office. Because an officeholder "assumes" the duties of office when he takes the oath of office, the bill fails its purpose of penalizing the officeholder who won't perform the duties of office. **Vote 14-0.**

HB 1271, relative to 2008 contribution reports by candidates. **INEXPEDIENT TO LEGISLATE.**

Rep. James R Splaine for Election Law: The purpose of this legislation was to require that all corporate contributions given to candidates or incumbents since the last election of November, 2006, would have to be reported in the next campaign donations filing, which is due in August of 2008. The House earlier passed HB 241, which would prohibit all such contributions except through the political action committee process, which would provide double-reporting by both the person receiving the contribution and the business organization making the donation. If that is to be done

it should be accomplished through concurrence with the Senate in HB 241, which is currently in that body, so as not to conflict with that legislation. **Vote 15-0.**

HB 1305-FN-L, relative to filing for election to town offices. **OUGHT TO PASS.**

Rep. Richard B Drisko for Election Law: This bill eliminates the one dollar filing fee for candidates for town office in towns which have adopted the non-partisan ballot system. The bill also eliminates the need for filing petitions for nominations in lieu of fee. The town clerks feel a great deal of needless paperwork will be removed from the process. **Vote 15-0.**

HB 1326, relative to access to voter information. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law: The primary issues addressed in this bill were taken care of in HB 1139. The only difference is that under HB 1139 parties and candidates may purchase the list. This bill would have allowed any person to purchase the list. The only lawful use of the list is for political purposes. **Vote 13-2.**

HB 1327, relative to domicile for purposes of voter eligibility. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B Drisko for Election Law: The intent of this bill was to clarify the definition of “domicile” for voter eligibility. The definition of “domicile” for this purpose is currently in statute RSA 654:12. Further, there is no definition of “permanent residency” as used in the proposed legislation. **Vote 15-0.**

HB 1362-FN, establishing a selection process for compulsory assistant election official service. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Election Law: The committee found that compelling municipalities to establish a pool of assistant election officials would potentially be very disruptive to the electoral process. We agree with testimony we heard about the need for interested and committed election officials instead of “draftees” who might have no training or interest. **Vote 15-0.**

ENVIRONMENT AND AGRICULTURE

HB 1143, relative to penalties for failure to provide outdoor dogs with necessary shelter. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F Powers for Environment and Agriculture: This bill as amended clarifies the existing law’s requirements to provide shelter for dogs by specifying that shelters and vehicles must allow for adequate air circulation to prevent heat exhaustion and outdoor shelters must allow the dog to remain clean and dry and must be structurally sound. It also gives any law enforcement officer the authority to take temporary custody of a domestic animal when there is probable cause to believe that it has been or is being abused. **Vote 16-0.**

HB 1332-L, relative to uniform solid waste reporting standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. David Knox for Environment and Agriculture: The bill as amended requires solid waste haulers to register with the state and report on their area of business, quantities pickup and points of disposal. This bill also clarifies issues regarding methods of assessing charges at local transfer stations. **Vote 18-0.**

HB 1348, relative to the milk producers emergency relief fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H Snow for Environment and Agriculture: This bill consolidates and makes technical corrections to the two emergency dairy relief bills passed by the legislature during the last session. One (HB 407, Chapter 374, 2007) was a short-term immediate appropriation and the second (SB 235, Chapter 381, 2007) was a long-range, dedicated fund program. Both addressed the cyclical nature of federally controlled producer prices in the dairy industry. This bill repeals the short-term program, which admirably served its purpose. The bill requires that the department of agriculture, markets and foods continue to monitor any farms that benefited from the bill to ensure that they live up their part of the bargain and continue producing milk. The bill, as introduced, was intended to move any monies not expended in the short-term bill into the fund established in the long-range program. The committee believed that would be viewed as contrary to the intent of the legislature in the original bill. The proposed amendment returns it to the general fund. The fund established in the long-range bill was amended to allow it to accept private money as well as appropriations, to allow additional

sources of funding. A number of other housekeeping changes were made to the long-range bill to clear up ambiguities or clarify the intent of the legislation. **Vote 16-0.**

HB 1458, relative to milk producers and hauling and stop charges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara A Sad for Environment and Agriculture: Imagine you are the manufacturer of a product. A customer buys your product and sends a truck to pick it up from your factory. Even though the ownership of the product transferred to the customer the minute he loaded it on the truck, a week later you get a bill for the shipping costs of the product from your factory to the customer's house, and he expects you to pay it. Sound crazy? Well, this is what is, and has been, the practice in the dairy industry. The farmers are billed for hauling their milk, milk that is no longer their property, to the processing plant. They are also charged a fee simply because the truck stopped at their farm. This bill is an attempt to put an end to this practice and thereby save the small New Hampshire farmers the \$1,500 to \$3,000 a month they are currently paying. In order to give this shift necessary weight in the industry, we need to have the support of neighboring states. Vermont and New York have similar bills in their legislatures at this time. The effective date of July 2009 will give these states the time necessary to join us in changing this practice. **Vote 16-0.**

HB 1522, relative to care standards for farm animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for Environment and Agriculture: This bill is a California bill that is being pushed, across the country, by the Humane Society of the U.S. Does one size fit all in New Hampshire? The Humane Society of the U.S. testimony is that this bill is aimed at factory farms. We have no factory farms in NH. The prime sponsor indicates that it is intended to legislate care standards for chickens, pigs and calves. Testimony during the "chicken bills" last year was that we have no caged birds in NH. A hog farmer has indicated that she does not use farrowing crates, but asked that we not take that option away from her, if for no other reason than for her safety. The NH farm bureau indicates that there are no commercial veal operations in NH. The wording on this bill does not limit care to just calves, pigs and chickens but refers to "farm animals." That would mean that barns with stanchions would not be allowed. Horses and cows would have to be housed so that they could stand up, lie down, and turn around without touching the sides of any enclosure they are in. That would be devastating to our NH dairy industry. Alvirne High School in Hudson has the last high school dairy farm in the state. This legislation may well put that farm out of business. It has not only educational value, but historical significance. If the Hudson school district chose to build a new stanchion free barn, would that be a 28A Issue? While the intention of the sponsors is admirable, the bill is not needed in NH and is in fact an anti-farm bill. **Vote 16-0.**

HB 1538, relative to mineral extraction, mining, and reclamation in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David E Essex for Environment and Agriculture: This bill was introduced at the request of the departments of environmental services and resources and economic development to update the state's 1979 mining law, RSA 12-E. The primary purpose was to add provisions for environmental oversight and permitting by DES, which did not exist as a department when the original law was enacted. DRED remains the lead permitting agency. Although there is currently only a single active permit in the state, issued for a mine in Acworth, the departments testified that as natural resources become more scarce the demand for mining could increase, so it is important to have up-to-date regulations in place. The amendment incorporates largely technical corrections suggested by DES and DRED while clarifying the mechanisms for coordinating the responsibilities of the two departments. Most significantly, it strengthens local control by requiring applicants to meet all local regulations, including site plan review, for both original permits and renewals. **Vote 17-0.**

HB 1635-FN, relative to permits for motor vehicle salvage facilities and motor vehicle crushers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. David Knox for Environment and Agriculture: This bill as amended requires the Department of Environmental Services to establish general permits for maintaining and operating a motor vehicle salvage facility and operating a motor vehicle crusher. No fee will be charged for this permit. All the stakeholders agreed that this bill which came out of a study commission would help regulate this business activity and improve the protection of the environment. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 544, relative to exemptions from auctioneering for Internet sales. **INEXPEDIENT TO LEGISLATE.**

Rep. Francis B Sullivan for Executive Departments and Administration: It is the feeling of the committee that this bill is incorporated in HB 1276, which has been recommended to form a study committee and as a result is unnecessary at this time. **Vote 15-0.**

HB 1126, relative to eligibility for the supervisory level certificate for commercial pesticides applicators. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I Millham for Executive Departments and Administration: This bill was submitted to limit the rulemaking authority of the Pesticide Control Board that would lead to reducing the eligibility requirements for a supervisory level certificate for people regarding commercial pesticides applicators. While the desire was about the applications of pesticides by landscapers, the scope of the Pesticide Control Board and its rules is much broader in scope and would include ALL pesticide applicators including those for homes, hospitals, and other entities. Therefore, the committee determined the bill inexpedient to legislate. **Vote 13-0.**

HB 1153, relative to physician assistants and physicians regulation by the board of medicine. **OUGHT TO PASS.**

Rep. Alida I Millham for Executive Departments and Administration: This bill updates several issues in the Physician and Surgeons Practice Act. The bill repeals the advisory committee of physician assistants because there is physician assistants' representation on the Board of Medicine. The bill clarifies the authority for examinations for the licensees covered under the RSA 329. Also, the name of the position of medical review administrator was changed to medical review investigator to reflect the actual function of the position. **Vote 16-0.**

HB 1276, relative to the regulation of auctions and auctioneers by the board of auctioneers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Francis B Sullivan for Executive Departments and Administration: The committee decided that because of the complexities involved in this bill, it would be best to recommend this subject for a chapter study formed for the express purpose of finding solutions that will best serve both the public and numerous people involved in the business of auctions and consignments. This bill is intended to protect consumers in the sale of items through auctioneers and/or agents who will profit from the sale. This would include sales on the internet. The attorney general's office took no position on the bill. Therefore, the committee felt that an in-depths study of these complicated issues is in order.

Vote 16-0.

HB 1278, relative to the purchase of computer services and supplies for state agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill requires the division of plant and property management to update its description of supplies to include computer hardware and software. Also included in this definition is appropriate maintenance. In addition, the language of the bill outlines a much needed process for the procurement of computer hardware and software. **Vote 15-0.**

HB 1288, allowing pharmacists to administer influenza vaccines. **OUGHT TO PASS.**

Rep. Catriona D Beck for Executive Departments and Administration: This bill, on passage, would provide more widespread access for the public at large to be able to receive annual flu vaccinations. Allowing licensed pharmacists, specifically trained in administering influenza vaccine, to administer influenza shots in a pharmacy location will present more opportunities for the people of New Hampshire to receive this preventative healthcare aid. **Vote 17-0.**

HB 1313, relative to voting by the chairman of the retirement system board of trustees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was submitted to correct an oversight that was created when an additional member was added to the New Hampshire Retirement Board of Trustees. At that time, the RSA was changed so that the chairman would only vote in case of a tie vote. This bill allows the chairman to vote in sub-committee when the chairman is assigned to that committee. **Vote 16-0.**

HB 1340, relative to the special account of the judicial retirement system. **OUGHT TO PASS.**

Rep. Don Petterson for Executive Departments and Administration: This bill was introduced to provide that funds remaining in the judicial retirement system's special account, which was abolished in 2007, shall be transferred to the state annuity accumulation fund. **Vote 15-0.**

HB 1374, establishing a division of homeland security and emergency management in the department of safety. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The bill, as amended, establishes the division of homeland security and management, renames the division of emergency services, communications, and management as the division of emergency services and communication and identifies members of the expanded advisory council on emergency preparedness and security. **Vote 12-1.**

HB 1394-FN, relative to procedures for approvals of nursing education programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Executive Departments and Administration: This bill clarifies language regarding the responsibilities of the board of nursing about nursing education and nursing assistant programs. The clarification in the requirements for these programs makes the legislative intent for rulemaking more clear. This proposal was the work product of a 2007 legislative study committee that met over last summer. **Vote 17-0.**

HB 1465, establishing a committee to study the feasibility of requiring state government to consider using open source software when acquiring new software. **INEXPEDIENT TO LEGISLATE.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill would establish a committee to study requiring the state to use open source software. The committee appreciated the information regarding open source and the advantages, and, perhaps, savings of open source. But the committee also thought that all software should be considered including open source, proprietary, and hybrids and the committee believed an additional legislative study, at this time, is not required. Presently, a performance audit of information technology is being conducted and that study will give direction regarding concerns and cost savings. **Vote 15-0.**

HB 1484, establishing a commission to study retail health clinics. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Catriona D Beck for Executive Departments and Administration: The public need for more access to affordable healthcare has enabled walk-in health clinics to open up for business in retail stores around the country. This issue should be studied sooner rather than later as it is just a matter of time before retail health clinics, also known as mini clinics, open up for business in retail stores such as chain drug stores in New Hampshire. The committee heard testimony that there are some 300 retail clinics in 25 states currently in operation nationwide offering to patients' mostly routine medical conditions and preventative care by nurse practitioners. In many cases, treatment cost is offered at a fixed rate. The premise of retail clinics is to offer a convenient, affordable healthcare choice to the public at large. This bill recognizes the rather urgent need to study how to best develop legislation on regulating retail walk in health clinics when they open soon for business in New Hampshire. **Vote 17-0.**

HB 1520-FN, allowing service in the Peace Corps to be purchased as creditable service in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill will give the ability to purchase not more than two years of Peace Corps service credit to any employee, teacher, permanent policeman, or permanent firefighter who completes at least 5 years of service and terminates his or her employment to enter directly into the Peace Corps. provided that he or she becomes employed within a year after the termination of Peace Corps, service and elects to make all payments of the total actuarial cost to the New Hampshire Retirement System within 5 years of time. Creditable service purchased shall not be used for eligibility of medical and surgical benefits as a retired employee. **Vote 16-0.**

HB 1533, relative to the office of the state treasurer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The treasurer, implementing recommendations of a performance audit, requested updating the statute relating to

the office of treasurer. Provisions are made in this bill for (1) electronic records and files, (2) allowing the deposit of public moneys in interest bearing accounts in “federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state” by the state, county, school districts, town and city treasurers, (3) recognizing that Motor Vehicle Laws for OHRV and snowmobiles are administered by the comptroller and not the treasurer, and (4) updating statutes on unclaimed and abandoned property. **Vote 15-0.**

HB 1548-FN, relative to benefits for state employees who serve with a national guard unit or army reserve unit in Iraq or Afghanistan. **REFER FOR INTERIM STUDY.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill would provide any state employee who is called to active duty as a member of the New Hampshire National Guard unit or army reserve unit in support of operations in Iraq or Afghanistan, to accrue vacation time and sick days during his or her time of active duty service in the same manner as if he or she was on the active payroll, and upon his or her return, would receive 15 days of paid leave at his or her state employee rate prior to reporting back to work. The committee believes that the bill requires additional information regarding the financial impact on the state. The committee also wants more information regarding all branches of service and all places of service. **Vote 15-1.**

HB 1585-FN, relative to regulation of fuel gas fitters by the state fire marshal. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C Day for Executive Departments and Administration: This bill would exempt plumbers from the necessary installation and safety training of fuel gas fittings. Extensive testimony described the very real need to require appropriate training in proper installation techniques. A secondary issue of the use of fees received was resolved as the fire marshal’s office already sends those excess monies to the general fund after deducting for expenses. **Vote 16-1.**

HB 1627, establishing a committee to study procedures and standards used by the state in public service contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. John Reagan for Executive Departments and Administration: The performance audit and oversight committee has been directed to perform an audit on the subject of state contract letting procedures. It would be a cross purpose to engage in a commission by the legislature while the auditors are also analyzing the same procedures. The auditors will advance many recommendations, encourage improvements, and change actions through the audit process and, when complete, will have recommendations for the legislature. **Vote 14-1.**

HB 1630-FN, establishing the position of administrator of contract services. **INEXPEDIENT TO LEGISLATE.**

Rep. John Reagan for Executive Departments and Administration: The majority of the committee does not support creating a new position in the department of administrative services of contracts administrator. The Performance Audit and Oversight Committee has concurrently ordered a performance audit of department of administrative services specific to contract letting procedures. There is little merit establishing a position that may or may not find merit by the performance auditors. **Vote 13-1.**

HB 1633-FN, relative to the regulation of licensed alcohol and drug use counselors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill, as amended, rewrites the RSA governing the licensure of licensed drug and alcohol counselors (LADC). The bulk of the work on this bill was accomplished in a study committee in the summer and fall of 2007. The goal of the committee was to further the level of professionalism of the individuals who do the important work of counseling people with drug and alcohol use disorders. HB 1633 establishes the scope of practice and licensing requirements for three levels of counselors: the masters level, the LADC and the recovery support worker. It tightens the requirements for membership on the LADC board, as well as grants the board the ability to create advisory committees, establish fees, and write rules. The continuing education requirements are specified for each level of provider. A grandfathering clause covers current providers. **Vote 15-0.**

FINANCE

HB 1366, establishing a committee to study implementation of a new statewide budget system. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Smith for Finance: This bill is a companion bill to HB 1367. HB 1367 was amended to include all the provisions of HB 1366. Therefore, with the unanimous consent of the Finance Committee, HB 1366 is moved as ITL. **Vote 20-0.**

HB 1367, establishing a committee to study implementation of a new state financial accounting system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter E Franklin for Finance: The amendment replaces the bill. The state is replacing its outdated budget and financial reporting system with the Enterprise Resource Planning (ERP) system. The purpose of this bill is to facilitate an efficient and effective conversion to ERP and to provide the authority necessary to effect that conversion and manage the system once it is in place. The governor is authorized to appoint an executive sponsor to manage the conversion to the ERP system and report monthly to the Fiscal Committee of the General Court on the progress being made. Upon the completion of the conversion, the continuing implementation of the ERP system will be the responsibility of the department of administrative services. **Vote 22-0.**

HB 1368-FN-A, establishing a financial benefit for returning New Hampshire national guard and army reserve unit members and make an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L Benn for Finance: This bill provides \$1,000 to NH residents who were activated from a NH national guard or army reserve unit to serve in Iraq or Afghanistan upon their return from active duty. The bill appropriates \$300,000 from the general fund for this purpose in FY 2009, however the fiscal note indicates that the total cost is indeterminate and would be \$2,900,000 if each NH guard member is deployed only once. Adjutant General Clark testified in opposition to the bill although the intent of the bill is laudable. He testified that 1011 bonuses of \$100 have already been paid under current law and that the bill is not tailored to the guard's need to keep soldiers in the guard. Likewise the State Veterans Council supports the noble proposal but testified as to the complexities of the issue and to the numerous problems with the bill as written. The committee does not support the bill because of its fiscal impact and its lack of resolution of the many issues raised in the testimony. **Vote 20-1.**

HB 1419-FN, relative to voting machine costs. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Smith for Finance: The intent of this bill was to have the state pay for the costs of counting ballots in state elections that are processed by voting machines. The state is currently required to pay for and provide ballots to all districts, and districts are encouraged to have the voting machines. However counting the ballots is the responsibility of the districts, be they hand or machine ballots. The districts own the voting machines. If they do not have machines, ballots are counted by hand. The committee believes that individual districts should still keep total responsibility for counting ballots and in the manner in which it is done currently. **Vote 21-0.**

HB 1485, relative to state reimbursement under the housing security guarantee program. **OUGHT TO PASS.**

Rep. Martha McLeod for Finance: This bill removes the words "at the end of each fiscal year" to enable the department of health and human services to request payment from the state treasurer at other times. There is no additional cost to the state. **Vote 20-0.**

FISH AND GAME

HB 1232, relative to the regulation by the fish and game department of baiting of game birds. **OUGHT TO PASS.**

Rep. James E Kennedy for Fish and Game: This bill was drafted as a need to specify and close a legal loophole. The baiting of game animals is not permitted unless otherwise authorized. But, a turkey is a bird and has no distinct designation distinguishing them in the eyes of a court. So this bill simply removes any doubt as to the illegal baiting of any game animal or bird by adding game birds to the statute. **Vote 11-0.**

HB 1468, relative to mosquito control policy for lands managed by the fish and game department. **OUGHT TO PASS.**

Rep. Dennis F Abbott for Fish and Game: This bill is one of three bills introduced during this session intended to deal with mosquito control. Each of the bills was heard by a separate committee and HB 1423 (larviciding) was ITL'd while HB 1338 (arboviral task force) was passed and referred to the Finance Committee. Our bill was introduced to specifically adopt a mosquito control policy for lands managed by the fish and game department and essentially places into law, with some modifications, a policy previously adopted by the department. The department, steward of our natural resources, has the difficult task of balancing its stewardship with the growing and real concern regarding Eastern Equine Encephalitis and West Nile Virus. Therefore it is most important that a mosquito control policy be established that is common to all state agencies with land management responsibilities and to this end a group of state agencies, legislators and citizens has been working for some time to establish a policy that will consolidate and coordinate the state agencies i.e. departments of health and human services, agriculture, environmental services and fish and game. That work has recently been completed and is presently being reviewed in the Senate and expected to be the bill to ultimately create a single policy for mosquito control in our state. S, while the committee voted overwhelmingly to pass this bill, it was with the understanding it is merely a vehicle to a more inclusive bill that will place the health of the public first and recognize the need to protect the state's natural resources from unnecessarily destructive mosquito control measures. **Vote 10-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1138, relative to on-line patient information. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill would require a patient's written consent before the patient's health information could be transmitted over the internet. It was prompted by questions about the security of this mode of transmission raised by the bill's sponsor. The committee was unable to find authoritative answers to these questions in the time available and, thus, recommends inexpedient to legislate. However, individuals agreed to make themselves better informed on these questions so that a knowledgeable judgment on the need for such legislation can be made. **Vote 20-0.**

HB 1389, requiring hospitals to report on criteria for placing patients on waiting lists for organ transplants. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L Batula for Health, Human Services and Elderly Affairs: The sponsors of this bill have good intentions to require hospitals to report on criteria for placing patients on waiting lists for organ transplants. Our understanding of the bill is that a person needing a liver transplant went to a Massachusetts hospital for a potential liver transplant and the result was that at least one hospital would only consider putting the person on a transplant wait list if the person had insurance coverage. The committee was unanimous in thinking the bill was premature for New Hampshire because only one hospital in New Hampshire performs organ transplants and that hospital (Dartmouth-Hitchcock Medical Center) does not require an individual to prove insurance coverage or ability to pay prior to putting the potential patient on an organ transplant wait list. The bill is not needed at his time. **Vote 17-0.**

HB 1422, establishing a commission on the prevention of childhood obesity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan H Schulze for Health, Human Services and Elderly Affairs: This bill as amended will establish a committee to look at the rising incidence of obesity in New Hampshire children. Obesity in our children has severe consequences. This generation may not live as long as their parents. Serious illnesses are being seen in children such as hypertension and diabetes type II. There is great interest from many organizations and individuals to study this phenomenon and a committee can be inclusive. A plan of action should be developed to combat the increase of obese children in New Hampshire. **Vote 17-0.**

HB 1423-L, establishing a commission on larviciding. **INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: The public health policy in this bill is also contained within a more comprehensive bill that was developed by the Arboviral Task Force and, having passed the House as policy, is now before the Finance Committee. The sponsor requested the ITL, therefore, as this bill is unnecessary. **Vote 15-0.**

HB 1447-FN, relative to Medicaid for employed adults with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: HB 350, Chapter 67 of 2001 established Medicaid for Employed Adults with Disabilities (MEAD) to “ensure the availability of long-term supports to workers with disabilities who are medically eligible for medicaid, enabling them to maximize their employment potential.” The program has been very successful, enabling over 1,000 individuals with disabilities to work without losing their medical insurance. This bill clarifies that should they need to leave the program, MEAD participants may retain and use savings they have accumulated under the program and still be eligible for medical assistance. This bill allows people with disabilities who are self-employed to participate in MEAD even if they earn less than minimum wage. It also provides that individuals who are eligible for home- and community-based care (HCBC) services may participate in MEAD. The amendment ensures that this will be available even to workers whose income is small. The department of health and human services advised the committee that this would allow about 100 additional individuals to participate in MEAD and that the net cost could be managed through the existing budget. In consultations with the federal centers for Medicare and Medicaid services, the department confirmed that the state has flexibility to implement these provisions. **Vote 19-0.**

HB 1492, relative to prescriptions under the controlled drug act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: The intent of this bill was to fix a problem in the pharmacy statute for certain pre-packaged controlled drugs that cannot presently be legally dispensed in the dose quantity physicians sometimes need to prescribe. The amendment removes the limit on the number of units that can be dispensed but retains the day’s supply limit. The board of pharmacy was in agreement with the language. **Vote 13-0.**

HB 1505-FN, establishing the New Hampshire birth conditions program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Trinka Russell for Health, Human Services and Elderly Affairs: This program is currently operating with federal funding under a HIPAA exemption. It collects individually identifiable patient information on many different birth defects. It currently collects this information without informing individuals or receiving a signed consent. This bill in its original version attempted to create a birth conditions program that would authorize birth defects surveillance, outreach and education, and would have also increased the role of the department of health and human services. The committee was concerned that individuals should have the opportunity to opt out of having their identifiable information collected by the program. The amendment states the program shall notify in writing each individual whose individually identifiable health information it proposes to include in the program and allows them the ability to opt out of the program at any time. This amendment removes the added state participation and, therefore, will not increase the need for department resources.

Vote 17-0.

HB 1513-FN, relative to an evidence-based prescription drug education program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill directs the commissioner of health and human services to initiate a planning process for an evidence-based information program to provide prescribers with information on the therapeutic efficacy and cost efficiency of medications. The commissioner may call upon other organizations for advice and will be able to apply for planning grants. The amendment specifies the Medicaid medical director’s participation rather than the director of the office of business and policy. Since work with collaborating groups in surrounding states has already begun, the committee believes no significant department resources are required. **Vote 16-1.**

HB 1582-FN, relative to eligibility decisions under the Temporary Assistance to Needy Families (TANF) program. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: The prime sponsor recommended this bill be voted Inexpedient to Legislate. The sponsor became aware that to implement this would cost the department \$50,000, and that the department can take steps to tide a

family over in these situations. The sponsor was also assured that training of social workers will be done to make sure they are aware of these steps that can be taken to help minimize the impact upon families. **Vote 17-0.**

HB 1615-FN-A, relative to the rural health and primary care program administered by the department of health and human services and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joy K Tilton for Health, Human Services and Elderly Affairs: There is a primary healthcare shortage in the rural and underserved areas of New Hampshire. This bill, as amended, provides strategies to support development of programs by DHHS and the university system of New Hampshire to increase the availability of health services including primary, oral, behavioral health and addiction care where those services are most needed. The bill directs the commissioner to establish the state office of rural health (SORH) within the department of health and human services. Though not currently in statute, SORH is located in the division of public health. Because SORH currently operates, this bill would not increase department resource needs. SORH serves as a valuable networking, health information, and help link between state and federal services and rural communities. It receives funding through bundled grants shared with three other health offices within the division of public health. In addition, a commission would be established to research and recommend various methods proven successful in other states to explore the merits of mentoring secondary school students interested in the sciences and encourage interested students in furthering their education the field of health studies. It will also consider offering incentives such as scholarships and state loan repayments to recruit and retain health care providers in the rural /underserved communities of New Hampshire. **Vote 16-0.**

HB 1634, establishing the New Hampshire council on autism spectrum disorders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: Last year, HB 396, Chapter 171 established a commission on autism spectrum disorders to make recommendations on the care, treatment and quality of life of children and adults with ASD and their families. Addressing the complex, multi-system challenge of ASD will require ongoing collaboration among the medical, educational, and human services systems, with parents and individuals with ASD. The commission, therefore, recommended establishment of a council on autism spectrum disorders to provide leadership for that collaboration. The amendment requires the council to report annually to the governor and the legislature. **Vote 18-0.**

JUDICIARY

HB 1176, relative to jury duty. **REFER FOR INTERIM STUDY.**

Rep. Gary B Richardson for Judiciary: A majority of the committee felt that this bill warrants further consideration, but should not be adopted at this time. The committee would like additional input from the administrative office of the courts relating to the costs and logistics of maintaining master jury lists on a county by county basis. **Vote 11-4.**

HB 1179, including certain nonprofit organizations under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy McV Weber for Judiciary: This bill expands the right-to-know law to cover a narrow range of tax-exempt 501(c)(3) organizations. Tax exempt organizations that are wholly controlled by a governmental entity as, for example, an assisted-living facility organized as a 501(c)(3) corporation, but wholly controlled by the county commissioners, will now be subject to the same right-to-know requirements as government entities. No other 501(c)(3) organizations would be affected **Vote 18-0.**

HB 1183, relative to meeting with legal counsel under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for Judiciary: Currently, meetings with legal counsel are a specific exception--they are not "meetings" under the right-to-know law. This bill would require governmental boards and other entities to give notice prior to meeting with legal counsel, stating the specific purpose for the discussion and limiting discussion to that topic. The majority believes that situations occur regularly in which it would disadvantage the board to have to reveal the subject of discussions with

counsel, particularly in contract negotiations, acquisitions and sensitive personnel matters. In addition, the requirement for separately noticed meetings for each subject would increase legal fees unnecessarily. **Vote 17-2.**

HB 1252, limiting civil liability of liquified petroleum gas providers under certain circumstances. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: Current law already provides safeguards for suppliers who did not have reason to foresee misuse of their products. Providing immunity for private vendors is not in the public interest and would establish poor precedent. **Vote 15-0.**

HB 1270, relative to limiting rights of reversion in real property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for Judiciary: This bill limits creation of future rights of reversion except for interests held by charitable institutions and requires the holders of existing rights to file declarations of renewal in order to keep the right in existence. This is needed because these rights continue forever. Clearing title to a property with a right of reversion created over a generation ago and long since forgotten is confusing, burdensome and contrary to truth, justice and the American way. **Vote 17-0.**

HB 1272, relative to "meetings" under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for Judiciary: This bill would impose even stricter requirements on governmental entities prior to meeting with counsel than would HB 1183. Meetings with counsel would be included as meetings subject to the right-to-know requirements, but could be held in non-public sessions. In addition to all the concerns expressed with regard to HB 1183, this would also require the keeping of minutes and the eventual disclosure of minutes in a way that would make the attorney-client relationship less effective. **Vote 18-0.**

HB 1333, relative to post-foreclosure eviction actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen C Mooney for Judiciary: This bill clarifies the law with regard to termination of tenancy and notice to quit. The bill defines "purchaser at a mortgage foreclosure sale" and adds it to RSA 540:0, I and II to make the law consistent. **Vote 16-2.**

HB 1361-FN, requiring the continuation of the appointment of marital masters by election within the judicial district and requiring marital masters to be New Hampshire residents. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: This bill would require marital masters to be elected after their initial appointed term. The bill apparently was prompted by dissatisfaction with one marital master in one case. The committee unanimously felt that the election of marital masters would be a mistake. There are adequate safeguards to protect litigants from decisions that they view as unfair. Marital masters are already subject to annual performance reviews and reappointment after 3 years by the judicial branch. **Vote 18-0.**

HB 1408-L, relative to the right-to-know law. **OUGHT TO PASS.**

Rep. Lucy McV Weber for Judiciary: This bill, which carries a number of issues with respect to the right-to-know law, is the culmination of years of work by many legislators, commission members and members of the public. It contains aspects of HB 377 from 2007 which was passed by this House but was not enacted into law. First, the bill preserves the definition that the convening of a quorum of members of a public body, or a majority of the members if that is less than a quorum, either in person or by electronic communication, constitutes a meeting. It continues the exception for chance or social meetings if no decisions are made. A section is added to make it clear that sequential communications, such as by phone or email, may not be used to circumvent this definition. The bill states that public bodies may deliberate only in public meetings held pursuant to the provisions of the right-to-know law, but stops short of prohibiting all communications outside meetings. Second, a section is added to allow the circulation of draft documents which serve only to formalize decisions previously made in a public meeting. Third, the bill sets out rules under which a public body may, but is not required to, permit one or more members to participate in meetings electronically. Such participation would be allowed only in cases when attendance is not reasonably practical. The reason for non-attendance must be stated in the minutes. Except in an emergency, a quorum must be physically present at the public location. All members of the public body must be able to hear and

speak to each other simultaneously, and the public must be able to hear all communications among the members of the public body, including those not physically present. Fourth, the bill sets out requirements similar to those already in place for paper records for the maintenance and availability of records in electronic form. **Vote 13-2.**

HB 1415, relative to civil unions and marriages between parties of the same sex contracted outside of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for Judiciary: The sponsor does not wish to move forward with this bill at this time **Vote 16-1.**

HB 1488, establishing a committee to study the feasibility of establishing pro se law libraries. **OUGHT TO PASS.**

Rep. Stephen J Shurtleff for Judiciary: The committee received testimony that pro se litigation is on the rise in N.H. courts. The establishment of pro se law libraries would lessen the demands on court personnel to answer procedural and quasi-legal questions. It was pointed out that the administrative office of the courts is currently looking into the possibility of providing dedicated monies through the pro hac vice funds, the fees charged to out-of-state counsel, to fund such libraries. The passage of this bill was supported by the librarian of the N.H. Law Library. **Vote 12-3.**

HB 1494, relative to the office of register of probate. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul L Hackel for Judiciary: The necessity for this bill was contingent upon the adoption of CACR 9. Since CACR 9 was defeated, HB 1494 is now unnecessary. The sponsor of the bill requested ITL. **Vote 19-0.**

HB 1624-FN, relative to a one day/one trial jury duty pilot program. **REFER FOR INTERIM STUDY.**

Rep. Lucy McV Weber for Judiciary: This bill would establish a pilot program in Rockingham county in which jurors would serve only for one day or one jury trial. The purpose of the bill is to reduce the economic burden on those called for jury duty. The testimony before the committee was that this change to the jury pool system would have very different implications for less populous counties with less assigned judge time than for more populous counties. The fiscal note stated the bill would increase state expenditures by \$59,062 in FY 2009, and \$87,333 in FY 2010 and following years. Interim study will allow a full exploration of how to most efficiently achieve the laudable goals of the bill. **Vote 12-2.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1156, relative to workers' compensation insurance premium calculations for certain corporation officers or limited liability company members. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin C Bishop for Labor, Industrial and Rehabilitative Services: This bill was submitted due to the discrepancy in HB 471, Chapter 323 passed in 2007. HB 692, Chapter 1 that was passed early on in this session corrected this problem. **Vote 15-0.**

HB 1210, establishing a commission to study whistleblower protection for public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary L Daniels for Labor, Industrial and Rehabilitative Services: The committee unanimously voted this bill inexpedient to legislate after it was determined that the intent of the sponsor could be fulfilled without further legislation. Any public employee who suspects illegal activity by another public employee may report this by calling the attorney general's office, criminal division and asking for an investigator. **Vote 15-0.**

HB 1242, relative to the prohibition on employee consumption of beverage or liquor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: This bill clarifies the difference between an employee and independent contractor in liquor enforcement laws by referring to RSA 275:4 in labor laws for definition. **Vote 15-0.**

HB 1342, relative to travel pay for certain employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason M Bedrick for Labor, Industrial and Rehabilitative Services: The sponsors of this bill withdrew their support after discovering that one of the major unintended consequences of

mandating an increase in travel compensation would be a reduction of home health care services, especially to Medicaid patients in rural areas where an increase in travel costs would be prohibitive. **Vote 15-0.**

HB 1344, relative to negotiations between public employers and employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin C Bishop for Labor, Industrial and Rehabilitative Services: This bill creates an additional financial obligation in the negotiation process to all governmental units. Neither side of the issue could show whether there is a problem or not, other than coming to terms on their agreement. **Vote 14-0.**

HB 1364-FN, relative to public employee collective bargaining negotiations under the public employee labor relations act. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: The majority of the committee understands the need for contract resolution, and that this issue has been discussed for some time, but feels this bill still needs more work. **Vote 10-4.**

HB 1515-FN, prohibiting "at will" employment and creating a database of employee terminations. **INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The sponsor of this bill did not appear to introduce this legislation. All but one party spoke in opposition to this bill and the sole supporter did not convince the committee that the current "at will" employment practice currently in New Hampshire law was broken and in need of repair. **Vote 14-0.**

HB 1597-FN, relative to workers' compensation compliance. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Labor, Industrial and Rehabilitative Services: This bill was presented as a "fix" for HB 692. The subcommittee identified many questions and concerns about unintended consequences. The bill would allow any person (not limited to owners or officers of a company) engaged in on-site work to opt for private insurance coverage rather than workers' compensation. This could open the door to the possibility of inadequate coverage under private insurance for injury-related loss of work, rehabilitative therapy, etc., which are covered by workers' compensation. It could also shrink the size of the current workers' compensation pool, increasing rates even more. Private insurance companies could potentially deny claims that they deem should have been covered by workers' compensation. Given the amount of work needed on the bill and the time constraints involved, the subcommittee conferred with the sponsor of Senate legislation, SB 501, and it was agreed that the issues would be better addressed during hearings on the Senate bill. **Vote 13-1.**

HB 1607-FN, relative to compensation and annual leave for firefighters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: This bill is enabling legislation that allows a state employee who is a certified volunteer wildland firefighter, with authorization from the employee's supervisor, be granted a leave of absence with pay to participate in wildland fire and non-wildland fire emergencies as received and dispatched through the department of resources and economic development (DRED). Upon the employee's return, the division of forest and lands shall bill the agency that requested the help for all reimbursable costs incurred, pursuant to the terms of agreement with the northeastern interstate forest fire protection compact and/or the U.S. federal government, and provide reimbursement to the department which sent the employee. **Vote 11-3.**

LEGISLATIVE ADMINISTRATION

HB 1371, extending certain studies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lee M Hammond for Legislative Administration: The committee firmly endorses the ongoing studies which are encompassed in this bill. **Vote 10-0.**

HB 1392-FN, relative to prohibited activities of lobbyists. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth S Hager for Legislative Administration: The committee believes that our laws already address the problem outlined by the sponsor. The committee has been looking at the lobbyist laws for the last several years. **Vote 10-0.**

HB 1416, establishing a committee to study methods and procedures for making the general court paperless. **INEXPEDIENT TO LEGISLATE.**

Rep. Sarah A Hutz for Legislative Administration: The committee lauds the sponsor's intent to modernize the General Court for the purposes of ease and transparency. However, we believe the changes to be studied in this bill could be addressed in a more timely fashion before the Rules and Facilities Committees. **Vote 10-0.**

HB 1433, relative to the terms general court of New Hampshire and state of New Hampshire in legislation. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael S Rollo for Legislative Administration: While the committee appreciates the sponsor's intentions in HB 1433, we find the reasoning behind the bill flawed. The sponsor would have us believe that because the framers of the NH Constitution refer to The State of New Hampshire in part 2 Article 1, that the state should always have its name spelled out in statute. However, in numerous sections of the Constitution, the State of NH is referred to as just plainly the state. Are we to believe that the framers of the NH Constitution got it wrong? The same applies to the term General Court. In one section of the constitution the House and Senate are referenced as the General Court, in other Sections, just plainly as the legislature. The committee does not believe it prudent to change our statutes to reflect this change, when the framers themselves did not recognize consistency. **Vote 10-0.**

HB 1464, relative to the availability of proposed amendments to bills and resolutions. **REFER FOR INTERIM STUDY.**

Rep. John P Gleason for Legislative Administration: The committee wishes to applaud the intent of the sponsor of this bill. The issue of public transparency with regard to amendments is laudable. The committee however, does not feel that enough time is available to give serious consideration to this subject. An interim study will allow for proper attention to this serious subject. **Vote 10-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 445-FN-L, relative to the assessment of open space land. **REFER FOR INTERIM STUDY.**

Rep. Betsey L Patten for Municipal and County Government: There is a need for committee members to understand the process of current use and how current use land is assessed since we are one of two committees in the House, the other being Environment and Agriculture, that deal with both issues – current use and assessing. The committee feels that education regarding the current use process will be beneficial to our committee members. **Vote 15-1.**

HB 1144, allowing veterans discharged under honorable conditions to be eligible for the veterans' property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: The committee heard testimony from the state council on veteran's affairs and from individuals who supported and opposed the bill on policy or anecdotal grounds. It also reviewed materials from the uniform code of military justice (UCMJ). It was the conclusion of the committee that the distinctions which exist were made for significant cause and that "honorably discharged" should remain the basis for a veterans eligibility for a property tax credit. It was also pointed out that a discharge may be upgraded through appeal. **Vote 15-0.**

HB 1147, relative to statements of financial condition by counties. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G Stohl for Municipal and County Government: The sponsors of this legislation presented testimony that there was confusion in their county as to the reporting date of the MS-42, which is the report of county appropriations, and the timeline that the county commissioners had to report out the financial condition of the county for the preceding year. RSA 24:21 mandates that the county commissioners shall deliver or mail to each member of the county convention, the chairperson of the board of selectmen in each town and the mayor of each city within the county and to the secretary of state prior to the fifteenth of February annually, a statement of the condition of the county treasury depicting expenditures and income for the preceding December 31, or if the county is on an optional fiscal year basis pursuant to RSA 31:94-a, prior to the fifteenth day of August. The committee feels that giving the county commissioners a month and a half to report their income and expenditures as of the previous year is more than sufficient. By allowing them to go to March 1st, as the bill seeks to

do, would allow a very short period of time for the members of the county delegation to have sub-committee meetings and then deliberate the budget prior to the end of March. **Vote 15-0.**

HB 1149, relative to the operation and maintenance of the Gunstock Area in Gilford.

INEXPEDIENT TO LEGISLATE.

Rep. Larry Brown for Municipal and County Government: The committee agreed with the sponsor that the Gunstock Area, like the New Hampshire park system itself, could benefit from more resources and income in support of its recreational purposes and potential. The committee was also mindful of the community tensions created when local property tax paying businesses in a college town have had to compete for the same customers against entities housed on campus at a tax supported discount. Absent an amendment to define and set limits on the phrase "and other purposes in support of recreational activities" the committee recommends the bill be found Inexpedient to Legislate **Vote 15-0.**

HB 1157, relative to requirements for approval of village plan alternative subdivisions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary R Cooney for Municipal and County Government: The village plan alternative subdivision was created in order to give municipalities another way of creating a permanent open space by concentrating housing units on 20% or less of a piece of land. The open space land can be owned by the original owner or sold to another party. It can only be used for farming, forest management or conservation uses. Public recreational use of the land is possible with the approval of the owners in the village plan subdivision. This bill clarifies the nature of the easement. It should be granted to the municipality as a condition of the village plan, not as a part of the negotiation with the planning board. The easement shall specify that the municipality can enforce restrictions contained in the easement. **Vote 13-2.**

HB 1163, relative to town or district bonds or notes. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: This bill would have modified charters of certain municipalities to change the majority vote required on bond and note issues to 3/5 from 2/3. This change would have affected those charters which are mute on the majority required for the issuance of bonds and notes. Current law specifies that when the charter does not list the super majority required that the requirement be 2/3. This provision of a 2/3 vote is clearly referenced in existing law and would have been known to voters as they adopted charters. Charters may be amended by voters to accommodate a lower super majority requirement and the committee believes that a municipal vote is the preferable method to modify a charter. **Vote 12-1.**

HB 1196, relative to the procedure for amending municipal charters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: Currently in order to propose a charter amendment, a written petition signed by voters equal in number to 20% of the number of votes cast at the last regular municipal election must be submitted to the municipal officers. After submission of the petition, if the municipal clerk deems that the signatures are valid and sufficient, the amendment will be placed on the municipal ballot. Subsequently the amendment is submitted to the secretary of state, attorney general and department of revenue administration for consistency with existing state law and approval. If they do not approve the amendment, the petitioner's extensive work of gathering signatures becomes invalid. The amendment for this bill changes the time for the process and review so that the state officials will either approve or disapprove prior to the petitioners gathering the required number of signatures which will lessen everyone's frustration. **Vote 15-0.**

HB 1205-FN-L, relative to the recall of selectmen. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This bill has the potential to encourage acrimonious and divisive complaints of uncertain merit, to discourage that voluntary service which is the basis of much local government, and divert time and resources and attention from the tasks selectmen or selectwomen face. It was the unanimous opinion of the committee that the existing grounds of removal for misfeasance, nonfeasance or malfeasance are sufficient to protect both the office holder and the public and need not be expanded by dilution of a just cause standard. **Vote 15-0.**

HB 1216, establishing a committee to study archiving of county attorney records. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark A Pearson for Municipal and County Government: The majority of the committee felt that this bill is duplicative of RSA 33-A:4-a which established a Municipal Records Board. **Vote 14-2.**

HB 1221, relative to the rights and powers of cemetery trustees. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: The sponsor notes the bill as drafted did not give to cemetery trustees explicit standing as abutters under RSA 231:150 to protect certain trees set out in a public highway right-of-way, agrees that it is otherwise unnecessary, and supports the committee in recommending Inexpedient to Legislate. **Vote 13-0.**

HB 1226, allowing the town of Bristol to establish a capital reserve fund for use of the water works and sewer department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G Stohl for Municipal and County Government: This bill, as amended, allows the town of Bristol to establish a capital reserve fund from the surplus from water and sewer rentals. It restricts any other type of appropriation by the town of Bristol. This bill is enabling in a sense because it shall be exercised only by majority vote of the legal voters present and voting at an annual or special meeting. **Vote 15-1.**

HB 1247, relative to revolving accounts for public, educational, and governmental access to cable. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: The bill is succinct and it is permissive. It is an effective use of electronic technologies. It improves access to information both general and municipal and helps thereby to ensure an informed and participating electorate. **Vote 15-0.**

HB 1248, allowing a designated selectman to sign town payrolls. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A Srnec for Municipal and County Government: This bill would relieve a majority of the board of selectmen from signing off on the town payroll, and designate only one selectman to sign. If a person runs for the job of selectmen, the person should be prepared to do what is required. The payroll and town bills have to be paid whether the board meets weekly, biweekly or monthly. The committee voted to leave the required vote as a majority of the board. **Vote 15-1.**

HB 1254, relative to the ability of towns to regulate the storage and use of deicing chemicals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: The bill as amended allows municipalities to adopt by-laws to regulate the storage of de-icing chemicals and to train their use in the field using data sets and formats provided by DES without requiring regulation of applicator practice. **Vote 14-0.**

HB 1259, authorizing communities to establish municipal housing commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary R Cooney for Municipal and County Government: This bill allows municipalities to set up a housing commission for the purpose of promotion and development of a diverse supply of housing to meet the needs of the community. It allows for the creation of a revaluing fund in order to facilitate the use of gifts of real and personal property for the purposes of the commission. Real property cannot be purchased or sold without the approval of the governing body. The commission may purchase interest in real property only after a public hearing. **Vote 13-0.**

HB 1260-L, relative to growth management ordinances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: It was the opinion of the committee that the bill, as amended, does several positive things. It is permissive. As such it leaves it to each municipality to decide to adopt a growth management ordinance. This is a help to those who opt in and it does no harm to those who opt out. Adoption must be by the vote of the local legislative body, and based on competent evidence, adopted to the particular details of the town's capital improvement program (C.I.P). It must also be reviewed at least annually, require reasonable progress and change with circumstances. **Vote 12-1.**

HB 1267, allowing municipalities to adopt a non-wartime veterans' property tax credit.

INEXPEDIENT TO LEGISLATE.

Rep. Bennett F Moore for Municipal and County Government: No testimony was received in favor of the bill and no testimony was received as to the potential cost shifting in towns and cities which may adopt the provisions of this bill. All current veteran credits now allowed by RSA apply only to service in named conflicts. This bill would remove that service requirement. Testimony received on a similar bill (HB 674-2007) estimated that additional tax credits of up to 18 million could occur.

Vote 14-0.

HB 1283-L, relative to temporary deferrals of property tax based on income. **REFER FOR INTERIM STUDY.**

Rep. Eric G Stohl for Municipal and County Government: This bill seeks to establish an option for temporary deferral of local property taxes based on income. The committee actually heard three different bills that dealt with some form of property tax relief. The first bill, HB 1339, established an optional mortgage loan payment program for payment of property taxes for the elderly. This bill had good intentions but was very complicated and the house voted ITL. The other two bills, HB 1556 and this bill, were similar in many ways. The committee set up a sub-committee to try and merge the strong points of each bill into an amendment. Two sub-committee meetings and many one-on-one discussions later, it was determined that more time was needed. The committee elected to go forward for more study with this bill and recommend HB 1556 for ITL. **Vote 15-0.**

HB 1307, making technical corrections to town audit and reporting requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: This bill is a housekeeping request by the department of revenue administration regarding municipal audits, deleting the commissioner of revenue administration's ability to conduct county audits, allowing the tax collector to return the warrant for correction if a ½ of one percent discrepancy occurs between the warrant and tax commitment, makes the timeframes for the county budget consistent with RSA 21-J:34 and requires the town treasurer to send a copy of the treasurer's annual report to the department. The amendment clarifies all those points. **Vote 15-0.**

HB 1329, relative to the authority of elected municipal authorities in dealing with municipal utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G Stohl for Municipal and County Government: This bill expands the duties and powers of the board of commissioners of a municipality in dealing with municipal utilities. The bill seeks to give powers and duties that are presently reserved for the governing body of the municipality to this board of commissioners. These powers and duties are not explicitly limited. Existing law allows a municipality to vest the construction, management, control, and direction of electric, gas, or water works systems to a board of commissioners that consist of 3 or more citizens of the municipality. Present law also states that the commissioners shall have such powers and duties as the municipality may prescribe. The committee feels there exists sufficient ability for a smooth transition of the powers and duties, if the municipality wishes to do so, with respect to dealing with municipal utilities. **Vote 15-0.**

HB 1331, relative to the duties and authority of the town budget committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: Current law in RSA 32:16, II states that governing bodies have a duty to provide pertinent data to the budget committee. This bill would require that the data be furnished in any format that the budget committee may require. The committee believes that providing this additional power to the budget committee could be costly and inefficient. As budget committee members change over time these formats could also change, thereby placing added administrative cost on the municipality. **Vote 15-0.**

HB 1409, creating a right of first refusal for a municipality in which certain utility property or stock is proposed to be sold by a utility. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: This bill would have placed on all water utilities in the state a requirement that a right of first refusal be given to municipalities where those utilities operate. The right of first refusal would be effective if any such utility was offered for

sale to a third party. The right would allow the municipality to match any third party offer to purchase the local water utility and would mandate that time be allowed to the municipality to consummate the purchase. The committee believes that the existence of such a right would diminish the value of these utilities and could lead to litigation against the state. There is also a question that such a bill could violate the federal constitution on laws governing interstate commerce **Vote 17-0.** **HB 1413**, relative to elimination of sign-off requirements for payroll manifests. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the unanimous opinion of the committee that the need for clarity and probity in accounting for and documenting the expenditure of public funds outweighs convenience. Public confidence and trust in all aspects of local government depends on checks and balances appropriate to the task and selectmen accept the tasks of the office with the oath of office. **Vote 15-0.**

HB 1424, relative to notice of meetings of county conventions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Laliberte for Municipal and County Government: This bill authorizes a designee of the clerk of the county convention to mail notices of further meetings to members of the convention. This bill solves the problem of what to do if the clerk is unable to perform his/her duty. **Vote 15-1.**

HB 1444-FN-L, relative to vacancies in county offices. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F Moore for Municipal and County Government: The law addressing vacancies in certain county offices was amended in 2003. That change allowed the county delegation to fill vacancies. Formerly, the superior court had done so. This bill would have mandated special elections to fill those vacancies. The committee believes that current law is effective. The appointments are made by the elected delegation at a cost that is much less than holding special primaries and elections. **Vote 15-0.**

HB 1449-FN-L, allowing county commissioners to be interim administrators of the county nursing home. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G Stohl for Municipal and County Government: This bill provides that during an interim when a county nursing home is without a licensed administrator, the county commissioners may operate and administer the facility for 90 days or until a licensed administrator is employed. It further required the commissioners to consult with the director of nursing of the county nursing home for all matters concerning care for the residents. It was determined through testimony and research, that there would be a significant loss of Medicaid funding to the county during this interim period. There exist within the Medicaid reimbursement procedures many requirements that the counties and the state need to meet in order for payment to be received. The requirement to have a licensed and registered nursing home administrator is one of those requirements. **Vote 15-0.**

HB 1486, enabling municipalities to establish term limits for elected officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: The committee based its decision on the constitutional problem of disenfranchisement, and the pragmatic consideration that many towns have difficulty filling vacancies and many candidates run unopposed. **Vote 14-0.**

HB 1541, relative to service in the Vietnam Conflict for purposes of qualification for the veterans' property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L Osborne for Municipal and County Government: The committee felt that the requirements of earning the Vietnam Service Medal or the Armed Forces Expeditionary Medal for service in the Vietnam Conflict should not be removed. Removal would substantially expand the veterans property tax credit and repeal the requirement relative to service in the Vietnam Conflict. **Vote 13-1.**

HB 1556-FN-A, establishing a property tax relief program. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: This bill would have established a state funded property tax relief program to help those citizens who are in danger of losing their homes because of the inability to pay their property taxes. Knowing that state funds are not available this year, it is the opinion of the committee to include the information and ideas contained in this bill into the study committee we are recommending for HB 1283, which is also a property tax

relief or deferral program funded at the local level. In order to create a new program that helps our needy citizens and also protects the municipalities, the committee is ready to spend the time necessary to address these concepts. **Vote 14-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1145, designating the Senator Otto Oleson Scenic Overlook in Jefferson. **OUGHT TO PASS.**

Rep. David B Campbell for Public Works and Highways: The Honorable Otto Oleson was a native of Jefferson and served twelve terms in the General Court, both as a Representative and Senator. He represented his home district of Berlin and the entire North Country with passion, integrity and distinction. A Naval Veteran of World War II, he loved the outdoors and was a long time proponent of N. H. Fish and Game. It is a fitting tribute to Senator Oleson that the scenic overlook in Jefferson bears his name. **Vote 17-0.**

HB 1181, naming the Manchester district courthouse the Armand Capistran district courthouse. **OUGHT TO PASS.**

Rep. Patrick T Long for Public Works and Highways: The committee heard testimony of the exemplary way in which Judge Armand Capistran administered the Manchester District Court for twenty-five years. Armand Capistran was tough, but very fair in adjudicating in his court, stated one witness. The Manchester Board of Mayor and Alderman unanimously supported HB 1181.

Vote 17-0.

HB 1377, relative to state highway rest areas and welcome centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred C Lerandeau for Public Works and Highways: This bill as amended asks both the department of resources and department of transportation to make recommendations as to the most efficient practices and operations of state rest areas and welcome centers. The end result of this bill is to have the department of resources responsible for the construction, maintenance and staffing of said state areas. **Vote 14-0.**

HB 1443, establishing a commission to study relocating the state library and establishing an executive office building. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: The committee heard testimony of the need for a long term master plan for not only the state library building, but for the entire state house complex, including the state house, the L.O.B., the annex, the state owned Laconia Savings Bank building site and the Upham Walker House; and their space and parking needs. It was felt that a master plan of this scope, which may require some funding, would best be addressed in the 2009 capital budget process. **Vote 16-0.**

HB 1493, relative to the commission to study the state highway trust fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R Cloutier for Public Works and Highways: This bill, as amended, would extend the reporting date of the legislative study commission on the Highway Trust Fund to December 1, 2008. The commission first created by law in 2007 by House Bill 103, Chapter 207, recommended its extension because it did not have enough time to finish its work by its statutory end date of November 1, 2007. The amendment would specifically list the membership of the new study commission. It would consist of three House members – including one member each from the Public Works and Highways, Finance, as well as Ways and Means Committees. Also, three Senate members – one each from the Transportation and Interstate Cooperation, Finance, as well as Ways and Means Committees. The original commission also recognized the need for members from budget and revenue committees. **Vote 14-0.**

HB 1521-L, relative to Franklin Highway in the town of Andover. **OUGHT TO PASS.**

Rep. John R Cloutier for Public Works and Highways: This bill would reclassify the Class I portion of the Franklin Highway, a section of State Route 11 in the Town of Andover, as a Class VI Highway within 60 days after completion of reconstruction work to that portion of the highway by the New Hampshire department of transportation. During the public hearing, testimony was received from both the department of transportation and Town of Andover in support of the bill. **Vote 16-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1349, relative to membership on the council on resources and development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: This housekeeping bill allows a member of the council on resources and development to appoint a designee to serve on the council when the agency commissioner or director is unable to serve. **Vote 17-0.**

HB 1353, relative to local control of water resources. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marcia G Moody for Resources, Recreation and Development: This bill originally allowed municipalities to veto large groundwater permits issued by the state. The committee and sponsor worked hard with the department of environmental services (DES) and the attorney general's office to explore ways to provide for more local control of a municipality's water resources. No workable solution was found. The groundwater commission formed by Chapter 305 (2005) has been working for 3 ½ years on the full panoply of groundwater policy issues, and are willing to undertake this task as well, if extended for two more years. The amendment will also call for the commission to study public benefit criteria for permitting withdrawals, the design of a statewide monitoring plan to ensure long-term sustainability of water resources, and implementation of an educational effort to inform municipalities of the tools they already have for influencing the granting of large groundwater withdrawal permits. **Vote 14-0.**

HB 1579-FN, relative to setback requirements from wetlands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Spang for Resources, Recreation and Development: The original HB 1579 would have established a state wetland setback of 75 feet for all septic systems and structures. The hearing revealed that there are several complex issues that must be resolved before enacting such a regulation. These include the definition of "structures," possible differing setbacks for different types of wetlands and how to enact regulations that the department of environmental services (DES) has the resources to enforce. DES proposed that the study should include a broader analysis of the impact of land development on water resources and habitats. The study will include an examination of the relationship of existing federal and local regulations with proposed state regulations. Potential obstacles, such as agency capacity and legal, fiscal and technical problems will be addressed. Finally, the commission, through its specified duties and its membership, will provide recommendations that balance environmental protection with appropriate residential and non-residential development. **Vote 14-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1268, establishing a commission to study creating incentives for electricity conservation and efficiency by consumers. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Borden for Science, Technology and Energy: The very important work of this commission will be accomplished by other entities including the Governor's Climate Change Policy Task Force. **Vote 13-0.**

HB 1405-FN, regulating outdoor wood-fired boilers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William V Chase for Science, Technology and Energy: This bill acknowledges the efforts the EPA has made in bringing together the manufacturers of outdoor wood fired boilers to establish a new standard for air emissions. Based upon improved technology, the EPA plans an improved air emissions standard within two years. This bill places in statute these standards for outdoor wood fired boilers to be sold in New Hampshire in the future. This bill also reinforces the authority of municipalities to respond to concerns of individuals who have complaints about neighbor's outdoor wood fired boilers. **Vote 13-0.**

HB 1561, establishing an energy conservation and efficiency board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene F Andersen for Science, Technology and Energy: This legislation creates a comprehensive board to develop and coordinate all state energy efficiency programs for all fuels. The board will ensure the state maximizes efficiency programs and encourages municipal, business, residential and community action agencies to achieve desired goals. **Vote 14-0.**

HB 1632, relative to continuing the commission to study the production and distribution of biodiesel in New Hampshire. **OUGHT TO PASS.**

Rep. James M Garrity for Science, Technology and Energy: This bill simply extends the life of the biodeisel study commission until December of 2008. The commission did excellent work this past summer and fall, but still has productive work left to do. **Vote 10-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS,

CACR 25, relating to state participation in federal programs. Providing that the state shall not participate in unfunded and partially funded federally mandated programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: The committee felt that it would be impossible for the state to pick and choose which federal programs to participate in. The highway system, FEMA, National Guard, FAA, clean water, clean air are some of the federally required programs for which the state is required to provide matching funds. Each program is important to the overall safety and welfare of the citizens of New Hampshire. These programs would have to be funded 100% by state funds if this CACR were adopted. **Vote 14-0**

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: This is a commission that needs to be established. It is just the right thing to do for our service members that go into harms way. Unless we know the extent of the damage and the long term impact of traumatic brain injuries we cannot develop a plan to address the problem. We have a state need to deal with service members suffering from PTSD without placing a stigma on them. We need to develop plans to overcome the effects of PTSD, allowing service members to be highly productive society members. **Vote 13-0.**

HCR 14, urging Congress to establish the Homeowners and Bank Protection Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: The committee felt that the President, Congress and the banking industry are currently working together in hope of developing a bi-partisan solution to the current mortgage crisis. The president of the New Hampshire Banker's Association opposed the resolution because the people would have the ability to claim bankruptcy, not pay their mortgage, allowing the possibility that debt would never be recovered. This would be don't pay me today but we will collect all monies owed sooner or later. The committee did agree that there are some issues that homeowners and mortgage companies should be held accountable for. **Vote 14-0.**

HR 23, declaring a supra-national government such as a North American union unconstitutional. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: The committee believes that this was an over reaction to bits and pieces of information some of which is inaccurate. This is more about fear. The committee felt that there was no intent by the federal or any state governments to surrender United State sovereignty to any foreign government. Many supporters of this resolution have the belief that the North American union would be a slow-motion coup d'etat stripping away America's independence. The real issue is international trade, not the surrendering of U.S. sovereignty. **Vote 12-0.**

TRANSPORTATION

HB 1129, relative to special number plates for municipal police department vehicles. **OUGHT TO PASS.**

Rep. Peter F Bergin for Transportation: This bill requires special number plates for municipal police departments, as the state police and the New Hampshire sheriffs have now. This bill was supported by the law enforcement communities and makes this law enforcement plate to be recognized by passing motorists. The department of safety did not reject this matter. **Vote 11-0.**

HB 1141, establishing a committee to study parking for wheelchair-lift vans. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation: There are many concerns regarding parking needs of vans transporting disabled citizens. The drivers' license manual must be updated to conform with work already completed by the governor's commission on disability. Testimony was received relating to complaints on lack of accessibility of parking spaces and the abuse thereof, including the size of access aisles for cars or vans and the lack of adequate disabled parking even here at the State House.

Vote 11-0.

HB 1162, relative to supervised driving time by persons completing driver education.

INEXPEDIENT TO LEGISLATE.

Rep. Michael B O'Brien for Transportation: This bill was incorporated into HB 1496 because they both require new drivers under 18 years to be supervised by a licensed parent/guardian or other licensed adult driver for 40 hours, which must include 10 hours of night driving. The Committee agrees new drivers and their parents must be cognizant of the gravity of driving privileges and believes these provisions will better prepare them. **Vote 11-2.**

HB 1203, relative to bicycles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation: This bill requires automobile drivers to exercise reasonable and prudent responsibility for bicyclists. The bill requires a distance of 1 foot for every 10 miles per hour between the vehicle and a bicyclist. It also requires reflective outerwear at night, allows the bicyclist to pass a stopped vehicle on the right, and identifies bicyclist safety behaviors. The DOT will add bicycle safety measures of rumble strips, drain grates, and eliminate safety hazards as they refurbish various roads during normal maintenance. **Vote 11-3.**

HB 1235, relative to motorist duties when approaching highway emergencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A Packard for Transportation: This bill clarifies what emergency vehicles will be given a wide berth when passing such a vehicle. Any stationary vehicle displaying blue, red, or amber lights shall be included. **Vote 14-0.**

HB 1236, relative to motor vehicle laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W Williams for Transportation: This bill makes a variety of changes in the motor vehicle laws. These changes are being made to bring the current law up to date and to clarify some sections. It clarifies the meaning of the term "commercial motor vehicle," the driver license expiration renewal procedures and removes the 2 term limit for new motor vehicle arbitration board members. This amendment added a new section to the bill. It would amend RSA 266:61-a in order to allow a four year waiver for tinted car windows in the case where a licensed physician documents a lasting medical necessity. The amendment has the support of the department of safety. **Vote 14-0.**

HB 1318, relative to temporary plates issued by motor vehicle dealers. **OUGHT TO PASS.**

Rep. Sherman A Packard for Transportation: This bill allows a motor vehicle dealer to issue a second set of 20 day plates when they have not received the title of a motor vehicle from a lien holder that they have sold. **Vote 14-0.**

HB 1343, prohibiting the placing on file or masking of convictions incurred by holders of commercial driver licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W Williams for Transportation: This bill is one of the very important bills we will vote upon during this session. It is also a rather simple bill providing a solution to a small problem here in NH. However, if we do not pass this bill, the state of New Hampshire would lose 4 million dollars, its share of the federal gas tax from the federal Department of Transportation. The 4 million dollars from the gas tax is for highway construction and reconstruction, and other highway related programs and projects in New Hampshire. To continue to receive the current Federal Gas Tax return to NH which we are already receiving, this new section must be added to RSA 262.42. This bill adds section 262:42a and thus New Hampshire will meet the new requirements (rules) that every State must meet to continue receiving these federal gas tax funds. **Vote 13-0.**

HB 1358-FN, relative to custom vehicles. **REFER FOR INTERIM STUDY.**

Rep. Sherman A Packard for Transportation: This bill is asking for a new classification for custom vehicles. Time did not allow the committee to work out all the problems surrounding this bill. Interim study will afford us this time. **Vote 14-0.**

HB 1466, relative to the inventory fund in the department of safety and relative to the costs and production of number plates. **OUGHT TO PASS.**

Rep. John W Flanders for Transportation: The bill establishes a fund to pay for the estimated cost of number plate issuance and replacement. The initial amount is \$1 mil, which will be non-lapsing and continually appropriated to the department. The Commissioner of Safety will make a biennial report to the Governor, the Speaker of the House, and the President of the Senate as to expenditures and year ending balances. This fund purchases raw material for the state to manufacture new license plates and replace those that have lost their reflectiveness. **Vote 13-0.**

HB 1570-FN, relative to one-day temporary plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation: This bill was incorporated into HB 1345 at the request of the sponsor and will establish a commission to study vehicle dealer licenses, rather than address a request to issue a one-day temporary license plate. **Vote 14-0.**

HB 1610-FN, relative to motor carriers. **OUGHT TO PASS.**

Rep. Peter F Bergin for Transportation: This bill establishes roadside inspection procedures for motor carriers. In addition, it establishes a misdemeanor if an operator fails to stop or allow inspection. **Vote 13-0.**

HCR 10, urging communities to conduct handicap parking awareness days. **OUGHT TO PASS.**

Rep. Howard N Cunningham for Transportation: The committee voted to support urging communities to conduct handicapped parking awareness days. Community participation remains voluntary. **Vote 14-0.**

WAYS AND MEANS

HB 1308-FN-A, relative to the business profits tax deduction for reasonable compensation. **REFER FOR INTERIM STUDY.**

Rep. Michael G Marsh for Ways and Means: This bill would define for the purposes of calculating the business profits tax what is reasonable compensation for personal services by owners of sole proprietorships, partnerships, and limited liability companies. The language of the bill was developed through a process of consultation between the department of revenue administration and the NH Certified Public Accountants Association, and was based on federal tax laws and court rulings. The committee had concerns about some of the terms in the bill relating to how federal laws would be applied, the extent of record keeping required to claim compensation, the maximum salary that could be claimed without furnishing documentation, why corporate salary compensation standards were being applied to non-corporate entities, and other issues. In the course of hearings, it became clear that not all interested parties who had a stake in the legislation had been involved in the process. The committee believed the issue needs additional work, asked the stakeholders to continue to work towards legislation, and recommends unanimously that HB 1308 go to interim study. **Vote 17-0.**

HB 1334-FN, increasing the fee for a tobacco products retailer's license, establishing a tobacco use prevention and cessation program fund, and designating the increase to such fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Ways and Means: This bill would have increased the fee for a retailer's license to sell tobacco products from \$10 to \$100 per establishment. This tenfold increase would only generate \$152,460 which would then be used to create a dedicated fund for tobacco use prevention and cessation. The committee does not look favorably upon the creation of more dedicated funds, even if for noble purposes. Any tobacco cessation program should be included in the general fund where it would have to compete in the marketplace of other noble programs. Certainly this or any future governor could argue that such a program is warranted, especially since New Hampshire receives approximately \$45 million each year from the tobacco settlement agreement. This 900 percent increase in a retailers licensing fee is not the answer. It would hit small stores, many of which claim to be negatively impacted already by increased cigarette taxes, especially hard. A number of other fees regarding tobacco products (from manufacturing licenses to vending machine licenses) were not touched by this bill, thus adding to the inherent unfairness. **Vote 17-0.**

HB 1512-FN-L, relative to disposition of motor vehicle fines. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: This bill proposes that a \$10.00 fee be added to motor vehicle fines. This fee would then be rebated to the municipality in which the offense occurred. The department of safety opposed the bill as the first step down a slippery slope to police department dependence on the revenue from traffic tickets for their budgets, creating "the appearance of impropriety." The committee unanimously concurred with the department of safety. **Vote 15-0. HB 1574-FN-A**, increasing the beer tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: This bill proposed increasing the beer tax to 35 cents per gallon. In the spirit of raising no new taxes, the majority of the committee deemed this proposal inexpedient to legislate. Moreover, this tax increase to 35 cents per gallon was enacted in the early 1990's and promptly repealed, as it had a negative impact on cross border sales in an extremely competitive retail industry. In the current economic environment, a return to a 35 cents per gallon tax is likely to backfire and reduce revenues. **Vote 14-1.**

HB 1603-FN-A, establishing a penalty for payment of a state obligation with an invalid form of payment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gilman C Shattuck for Ways and Means: This bill as amended modifies existing law to include all forms of payment received by state departments when such payments are uncollectible. In the past, payments to the state were in the form of checks, drafts and money orders as well as cash. Now the state additionally receives other forms of payments such as credit and debit cards and electronic transfers. The bill as amended uses simple language to include all forms of payment. Section one has been amended to mirror a piece of a much broader bill HB 1535 before the ED&A committee introduced at the request of the state treasurer. HB 1603 was introduced at the request of the department of safety. Sections two and three contain language requested by safety. **Vote 16-0.**

HB 1620-FN-A-L, adding a fee to motor vehicle fines for use by law enforcement agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: This bill proposed that a \$5.00 administrative fee be added to each fine or penalty imposed by the court for a violation. The fine would then be disbursed to the issuing agency. The department of safety stated that this bill could initiate the first step down a slippery slope to the point where police departments became dependent on the revenue from traffic tickets for their budgets. At the very least, it would create the appearance of impropriety. The department concluded, "The purpose of issuing traffic tickets should be to change driving behavior, and not tied to revenue." The committee concurred with this assessment. **Vote 15-0.**

WEDNESDAY, MARCH 5

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SPECIAL ORDER

CACR 23, relating to parental rights. Providing that the State shall not abridge the right of parents to control the welfare and education of their children. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Stuart Gile for the **Majority** of Children and Family Law: This amendment presents a classic case of good intentions with unintended consequences. The committee heard similar testimony from the Attorney General's office and a variety of children's advocates. This amendment would make the parents' determinations supreme in all matters relating to children. This would mean that all laws that protect children and all laws that weigh what is in the best interests of children will, at a minimum, be un-amendable and most likely be unenforceable. Furthermore it would create conflicting constitutional interests when there is a disagreement between parents, be they married or not. As the Attorney General's representative stated, this would take us to a place we have never been. **Vote 12-4.**

Rep. Daniel C Itse for the **Minority** of Children and Family Law: The minority of the committee believes that the balance of parental rights implicit in Part 1, Article 2 of the Constitution of the State of New Hampshire and the duty of the state to protect children has been skewed in the favor of the state. The people testifying in the public hearing have expressed a definite will to have this issue put before them. Therefore, the rights of the people would be best served by improving the language of the amendment and moving it to Article 2.

COMMERCE

HB 1178, relative to the definition of beverage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward A Butler for the **Majority** of Commerce: This bill would allow the liquor commission to raise the alcohol content of flavored malt beverages from 6 to 8 per cent. Flavored malt beverages (FMB's) are a relatively new type of alcoholic beverage made from a malt beer base to which flavors containing distilled alcohol are added. The end result is a beverage with an alcohol content similar to that of most beers – 4 to 6% by volume – but with a different flavor. Flavored malt beverages are generally those alcoholic sweet drinks sold in beverage stores, convenience and grocery markets. The minority notes that this bill proposes only a 2% increase in alcohol content. The majority of the committee however listened to the opposition and testimony of a coalition of health care and advocacy organizations -- including The Medical Society, The NH Public Health Association, The Legislative Caucus for Young Children, The NH Task Force on Women and Recovery, New Futures and The Office of Alcohol and Drug Policy at the NH Health and Human Services Department -- who asserted that these beverages are especially attractive to youth and that increasing the alcohol content would complicate the problem of underage drinking. The majority determined that the protection of our youth is better achieved by keeping the alcohol content as it is. **Vote 11-6.**

Rep. John B Hunt for the **Minority** of Commerce: This bill has nothing to do with underage drinking. No one under the age of 21 is allowed to purchase or consume any alcohol beverage. The reason that this legislation is before us is because the wine cooler market is in decline and is being replaced by products such as Mike's Hard Lemonade. Wine coolers could have an alcohol content as high as 24% and be sold only in convenience stores. Very few states have any restriction on the alcohol content, but they also do not have state liquor stores that do not sell beverages such as beer. The minority feels that to single out one type of alcohol product and ban its availability in the state is an unfair prohibition. The minority is also very concerned about underage drinking but a prohibition of a few high priced flavored malt beverages will not have any effect on lowering alcohol abuse by New Hampshire youth. Young people are more interested in high alcohol that can be only purchased in state liquor stores or in the lowest price beer available only in non-state liquor stores. There was no evidence or study presented to the committee to demonstrate the propensity of underage drinkers to consume flavored malt beverages other than that it is believed that young people like sweet drinks in general. Finally, there are no studies on underage abuse of flavored malt beverages because young people are barely aware of their existence.

HB 1195, relative to health care provider reimbursement for services to patients without health insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S Houde for Commerce: This bill was introduced to address the disparities between rates charged to different patient groups (principally between insured patients who are charged carriers' negotiated rates and uninsured patients who are often charged a higher, undiscounted rate). However, requiring all health care providers to accept as payment in full (from uninsured patients) an amount equivalent to, or less than, the amount received on average from patients covered by health maintenance organizations, as HB 1195 would do, could have significant unintended consequences. Specifically, non-emergency health care providers could respond by refusing to accept uninsured patients. Also, individual patients might choose to go without insurance or only maintain coverage for catastrophic injury or illness if they knew they could avoid paying any premium for insurance and still only be required to pay a fixed amount for services. Additionally, while medicine is regulated in many ways, HB 1195 would be a substantial restriction on trade of health care providers - a restriction we would not contemplate in other arenas. Finally,

the committee notes that a task force to expand access to affordable health insurance has been established and believes a more narrowly tailored approach can be crafted in that venue. **Vote 13-4. HB 1197**, relative to liquor advertising. **OUGHT TO PASS.**

Rep. Edward A Butler for Commerce: This bill will allow bars to advertise Happy Hours to the public more broadly than previously allowed. Current law restricts bars to letting their customers know about Happy Hour specials only within the four walls of their establishment. This bill will allow all establishments that sell alcoholic beverages to advertise Happy Hour specials in any way they choose, within the limits of other existing law. The committee saw no reason to continue to prevent such businesses the opportunity to advertise in a manner that they choose. **Vote 14-4.**

HB 1230, requiring pharmacists to charge an insured person the usual and customary price or the copayment, whichever is less, of filling a prescription. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Commerce: A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge an enrollee or insured person the pharmacy's usual and customary price of filling the prescription or the contracted co-payment, whichever is less. Everyone at the hearing spoke in favor of the bill and most of the large chains already follow this policy. A software change would allow all pharmacies to charge the lower of the two charges. **Vote 16-2.**

HB 1296, relative to health insurance coverage in the event of divorce or legal separation. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: This bill attempts to repeal post-divorce spousal group coverage passed by the legislature in 2007 Chapters. The legislation which we passed affords continued group health coverage to spouses in a critical period in their lives. The perceived incidental tax consequences are outweighed by the stability afforded by the continued health coverage. **Vote 12-6.**

HB 1337, relative to private actions under the consumer protection act. **REFER FOR INTERIM STUDY.**

Rep. John B Hunt for Commerce: This bill is relative to our state's consumer protection act and ensuring that it treats everyone in New Hampshire fairly. The content of the bill to be studied raises some interesting issues and this is why the majority voted to send the bill to study. The study would review whether the type of deceptive conduct covered in the consumer protection act must directly or indirectly cause a real loss of money or property before someone may recover damages. In other words, should New Hampshire have a law on the books that does not require someone to demonstrate that they have actually lost money or had damages before they are eligible to recover the same? Significantly, our state supreme court has said that our consumer protection act "does not require a showing of actual damages for the claimant to be awarded the statutory minimum and attorney's fees." This is the issue that the committee wants to review. **Vote 10-9.**

HB 1457, allowing smoking in smoking bars. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce: This bill includes the designation of cigar bill in the types of businesses and organizations that are exempt from the smoking ban. A cigar bar will be a business that derives at least 60% of its income from the sale of cigars or cigar-related products. It will allow such a business to have a liquor license, which under current NH law also requires the sale of food. Employees in such an establishment will be required to sign a form which acknowledges that they understand the dangers of secondhand smoke and choose to work in the cigar bar. Furthermore a person under the age of 18 is prohibited entry. **Vote 9-6.**

HB 1530, relative to access to mental health practitioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce: This bill regarding mental health practitioners would adopt "any willing provider" status for all levels of practitioners in the mental health field. Currently insurance companies require professionals to be "credentialed" prior to being admitted to their panels. The NH department of insurance currently regulates by rule that an ample number of practitioners in a geographic area must be available, and the health carrier shall report annually to the dept. of insurance insuring compliance. **Vote 14-4.**

HB 1553-FN, banning sales of cigarettes through vending machines and banning the distribution of free samples of tobacco products. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce: Very few tobacco vending machines still exist in the state of New Hampshire, approximately 200. The machines are becoming obsolete, some still requiring change, because the cost of retro-fitting for dollar bills is expensive and sometimes parts are not available. We currently have a law requiring lock-out devices to prevent underage users from accessing the machines. Currently any tobacco products bought for sale to stock the machines cannot be rebated tax paid by the New Hampshire department of revenue administration. The committee hopes the machines will phase out in the near future. The second part of the bill regarding samples of cigarettes is covered by existing law preventing sampling to underage consumers. **Vote 10-4.**

HB 1599-FN, relative to allowable deductibles in the individual insurance market. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G Reardon for Commerce: This committee has passed exclusionary riders in a prior session but it failed after leaving the House. This bill was another effort to vary the deductible for certain medical conditions. Although the use of these riders would lead to a more affordable health insurance option for some, the use of the exclusion has been erratic and unpredictable for consumers. **Vote 10-4.**

HB 1602-FN, relative to dependent health insurance coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: This bill would repeal the recently passed expansion of health coverage to persons under 26 who were previously ineligible on their parents' group health coverage if they were not full time students. The legislation we passed has been well received by the public. It provides health coverage to children in certain circumstances until age 26. **Vote 11-7.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1565-FN-L, relative to notice of video or audio surveillance in a business or public building. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: The bill would have amended the wiretapping statute to mandate that: (1) any state or any agency, department, board, commission, or political subdivision thereof, or (2) a private business owner in order to conduct audio or video surveillance, or both, must post a sign at least 1 foot square at each entrance and exit within 6 feet of each audio or video recording device. State law already permits the video recording in public places and only prohibits audio recording without consent of both parties to the conversation. This would be an expansion of the exceptions to the wiretapping statutes. Additionally, many video recording devices (cameras) are mounted on telephone/light poles sometimes across the parking lot or street from the entrance it was recording, making the placement of signs problematic. While the committee recognizes the sponsors concerns, they felt that the bill was flawed, amended the wrong statute and created more problems than it solved. **Vote 16-1.**

HB 1613-FN, making changes to certain statutes relating to crimes against children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gene P Charron for the **Majority** of Criminal Justice and Public Safety: This bill was requested by the state police sexual offender registration unit. As we move closer to compliance with the Adam Walsh Act we have amended our statutes to capture those who have offended in other states when they relocate to NH and should register with the NH Sex Offender Registry. This closes existing loopholes in our current statutes. Section 13 of the bill repeals and re-enacts the law on prohibited use of computer services to include utilizing any form of the internet, including bulletin boards and computer online services, to seduce, solicit, lure, or entice or attempt to do so to another person believed by the actor to be a child, to commit a sexual offense under the adult, or juvenile laws. **Vote 13-4.**

Rep. Ellen Nielsen for the **Minority** of Criminal Justice and Public Safety: This bill closes certain loopholes in the NH sex offender laws. In particular, it includes new sections relating to child pornography. Two elements of the bill were of concern to the minority: For purposes of defining offenses such as child pornography, the bill raises the age of a child from 16 to 18. Since 16 is considered the age of consent in other sexual offender statutes, this creates confusion. The minority is concerned about a scenario where two teenagers, one just under 18 and one just over 18, jointly post compromising material on the Internet and one is considered a victim and the other can be

convicted of a felony and placed on the sex offender registry for life. The bill also provides that individuals required to register as sex offenders who fail to comply with registration requirements may have their drivers' license suspended or revoked, thus making it more difficult for them to get to work, or attend counseling sessions.

HB 1614-FN, relative to illegal immigration. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ellen Nielsen for the **Majority** of Criminal Justice and Public Safety: This bill requires all state and local law enforcement officers to enforce federal immigration law and sets up a new identification system with elaborate requirements for documenting proof of citizenship. It creates criminal penalties for individuals who assist undocumented immigrants, despite the fact that the undocumented immigrants themselves would be charged with civil violations, not crimes. It appears that a considerable financial outlay would be needed to enforce the proposed law and that some of the expense might be passed down to counties and municipalities, creating constitutional issues. Other than the sponsors, only two people expressed support for the bill. The committee heard testimony opposing this bill from clergy, advocates for the immigrant community, and a representative from the NH chiefs of police. The committee agrees with the representative of the chiefs of police that the legislature should not attempt to micro-manage state and local police. While the committee recognizes that some other states may be flooded with undocumented immigrants and may be experiencing social problems as a result, this is not currently a major issue in New Hampshire, and this proposed legislation may be a solution looking for a problem. **Vote 17-1.**

Rep. Jordan G Ulery for the **Minority** of Criminal Justice and Public Safety: Some said this is an "anti-immigrant" bill. Upon perusal, this bill protects taxpayers by addressing those few people who willfully, wantonly, deliberately and with malice aforethought violate the laws of the United States and the several states. This bill addresses identity theft, employment theft, social security fraud, Medicare fraud, medicaid theft, theft of services and other actions at the expense of the New Hampshire taxpayer. This bill affects individuals. Those who opposed the bill appeared to be asking for special privilege to a select few based upon racial profiling, rather than asking for equal justice for all.

HB 1640-FN, relative to the classification of convicted sex offenders and offenders against children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Criminal Justice and Public Safety: The bill, as amended, makes several changes to the sexual offender registration laws. The bill adopts some portions of the Adam Walsh Act, those portions that are applicable to NH and not those portions that are not. It creates a three tier classification system and adds persons who have been convicted of murder that involves kidnapping and/or sexual assaults. It further adds persons who have been convicted of two or more sexual assaults against adults. This means serial rapists will now be on the public registry. It provides a mechanism for some persons to petition for removal from the Public list after five years. It reduces the penalty for failure to pay the registration fee from a felony to a violation. This allows collection enforcement without creating a new felony conviction. **Vote 15-0.**

EDUCATION

CACR 21, relating to local public education. Providing that the local political subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles B Yeaton for the **Majority** of Education: This constitutional amendment concurrent resolution provides that local districts have complete control over curriculum, educational standards, and funding which would likely result in great inequalities in what is taught in schools around the state. It also states that the legislature may provide supplemental funds. Under our present system, we have a partnership between the state and local districts. The state provides curriculum guidelines (developed by committees of state and local personnel), significant funding, and sets standards, etc. The local districts determine how these guidelines are carried out and provide money adequate to carry out their school programs effectively. A bipartisan vote affirmed the committee's opinion that this resolution is not necessary. **Vote 12-4.**

Rep. Paul Ingbretson for the **Minority** of Education: The local political subdivision responsible for providing public education should continue to have the power to determine curriculum, to set standards, and to determine the amount of funding thereof. The legislature should continue to have the power to provide supplemental funding and to determine the amount and the allocation of these state funds. The Claremont decisions change all this permanently unless we adopt this amendment to let the people choose.

CACR 29, relating to education. Providing that the recognition of local control of education in the New Hampshire constitution is reestablished. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles B Yeaton for the **Majority** of Education: This resolution would make changes emphasizing local control including establishing curricula at the local level. It also makes changes in the wording of the constitution intended to clarify the issue of local control. The majority of the committee feels that this is unnecessary at this time and would be better placed before a constitutional convention where the issues could be better considered rather than at the polls where the significance of these issues could not be sufficiently explained for the voters to make intelligent decisions. **Vote 10-5.**

Rep. Paul Ingbretson for the **Minority** of Education: The minority is concerned that, in their haste for change in 1968, the people removed the power of the legislature to authorize schools and, therefore, delegated that authority to the Department of Education. This amendment would have restored the legislature's power to create school districts and charter schools.

HB 352-L, relative to trust funds for public school educational enhancement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberley S Casey for Education: The bill creates a mechanism for local communities to establish trust funds to support education. The bill as amended was recommitted to the committee for further action at the January 6th House Session. The bill was recommitted because members of the Municipal and County Government Committee had a concern about language in the bill relating to a hearing procedure by local trustees of trust funds. Additionally, there was a modification to the number of residents required to request the hearing from five to twenty-five. These modifications were consolidated into the bill before you, which represents the original content of the bill, and the requested modifications. **Vote 14-0.**

HB 1224-FN-L, relative to the definition of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S Casey for Education: It has been previously determined by this body that the state has moved forward and resolved that kindergarten is and should be part of an adequate education. The committee supported that policy decision. Additionally, there is anticipated another bill, coming from the Senate, that will address transition aid and other issues, and this bill, removing kindergarten from the definition of adequacy, will only further complicate and move backward the efforts of this House. **Vote 9-6.**

HB 1261, establishing a commission to investigate a program in which senior year of high school may be spent at a community college. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S Casey for the **Majority** of Education: This bill creates a study committee to examine allowing students in their senior year of high school to take community college courses. The amendment proposes that New Hampshire join an interstate compact to address educational issues faced by military children. Passing this compact will support our men and women in uniform, and the families that sacrifice to support them, and contribute to the maintenance of a strong national defense. The Interstate Compact for Educational Opportunity for Military Children is an agreement among states to address bureaucratic hurdles faced by military children who move from state to state. Interstate compacts, unlike federally imposed mandates that often dictate unfunded and rigid requirements, provide a state-developed structure that allows states to retain sovereignty in matters traditionally reserved by the states, such as education. Interstate compacts are a New Hampshire tradition and we have been party to at least 43 compacts over the years, including the New England Higher Education Compact (1955) and the Agreement on Qualifications of Educational Personnel

(1969). The average military child faces transition challenges more than twice during high school, and most military children will attend six to nine different schools between kindergarten and 12th grade. Provisions of the compact relate to enrollment in school, eligibility for sports and extracurricular activities, differences in graduation requirements, flexibility in waiving certain requirements, and accepting comparable course work. The compact would facilitate graduation for transferring seniors, and allows several kinds of exams and evaluations to demonstrate proficiency. It allows additional excused absences to greet or send off a deployed parent and allows the child of a deployed parent the right to stay in their current school, or move to the school of a care-giver's district. New Hampshire has been recognized by both DOD and the Council of State Governments as a regional leader because of legislation passed last year to support our National Guard. We can continue this support by easing the burden on military families through the provisions in this interstate compact. **Vote 8-3.**

Rep. Karen K McRae for the **Minority** of Education: This bill originally passed the committee 15-0. At the House Session on February 6, 2008, the bill was recommitted to committee. A non-germane amendment was presented to the committee for a public hearing. At the hearing many issues were raised about the interstate compact portion of the amendment. A subsequent amendment was submitted and none of the expressed concerns were addressed. The compact will activate once ten or more states have adopted the language found in this amendment. The bulk of military children reside in 20 states; New Hampshire has a total of 2,885 school age dependents. California, Virginia, and Texas have over 90,000 each. According to the hand-out from CSG, the interstate commission created by the compact "will have the ability to enforce the provision of the compact and its rules on states and school districts." "The compact can force states and districts to comply for the good of military children." We are giving up our sovereign rights. There are mandated levels of bureaucracy and unknown costs. What is the urgency? Why give a commission of ten the right to make rules which have the force and effect of statutory law? There is no legislative oversight. All this to do what our educational community could do already for military children.

HB 1299, establishing a commission to study the feasibility of creating a preschool incentive fund program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith E Day for the **Majority** of Education: This bill as amended creates a study committee to consider the feasibility of creating a preschool incentive fund program and determining priorities for the dissemination of such resources. Particular consideration is to be given for schools that have enhanced needs or which have expressed interest in participating in such programs. The Study Committee will study and document the availability of federal funds, research preschool curricula that exist and have shown to have positive results, and research appropriate modes of evaluation of preschool programs. **Vote 12-7.**

Rep. Pamela G Price for the **Minority** of Education: The minority believes that this bill will duplicate studies of other programs such as Head Start. The bill proposes to research programs which have demonstrated positive results, believing that some of the current programs fail to meet this criteria. The bill also proposes to study the availability of federal funds to establish the program and leaves the long term financing in question. Rather than duplicate resources, the minority believes the focus should be to correct the short comings of the current programs.

HB 1336, requiring the department of education to develop a plan to educate school personnel to recognize stress-related issues in children whose parents have served in Iraq or Afghanistan. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S Casey for Education: The bill, however laudable in its sentiment, was deemed inexpedient to legislate because the actions requested in the bill are already covered by personnel at the DOE, specifically working with guidance counselors throughout the state on these very issues since Operation Desert Storm (1990). The DOE was encouraged to continue this work, and make efforts to make sure educators and administrators are aware of this support through their monthly e-publication, Key Messages, which is distributed to every district. **Vote 13-5.**

HB 1483, requiring instruction in Internet safety. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K McRae for the **Majority** of Education: This bill was voted inexpedient to legislate with regret. The committee agreed that our children need to be safe and should receive age appropriate instruction on Internet safety. The attorney general's office and the department of education testified that both departments have good programs and rules in place to insure that such instruction is occurring. In addition, the bill had a 60-day effective date which would have made implementation by the local school boards extremely difficult if not impossible. The committee recommends that the department of education accelerate this safety program within rules. **Vote 11-8.**

Rep. Pamela G Price for the **Minority** of Education: This legislation will require instruction in Internet safety. The use of the Internet to prey on children is growing. The statistics note a 1789% increase in cases related to cyber crimes over the past ten years. One study demonstrates that children are unaware of the dangers of online communications, believing it is safe to meet someone after chatting, safe to post their picture online, or to use their real name and address. After receiving some instruction, they recognize the dangers of these practices. The minority believes that safety requirements in federal law do not address instruction. A 2006-2007 technology survey by the New Hampshire department of education found that of 421 schools, only 155 give students instruction in Internet safety and 256 had no program. The amendment requires the department of education to issue guidelines for the school districts to consider as they integrate safety instruction in their current curriculum. The minority believes it is important to teach our children to be safe wherever they may access the Internet.

HB 1642-FN, relative to funding for charter schools authorized by the state board of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire D Clarke for Education: This amended bill provides additional funding for charter schools for the 2009 fiscal year. The total amount of charter school supplemental grants appropriated for the biennium ending June 30, 2009 shall be available from the education trust fund to the department of education for distribution for the fiscal year ending June 30, 2008. The funds distributed by the DOE shall be allocated as follows: schools that do not have district support will receive an additional \$2700 per pupil; schools supported by districts will receive \$500 per pupil. The Virtual Learning Academy shall receive \$250 for each full time student. **Vote 12-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1262, relative to continuing medical education requirements for persons licensed by the board of medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill, as amended, changes continuing medical education requirements for physicians so that 100 hours are required every 2 years instead of 150 every three years. MD licenses are renewed every 2 years. HB 1262 requires that the CME documentation be submitted at the time of license renewal instead of in the off year. **Vote 13-3.**

HB 1320, establishing a commission to promote the celebration of Martin Luther King, Jr. Civil Rights Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Maurice L Pilotte for Executive Departments and Administration: The committee recognizes the importance of acknowledging and celebrating Martin Luther King, Jr. Civil Rights Day which is recognized as a legal holiday by the State of New Hampshire and many of our communities. All our schools should be including curricular activities to honor the contributions of the many minorities to the fabric of our citizenry. Many employers currently allow their employees time off to participate in privately organized celebrations. The committee believes the State of New Hampshire should not be actively involved in the business of organizing such activities, but encourages local communities to do so. **Vote 15-0.**

HB 1516-FN, relative to the divestiture of New Hampshire retirement assets relating to Sudan. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Reagan for the **Majority** of Executive Departments and Administration: By ourselves, we will not stop the genocide in Darfur, but to neglect to take action when presented with an opportunity to speak for decency and justice would reflect poorly on this house. **Vote 14-2.**

Rep. Patricia M McMahon for the **Minority** of Executive Departments and Administration: This bill relative to divestiture of New Hampshire retirement system (NHRS) assets from companies doing business in Sudan is opposed because it creates a conflict with the responsibilities of the NHRS board of trustees under Internal Revenue Code section 401(a)(2) known as the “exclusive benefit rule.” A pension trust is not considered a qualified retirement plan by the Internal Revenue Service under section 401(a) if any part of the trust fund is used for any purpose other than for the exclusive benefit of plan members and their beneficiaries. A violation of the exclusive benefit rule places the tax-qualified status of the system in jeopardy. NH State Constitution, Article 36-a, Use of Retirement Funds requires that all contributions and payments made to NHRS for retirement and related benefits “...shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, any other purposes.” In addition, NH RSA 100-A:15 Management of Funds states, “Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments...All of the assets and proceeds [of the NHRS] shall be held, invested or disbursed in trust solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits...” And the NHRS Statement of Investment Policy requires that all investments or investment opportunities “shall be evaluated and utilized based on the intrinsic merits of the situation and not based on other external factors including but not limited to a social investing focus or economically-targeted objectives... As with any other investment decision, the process and resulting decision must be consistent with the objectives of the investment program. The fiduciary principles of prudence and exclusive interest of participants will be followed in the consideration of [socially-targeted investments] and similar situations...” Furthermore, there are other policy and investment-related considerations. Public pension funds should not be used as a foreign policy tool. The recent Sudan Accountability and Divestment Act of 2007 (Public Law No: 110-74) authorized plans to act but does not direct plans to act. Plan fiduciaries are ultimately responsible for the decision-making process. The Sudan issue is an emerging area of research. There is no centralized governmental resource that provides a list of targeted investments. The Securities and Exchange Commission (SEC) initially provided access to SEC filing disclosures regarding business activities in or with state sponsors of terrorism. The SEC has withdrawn this resource for further consideration as to its accuracy and efficacy.

Information provided by the bill sponsors regarding the relative performance of targeted investments compared to peers and other Sudan-free funds has a short history of only five years. The NHRS has a long-term investment horizon to support the liabilities of the pension plan. There is insufficient data to determine the investment impact of divestment on the fund. Information has been provided concerning 15 states that have adopted divestment policies and 22 states that have passed divestment legislation. Each public pension plan has a unique relationship with its legislature. As previously noted, the NHRS board of trustees has full fiduciary responsibility for managing the pension trust. This bill represents interference with that authority. The NHRS must manage the pension trust for the exclusive benefit of the members and beneficiaries of the system. As of June 30, 2007, the NHRS pension funded ratio was 63.4%. The 10-year total fund return as of December 31, 2007 was 7.5%. Limiting the investment universe is not recommended. The NHRS cannot afford distraction from its sole aim to support the pension liabilities.

HB 1617-FN, relative to the registration of repossessioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill sought to remedy certain problems in the practices of some repossessioners. Although witnesses praised the intent of the bill’s sponsor, it was their expert testimony that the bill would not actually correct the existing problems, but would negatively impact current practitioners who are working ethically. The committee majority believes a more collaborative effort could produce an effective bill in the future.

Vote 12-3.

FINANCE

HB 369-FN, relative to state reimbursement and payment for costs of bailiffs. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Smith for Finance: Although all committee members recognize that pay adjustments are long over due, there are other issues to be addressed in the bailiff system. These issues include cameras, security in waiting areas, and upgrading overall court security. Reportedly there is other legislation coming from the Senate that more comprehensively addresses bailiff issues. The committee believes that such significant expenditure should be part of the regular budget process. Accordingly the vote to ITL is appropriate. **Vote 12-6.**

HB 594-FN, granting group II retirement system status to certain positions in the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne M Ober for Finance: While the intent of this bill is laudable, the committee heard sparse testimony to support the change but we did hear significant testimony that this would have a financial impact on our already over-burdened state retirement system. Of the eleven affected positions, two are vacant and the majority of the remainder positions have been in Group I since they were created, according to the department of corrections. The department testified that there had been no significant change in job responsibilities since the jobs had been created. Additionally, there are another 40 positions that the department plans to bring forward for consideration. Therefore the committee felt that with the increased costs, the lack of substantive backup for the movement of the positions, and the large number of potential additional changes, the bill should be ITL until a comprehensive proposal could be prepared. **Vote 15-6.**

HB 1155-FN-A, making an appropriation of certain revenues to the board of nursing. **OUGHT TO PASS.**

Rep. Larry A Emerton for Finance: Due to an error, this appropriation of \$30,000 each year for fiscal 2008 and 2009 was omitted from the board of nursing's budget. Without this appropriation, the critical positions of board investigator/prosecutor and the diversion program of Road to Recovery coordinator's salaries will be compromised in carrying out their responsibilities for the safety and protection of the citizens of New Hampshire. As this is a 125% agency, monies for this item will come from their revenues which exceeded the 125% income rule by \$1,012,004 in the last budget cycle. **Vote 21-1.**

HB 1341-FN-A, making an appropriation to the department of administrative services for an energy audit and system evaluation of the state house. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L Benn for Finance: This bill proposes conducting a complete energy audit and system evaluation of the state house, including evaluation of the costs of an electrical system upgrade, a new HVAC system, and window retrofits. The state house is considered by many to be the most important landmark, symbol, and physical asset. The committee recognizes the need for such a study to determine the extent of the physical problems and to be able to prepare requests for proposals for future renovations. An appropriation of \$80,000 is made for this purpose if, and only if, federal or other funds can be obtained. No general funds of the state shall be used for this appropriation. **Vote 21-2.**

HB 1503-FN-A, making an appropriation to fund the reporting of hospital infections by the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Martha McLeod for Finance: The committee felt there was no need for this bill. The department of health and human services was directed to carry out the policy in RSA 151:32-35. The department at this time has a pilot program in 12 of the 26 hospitals of the state. The hospital association is involved in this effort and will continue to monitor this issue with the hospitals and the department. The federal government is drafting rules for national reporting measures and standards and we are awaiting their directive in order to proceed with further reporting. **Vote 22-0.**

SB 146-FN, relative to allowing service credit for certain court system employment. **OUGHT TO PASS.**

Rep. Peter R Leishman for Finance: State employees who have worked for the state for thirty or more years receive state-paid health insurance on retirement no matter at what age they retire in accordance with RSA 21-I:30, II(b). This bill confirms the legislative intent that employees of the judicial branch who worked in New Hampshire's courts before January 1, 1984, when the state began operating all courts, may count their years of court service before that date as state service for purposes of this state-paid health insurance benefit. This result is consistent with the legislative

intent expressed in 1983 in RSA 490:28 that certain benefits accumulated by these employees before January 1, 1984, were transferable to state service. It is consistent with RSA 99:6-b which since 1991 has provided prospectively exactly what these employees seek in this bill. The state-paid longevity benefit for these employees has always been calculated based on their start date with the judicial branch as opposed to their January 1, 1984, start date with the state. Finally, it is consistent with the fact that the one employee in this situation who retired more than a decade ago received the state-paid health insurance benefit on retirement. The number of current judicial branch employees affected by this bill is forty-five. This bill has no impact at all on the New Hampshire Retirement System or on the benefits that these employees will receive from that system on their retirement. However, there will be a less than 1% (\$205,000) impact on the \$52,747,856 retirement health insurance line in FY 2009. Beyond January 1, 2014, SB 146 has no fiscal impact. **Vote 23-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1587-FN, relative to patient health care information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert G Bridgham for the **Majority** of Health, Human Services and Elderly Affairs: This bill extends security and privacy protections to assure that the benefits of electronic medical records are fully realized while still recognizing the inherent risks to privacy when more information is so easily available. When health information is stored in paper records, data is scattered and may not be available for timely use. Electronic medical records make information instantly available. That is the power of the electronic medical record, but national experts have stated that individuals need more control over their medical information. In current NH law, individuals have property rights over the information in their health care records. HB 1587 assures these rights by creating two options for an individual. First, individuals may obtain an audit trail of their electronic medical records, identifying who has had access and when, for any requested period within the prior 3 years. Individuals currently have no mechanism to determine this information. Because this is data providers are required to maintain by federal law, current operations are not affected. Individuals may be charged for the audit trail, so providers will not absorb the cost. Second, individuals may restrict disclosure of their medical record in certain circumstances. To assure care, the individual who elects to restrict disclosure must provide information the provider needs. The committee responded through the amendment to all identified concerns about administrative burdens and costs raised by providers. The law that governs privacy and security, the Health Insurance Portability and Accountability Act (HIPAA), was intended to provide a minimum level of privacy and security protections that individual states may strengthen. HIPAA's protections have weaknesses. HB 1587 strengthens protections in three ways. First, the bill makes the privacy rights of NH citizens binding on business associates. These are separate enterprises that have access to protected health information for services to health care providers, such as software developers and vendors, but are not covered by HIPAA. This protection is especially important for research and marketing, since there are reports indicating use of protected health information, without consent, for marketing research. Second, the bill addresses the use of patient health information for fundraising and marketing by providers, allowed by HIPAA without patient consent. These are uses that are unrelated to the delivery of health care and the fundamental relationship of patient and provider. Third, the bill enforces its added privacy protections through complaints to NH licensing boards and agencies, to the NH department of justice, and through civil action by an aggrieved individual. Federal enforcement of HIPAA has been acknowledged to be lax since over 27,000 complaints were filed in the first four years of the privacy regulations without a single fine levied. HB 1587 also anticipates the future of health care by defining a framework for the operation of Health Information Exchange, the next step in sharing electronic medical records. This is a goal of the New Hampshire Citizens Health Initiative. Finally, HB 1587 establishes a time-limited commission involving interested parties in implementation. **Vote 11-8.**

Rep. Charles E McMahon for the **Minority** of Health, Human Services and Elderly Affairs: It is not apparent to the minority as to what problem this bill is trying to solve. Specifically, the bill addresses the commercial access to personal health information and directs that it should be

restricted beyond current law. This measure adds more costs on health care providers already spending millions of dollars complying with HIPPA regulations on patient privacy and is ongoing. Adding further restrictions to medical information will negatively affect access to health care for New Hampshire citizens. If passed, support costs will increase, coordinated care efforts will decrease and it will add the clear potential of improper medical decisions. Not one citizen testified in favor, nor any doctor, hospital, insurer or any other health care provider in the state. Further, in testimony, supporters of the bill stated it was not perfect and needed more work. The minority strongly believes the bill creates substantial problems for both patients and providers. Therefore, the bill does more harm than good which undermines the quality and access to healthcare. For these reasons, the bill is not right for New Hampshire.

JUDICIARY

HB 1185, relative to the preservation of religious freedom. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill purports to prevent government from interfering with a person's free exercise of religion, but has much wider implications for zoning and in other areas. Freedom of religion is already guaranteed by our Constitution. This broadly worded bill could have unintended consequences. If specific problems exist, they should be addressed by specific legislation. **Vote 11-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill restores the delicate balance that our forefathers placed in the Constitution to restrict government from interfering with the free exercise of religion. In recent years cities and towns have used zoning as the new way to restrict church growth and eliminate church practices that are not favored by a community. The minority of the committee believes that we need to stop government intrusion and preserve religious freedom.

HB 1192, repealing the statute on exceptions to the solemnization of marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for the **Majority** of Judiciary: RSA 457:31 currently lists the categories of people who may solemnize marriage. Among those currently listed are a justice of the peace, an ordained minister of the gospel, any clergy not ordained but engaged in the service of the religious body to which he or she belongs, and a minister residing out of the state, but having a pastoral charge within the state. A subsequent section, RSA 457:38, titled "Exceptions," currently provides "[n]othing in this chapter shall affect the right of Jewish Rabbis residing in this state or of the people called Friends or Quakers, to solemnize marriages in the way usually practiced among them." The purpose of this bill is to remove the reference singling out these two religious groups as exceptions, and to broaden the statutory language to also include the many other religious traditions which have for so long been omitted. To do so, two changes have been made. First, a new category has been added to RSA 457:31 to allow solemnization by "a religious officiant or such other person or group as may be authorized by their church, religion, sect, or denomination to solemnize marriages in the way usually practiced among them." Second, the words "minister of the gospel" have been changed to the more inclusive "member of the clergy." The wording changes do not remove any authority from any group already authorized to perform marriages, and impose no different requirements on those already authorized to perform marriages. They simply serve to include all religious traditions. **Vote 12-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This bill as amended by the committee removes all references to Christianity from our marriage laws. The minority sought to be inclusive with an amendment that accomplished the sponsors' objectives while preserving the traditional references to Christianity. This was rejected in committee. The object of the committee amendment was not to include other faiths, but to remove the Christian faith. While the majority of our citizens in NH are Christians, this intolerant change seeks to disenfranchise them.

HB 1432, relative to the intent of living wills. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for Judiciary: Currently, a living will is defined as a directive that contains the express direction that no life-sustaining treatment will be given if the person making it is near death or permanently unconscious without hope of recovery. This bill completely reverses the purpose of a document which has been in use for a very specific reason for almost a quarter of a

century. Unlike the durable power of attorney for health care, the living will has always been a document that does only one thing—it preserves the maker’s desire to decline life-sustaining treatment in a very limited set of circumstances. To change the entire intent of the document would result in confusion for health care providers, and delay in carrying out the wishes of the makers of the documents. Persons wishing to state with particularity what treatment they would want under differing sets of conditions have the durable power of attorney for health care available to them.

Vote 12-4.

HB 1543-FN, relative to the citizen's petition for redress of grievances by the legislature.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill would require the Office of Legislative Services to draft citizens’ petitions for redress of grievances on behalf of Representatives. The constitutional provision for the redress of grievances fell into disuse in the 19th century. Private grievances are now resolved by litigation and public grievances are resolved by legislative action. To involve the legislature in the resolution of private grievances would not be an advisable use of our resources. **Vote 12-3.**

Rep. Robert H Rowe for the **Minority** of Judiciary: Part I, Articles 31 and 32 of the New Hampshire Constitution authorizes a citizen to petition the legislature for a redress of public grievances. This process has been a part of the Constitution since 1784. The quantity and frequency petitions for of redress diminished in the mid 19th century, possibly due to greater utilization of the courts as a means to resolve disputes, but the right still remains in our Constitution. This bill does not encourage nor discourage such petitions but rather establishes a methodology to quickly, efficiently and fairly process a petition if one is entered.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1441-L, relative to use of the terms "selectwoman" and "selectperson." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Butterworth for Municipal and County Government: In keeping with prior decisions to encourage the use of gender-neutral language, this bill allows the use of “select board”, “selectwoman” or “select person” when appropriate. **Vote 12-4.**

HB 1455, increasing the amount of the veteran's property tax credit and enabling municipalities to extend the veterans' property tax credit to include all veterans who have been honorably discharged. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L Osborne for the **Majority** of Municipal and County Government: The majority of the committee believes that an honorable discharge is the only acceptable discharge for a veteran’s property tax credit. If a member of the military receives a General discharge under honorable conditions it indicates that significant aspects of the member’s conduct or performance of duty outweigh positive aspects of record. This can be challenged and changed by the military members to an honorable discharge and then the member would qualify for the Veteran’s Tax credit. **Vote 14-1.**

Rep. Christopher F Nevins for the **Minority** of Municipal and County Government: This bill is a continuing attempt to fairly recognize those honorably discharged veterans who have unselfishly served our nation during periods not included in the veteran credit RSA 72:28 time frame of many currently qualifying veterans may have served our country in non-combat assignments and as such still qualify for the exemption. In contrast, many of our veterans who served in missions around the world in non-combat assignments that could have put them in harms way during their years of service to our county denied the veteran’s exemption simply because their period of service does not fall within the dates listed in RSA 72:28. The minority strongly believes that it is time to change the Veterans Property Tax Credit to include all of New Hampshire’s Veterans so as to fully recognize all of our veteran’s selfless service to our nation.

HB 1573-FN-L, relative to hazardous and dilapidated buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: It has been the general opinion of the committee that hazardous and dilapidated buildings are a social and economic blight, as well as a danger to the health, safety and welfare of a community wherever found, but particularly where the

underlying land value is less than clean up costs. The bill, as amended, provides that a municipality may recover its costs of bringing a property into compliance as a lien against the subject property, a subordinate lien against that real property's insurance proceeds or as a subordinate lien on a "same ownership" in sate property. This is an effective compromise on a difficult issue. **Vote 15-1.**

RESOURCES, RECREATION AND DEVELOPMENT

SPECIAL ORDER

HB 1154, establishing a commission to study flooding in the town of Bradford, specifically Lake Massasecum, Lake Todd, and the watershed. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C Merrow for the **Majority** of Resources, Recreation and Development: The majority of the committee felt that the flooding problem has been sufficiently studied. The Army Corps of Engineers studied it after the flood of April 1987 and put forth four alternatives that could alleviate the problem. The cost is estimated to be in excess of \$3 million for each alternative remedy. More studies would likely come to the same conclusion. **Vote 9-7.**

Rep. Suzanne H Gottling for the **Minority** of Resources, Recreation and Development: More frequent and increasingly severe floods pose a threat to many year-round and vacation homes along Lake Massasecum in Bradford, New Hampshire. This is a unique watershed-wide situation where water from the Warner River flows backward into the lake. Many studies by state and federal agencies have examined the problem and proposed solutions. So far, after 50 years, there has been no remedy while the problem increases. The primary duties of the commission are 1) to study the entire watershed around Lake Todd, Lake Massasecum, and the Warner River and 2) to explore funding sources for addressing the problem. DES has stated it "will welcome the opportunity to work with the commission."

SPECIAL ORDER

HB 1264, relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A Brueggemann for the **Majority** of Resources, Recreation and Development: Since the mid 1990's, the state has tapped into federal transportation enhancement (TE) funds in order to purchase several unused rail corridors with a mileage totaling about 160 miles. The purpose of these funds was to make these trails available for local use and they came with the stipulation that they be used only for non-motorized recreation with the sole exception of snowmobiles. Initially this stipulation was enforced, as documented by several letters from DRED in response to requests regarding ATV use. Over the years, DRED latched onto the tenuous argument that because ATV's could be considered "snow traveling vehicles" in the winter, they were de facto snowmobiles. A 2006 clarification of the definition of "snowmobile" in New Hampshire statutes made this already questionable assertion untenable and DRED's decision to allow winter use of ATV's was challenged. Correspondence from the US Department of Transportation makes clear that the state is not in compliance with the agreed use of the trails and says that "ATV's must be prohibited from (such) trails. . ." In response, New Hampshire DOT and DRED initiated a waiver application to be exempted from this prohibition. The majority of the committee believes that such a waiver is a policy change that, if desired, should be initiated by the legislature. It is a betrayal to the municipalities in which these trails run and private groups who participated in the acquisition of the trails to alter their use without a public process. It is also not clear that these trails are appropriate for ATV use. Although the phrase "multi-use" has a pleasant ring, the truth is that ATV's are often incompatible with other uses, including cross country skiers, snowshoers and snowmobiles, because of their tendency to rut up trails. Also a Fish and Game memo asserts that if winter use is allowed for ATV's, summer enforcement is "extremely difficult". HB 1264 requires that DRED and the Trails Bureau abide by the original agreement and no longer allow ATV use on these rail trails. Rail trails purchased with other funds are not affected nor are 95% of other winter ATV trails. The amendment places Trails Bureau responsibility for non-motorized trails in a more appropriate section and reinstates DRED responsibility for obtaining easements and rights-of way that had been deleted.

Vote 10-6.

Rep. Christopher J Ahlgren for the **Minority** of Resources, Recreation and Development: The minority believes that this bill is an unintended consequence of 2005 legislation. Due to this sweeping legislation, ATV's and snowmobiles were separated by definition. Previous to this, ATV's and snowmobiles were both considered "snow traveling vehicles" as a matter of policy. This separation negated the Department of Resources and Economic Development's (DRED) ability to consider ATV's on snow covered trails as snowmobiles. The Federal Highway Administration (FHWA) offered three options that would enable DRED to continue their ten year policy of allowing ATV's on the rail trails. DRED chose to apply for a waiver as provided by federal law and is currently awaiting a decision. Unfortunately, this bill prohibits the use of ATV's on the rail trails even if the waiver is granted.

WAYS AND MEANS

SPECIAL ORDER

CACR 24, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means: This CACR would enshrine in the state constitution the provision that no new tax on personal income may be adopted in New Hampshire. While some committee members strongly oppose a new tax on personal income, they do not wish to limit the options available to future legislatures which may be required to respond to emergencies or unforeseen circumstances. CACR's on this issue have been submitted to the legislature three times in the past ten years. Each was defeated by a large margin or a voice vote. The majority of the committee believe that the New Hampshire Constitution should remain as a framework of government. They strongly believe that a constitutional amendment is not necessary to limit legislators in performing their duties. **Vote 14-1.**

HB 1241-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. William A Hatch for the **Majority** of Ways and Means: This bill would establish a discount of one cent per tobacco stamp for wholesalers. Though some of the bipartisan majority agreed that some discount may be appropriate, one cent is excessive. Also considered was that there was no mechanism to replace the revenues lost. **Vote 10-6.**

Rep. Roger G Wells for the **Minority** of Ways and Means: The minority believes there is considerable work and expense in placing the tobacco stamps on the cigarette packages and feels the wholesalers should be compensated for their effort. The people paying meals and rooms tax have far less expense and are compensated much greater. This rebate was previously given but was removed by a committee of conference.

HB 1511-FN-A, relative to fees for laboratory services and establishing a laboratory services fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B Hinkle for Ways and Means: This bill creates a fund into which will be deposited laboratory service fees. This is simply an attempt to create yet another fund for the purchase of capital equipment that should really be funded through the capital budget. The public health laboratories are able to continue operating without the capital equipment they would like to purchase, so this does not constitute a public health emergency. It is the committee's feeling that a fund should not be created in the middle of the biennium, and that the expenditures for capital equipment should be justified by testimony before the Finance Committee. **Vote 14-1.**

HB 1577-FN-A-L, relative to revenue sharing between the state and municipalities of vehicle fines and forfeitures. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: This bill proposes that from each fine and forfeiture collected by a court, there shall be deducted 10 percent of the fine and the same shall be deposited with the town or city treasurer. The sponsor contended that towns should be reimbursed for the "clean-up of accident scenes on state highways." Although the committee was sympathetic with the sponsors' attempt to provide funds for this service provided by some towns, it could not decrease the state general fund by approximately \$1,045,000 in FY 2009. The department of safety also stated that

there would be considerable administrative difficulty and cost in determining which town should get the money from each fine. **Vote 14-0.**

LAI D ON TABLE

HB 76-FN, creating an environmental policy for New Hampshire. (Pending question is Ought to Pass.)

HB 174-FN, relative to regulating residential building and remodeling contractors. (Pending question is Ought to Pass.)

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. (Pending question is the committee report of Inexpedient to Legislate.)

HB 620-FN, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate. (Pending question is Recommit.)

HB 799-FN, establishing a criminal usury rate for interest rates. (Pending question is Ought to Pass.)

HB 1391-FN, prohibiting the investment of state funds in the energy sectors of countries that have been identified by the United States Department of State as state sponsors of terrorism.

HB 1593-FN-A-L, establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes. (Pending question is the majority committee report of Inexpedient to Legislate.)

HOUSE BILLS AMENDED BY THE SENATE

HB 267, relative to certain small loans. (SJ 2/14/08)

HB 351, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax. (House Concurred 1/30/08)

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. (House Concurred 1/30/08)

COMMITTEE MEETINGS

SUNDAY, MARCH 2

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NH Technical Institute, Concord

1:00 p.m. Regular meeting.

MONDAY, MARCH 3

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB

9:00 a.m. Regular meeting.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 100, State House

10:00 a.m. Regular meeting.

COMMISSION TO STUDY THE TRAFFICKING OF PERSONS ACROSS BORDERS FOR SEXUAL AND LABOR EXPLOITATION (SB 194, Chapter 122:1, Laws of 2007), Room 304, LOB

2:00 p.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 103, State House

1:00 p.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room 206, LOB

1:15 p.m. Regular meeting.

WINNIPESAUKEE WATERSHED ADVISORY COMMITTEE, (RSA 483-D), Room 102, LOB

10:00 a.m. Regular meeting.

TUESDAY, MARCH 4

COMMERCE, Room 302, LOB

10:00 a.m. Subcommittee work session on **HB 686-FN**, relative to the regulation of tracking devices.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:45 a.m. Rescheduled public hearing on **HB 1569-FN**, relative to the use of drugs on wildlife.

11:00 a.m. Rescheduled public hearing on **HB 1526**, relative to the use of images of New Hampshire residents who died in the line of duty.

11:15 a.m. Rescheduled public hearing on **HB1596-FN-L**, relative to fees charged by the motor vehicle division.

11:30 a.m. Rescheduled public hearing on **HB1508-FN**, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions.

1:00 p.m. Rescheduled public hearing on **HB1383**, adopting the uniform child abduction prevention act.

EDUCATION, Room 207, LOB

1:00 p.m. LBA audit division reports on NCLB fund disbursements, the Fidelity “Unique” college savings plan, and the Lottery Commission.

2:00 p.m. Presentation by the Department of Education on drop out programs in response to SB 18.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Subcommittee work session on **HB 841**, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.

10:30 a.m. Full committee work session on **HB 172-FN**, relative to state meat inspection, **HB 690**, establishing a pilot program for job skills training in volunteer work by unemployed individuals, **HB 877-FN**, relative to the state recycling program, **HB 1346**, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers, **HB 1478**, relative to the quorum for meetings of the equalization standards board, **HB 1459-FN-A**, relative to modular building standards and fees, **HB 1286-FN**, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.

FINANCE – (DIVISION I), Room 212, LOB

10:30 a.m. Work session on **HB 65**, relative to the Pease development authority, **HB 577-FN**, establishing the number of associate justices of the superior court, **HB 924-FN**, relative to the deconstruction of buildings, **HB 1598-FN**, relative to the salary ranges for unclassified state officers, **SB 94**, relative to the office of information technology.

FINANCE – (DIVISION II), Rooms 210-211, LOB

10:30 a.m. Work session on **HB 1298-FN**, making changes to the veterinary/medical/optometric education program and **HB 1631-FN**, relative to the state purchase of biodiesel fuels.

FINANCE – (DIVISION II) JOINT WITH PUBLIC WORKS AND HIGHWAYS, , Rooms 210-

211, LOB

10:30 a.m. Work session on **HB 1618-FN-A**, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund.

FINANCE – (DIVISION III), Room 209, LOB

10:30 a.m. Work session on **HB 1549-FN**, relative to the duration of the disability requirement for aid to the permanently and totally disabled.

1:00 p.m. Work session on **HB 502-FN-A-L**, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school, **HB 584-FN**, including 17-year olds in the juvenile justice system, **HB 1338**, establishing an arboviral illness task force and relative to mosquito control and abatement, **HB 1395-FN**, establishing the AIDS drug assistance program fund.

FISH AND GAME, Room 307, LOB

9:45 a.m. Subcommittee work session on **HB 1648-FN**, relative to search and rescue response expenses of the fish and game department.

10:30 a.m. Executive session on **HB 1648-FN**, relative to search and rescue response expenses of the fish and game department.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:45 a.m. **HB 1649-FN-L**, relative to the Medicaid long-term care eligibility determination process.

HISTORICAL COMMITTEE (RSA 17-I), Room 104, LOB

3:00 p.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:00 p.m. **HB 1651**, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

1:00 p.m. Full committee work session on **HB 1641-FN**, relative to collections and refunds of road tolls.

2:00 p.m. Continued public hearing on **HB 1646**, relative to the 10-year transportation improvement plan.

2:30 p.m. Full committee work session on **HB 1646**, relative to the 10-year transportation improvement.

PUBLIC WORKS AND HIGHWAYS JOINT WITH FINANCE – (DIVISION II), Rooms 210-211, LOB

10:30 a.m. Work session on **HB 1618-FN-A**, relative to motor vehicle fees and motor vehicle

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

1:00 p.m. Informational meeting on transmission issues.

WAYS AND MEANS, Room 202, LOB

8:30 a.m. Subcommittee work session on **HB 1644-FN-A**, establishing a Coos county job creation tax credit.

Room 104, LOB

9:00 a.m. Subcommittee work session on **HB1594-FN**, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees.

10:00 a.m. Subcommittee work session on **HB 666-FN**, establishing a license fee for the sale of animal vaccines and **HB 1293**, relative to eligibility requirements for the state animal population control program.

Room 202, LOB

10:00 a.m. Subcommittee work session on **HB 1509-FN-A**, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund and **HB 1545-FN-A**, establishing a waiver option for live-racing tracks.

- 11:00 a.m. Continued public hearing on **HB 1604-FN**, relative to the electronic toll collection system.
- 12:30 p.m. Subcommittee work session on **HB 1622-FN-A**, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor and **HB 432-FN**, relative to certain on-premises beverage and liquor licenses.

Room 104, LOB

- 1:00 p.m. Subcommittee work session on **HB 1376**, relative to insurance penalties, **HB 1378**, relative to insurance taxes and fees, **HB 1604-FN**, relative to the electronic toll collection system.

Room 202, LOB

- 1:30 p.m. Subcommittee work session on **SB 173**, relative to regulation of private postsecondary career schools, **HB, 781-FN**, relative to the duties of the department of safety, **HB 1297**, relative to licenses for aquaculture issued by the fish and game department, **HB 1351**, relative to fish and game license and registration agents, **HB 1372-FN**, relative to allowing driveway construction permit fees, **HB 1448-FN**, relative to documents prepared by the department of transportation and reimbursement fees for such documents, **HB 1551-FN**, relative to fees for special number plates for veterans and **HB 1595-FN**, relative to driver's license renewals by persons engaged in overseas government service.

THURSDAY, MARCH 6

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Executive session on **HB 436**, expanding employee freedom of expression to all public employees, **HB 1383**, adopting the uniform child abduction prevention act, **HB 1407**, relative to permission to discharge a firearm in the compact part of a town or city, **HB 1430**, relative to the application of animal cruelty laws to horse and dog race tracks, **HB 1508-FN**, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions, **HB 1526**, relative to the use of images of New Hampshire residents who died in the line of duty, **HB 1569-FN**, relative to the use of drugs on wildlife, **HB 1578-FN**, relative to insurance fraud, **HB 1596-FN-L**, relative to fees charged by the motor vehicle division.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 841**, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.
- 10:00 a.m. Executive session on **HB 172-FN**, relative to state meat inspection, **HB 690**, establishing a pilot program for job skills training in volunteer work by unemployed individuals, **HB 877-FN**, relative to the state recycling program, **HB 1346**, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers, **HB 1478**, relative to the quorum for meetings of the equalization standards board, **HB 1459-FN-A**, relative to modular building standards and fees, **HB 1286-FN**, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators, **HB 841**, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Room 306, LOB

- 1:00 p.m. Subcommittee work session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision

employees in the retirement system and **HB 1645-FN-LOCAL**, relative to administration of the New Hampshire retirement system and benefits for members.

FINANCE, Rooms 210-211, LOB

9:00 a.m. **HB 1652-FN-A**, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.

FINANCE – (DIVISION II), Rooms 210-211, LOB

10:00 a.m. Work session on **HB 1652-FN-A**, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. Work session on **HB 502-FN-A-L**, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school, **HB 584-FN**, including 17-year olds in the juvenile justice system, **HB 1338**, establishing an arboviral illness task force and relative to mosquito control and abatement, **HB 1395-FN**, establishing the AIDS drug assistance program fund, **HB 1549-FN**, relative to the duration of the disability requirement for aid to the permanently and totally disabled.

FINANCE JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

1:00 p.m. Subcommittee work session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system and **HB 1645-FN-LOCAL**, relative to administration of the New Hampshire retirement system and benefits for members.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:30 a.m. Rescheduled executive session on **HB 1563-FN**, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs, **HB 1636**, relative to automotive recycling, **HB 1641-FN**, relative to collections and refunds of road tolls, **HB 1646**, relative to the 10-year transportation improvement plan.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Executive session on **HB 781-FN**, relative to the duties of the department of safety, **HB 1297**, relative to licenses for aquaculture issued by the fish and game department, **HB 1303-FN**, relative to limiting games of chance, **HB 1351**, relative to fish and game license and registration agents, **HB 1372-FN**, relative to allowing driveway construction permit fees, **HB 1376**, relative to insurance penalties, **HB 1378**, relative to insurance taxes and fees, **HB 1448-FN**, relative to documents prepared by the department of transportation and reimbursement fees for such documents, **HB 1479-FN**, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products, **HB 1480**, authorizing the commissioner of revenue administration to deny certain tobacco licenses, **HB 1496-FN**, establishing motor vehicle learners' permits and relative to youth operators' licenses, **HB 1528-FN**, relative to suspension of a driver's license for gasoline theft, **HB 1537**, relative to the definition of milk, **HB 1551-FN**, relative to fees for special number plates for veterans, **HB 1595-FN**, relative to driver's license renewals by persons engaged in overseas government service, **HB 1647-FN-A**, relative to demand response program revenue, **SB 173**, relative to regulation of private postsecondary career schools.

Gorham High School Music Room

7:00 p.m. Subcommittee work session on **HB 1644-FN-A**, establishing a Coos county job creation tax credit.

FRIDAY, MARCH 7

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Continued regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Room 306, LOB

10:00 a.m. Subcommittee work session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system and **HB 1645-FN-LOCAL**, relative to administration of the New Hampshire retirement system and benefits for members.

FINANCE JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Subcommittee work session on **HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system and **HB 1645-FN-LOCAL**, relative to administration of the New Hampshire retirement system and benefits for members.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Executive session on **HB 432-FN**, relative to certain on-premises beverage and liquor licenses, **HB 666-FN**, establishing a license fee for the sale of animal vaccines, **HB 1293**, relative to eligibility requirements for the state animal population control program, **HB 1509-FN-A**, establishing, **HB 1545-FN-A**, establishing a waiver option for live-racing tracks, **HB 1604-FN**, relative to the electronic toll collection system, **HB 1622-FN-A**, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor. Also, continued executive session on pending legislation, if needed.

MONDAY, MARCH 10

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2), Room 202, LOB

1:00 p.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 65**, relative to the Pease development authority, **HB 577-FN**, establishing the number of associate justices of the superior court, **HB 924-FN**, relative to the deconstruction of buildings, **HB 1598-FN**, relative to the salary ranges for unclassified state officers, **HB 1601-FN-A**, relative to funding for certain capital projects of the Pease development authority, **SB 94**, relative to the office of information technology, **HB 1298-FN**, making changes to the veterinary/medical/optometric education program, **HB 1618-FN-A**, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund, **HB 1631-FN**, relative to the state purchase of biodiesel fuels, **HB 1652-FN-A**, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor, **HB 502-FN-A-L**, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school, **HB 584-FN**, including 17-year olds in the juvenile justice system, **HB 1338**, establishing an arboviral illness task force and relative to mosquito control and abatement, **HB 1395-FN**, establishing the AIDS drug assistance program fund, **HB 1549-FN**, relative to the duration of the disability requirement for aid to the permanently and totally disabled.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

THURSDAY, MARCH 13

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:30 a.m. Continued executive session on pending legislation, if needed.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on *HB 1643-FN*, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system and *HB 1645-FN-LOCAL*, relative to administration of the New Hampshire retirement system and benefits for members.

FINANCE JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 210-211, LOB

10:00 a.m. Executive session on *HB 1643-FN*, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system and *HB 1645-FN-LOCAL*, relative to administration of the New Hampshire retirement system and benefits for members.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. Executive session on *HB 1637*, relative to reports to the cancer registry and *HB 1649-FN-L*, relative to the Medicaid long-term care eligibility determination process.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

11:00 a.m. Executive session on *HB 1651*, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:30 a.m. Continued executive session on all pending legislation, if needed.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Executive session on *HB 1594-FN*, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees and *HB 1644-FN-A*, establishing a Coos county job creation tax credit. Also, continued executive session on pending legislation, if needed.

FRIDAY, MARCH 14

COMMISSION TO STUDY CHILDHOOD LEAD POISONING PREVENTION LAWS, POLICIES AND STANDARDS IN NEW HAMPSHIRE (SB 176, Chapter 293:10, Laws of 2007), Room 100, State House

9:30 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB

1:30 p.m. Regular meeting.

MONDAY, MARCH 17

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Complaint hearing.

**INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c),
Room 100, State House**
9:00 a.m. Regular meeting.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 205, LOB
1:00 p.m. Subcommittee meeting.

THURSDAY, MARCH 20

**PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of
2007), Rooms 110-112, 29 Hazen Drive, Concord**
2:00 p.m. Regular meeting.

FRIDAY, MARCH 21

**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF
DIRECTORS (RSA 227-M:4), CDFA Board Room 10 Dixon Avenue, Concord**
10:00 a.m. Regular meeting.

**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:4),
Rooms 305-307, LOB**
10:00 a.m. Regular meeting.

MONDAY, MARCH 24

ELDERLY AFFAIRS (RSA 17-H:2), Rooms 205-207, LOB
10:00 a.m. Regular meeting. Ms. Renee Martin of First Call Mortgage Company Inc. will give a special presentation on reverse mortgages for seniors. Pricing, terms and types of products for seniors will be presented.

TUESDAY, MARCH 25

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB
3:00 p.m. Regular meeting.

WEDNESDAY, MARCH 26

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
9:00 a.m. Regular business.

FRIDAY, MARCH 28

**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue
Administration Training Room, 57 Regional Drive, Concord**
9:30 a.m. Regular meeting.

**STATE PARK SYSTEM ADVISORY COUNCIL (RSA 216-A:3-k), Department of Resources
and Economic Development, 172 Pembroke Road, Concord**
9:00 a.m. Regular meeting.

MONDAY, MARCH 31

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB
9:00 a.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House
1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **March 28** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown. If you cannot attend please call the office at 627-5631.

Rep. David Essex, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet in Monday, **March 10** at 9:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is to review and approve 2008 department budgets.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.

Rep. Peter R. Cote, 68 Bowers Street, Nashua, New Hampshire 03060-3927.

Rep. Robert W. Forsing, Epsom Healthcare Center, Room 201, 901 Suncook Valley Highway, Epsom, New Hampshire 03234.

Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:10-a,IV, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **March 10** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs. 91, 172, 173, 185, 211, 285, 315, 369, 399, 415, 432, 436, 502, 523, 563, 584, 594, 678, 690, 692, 754, 765, 794, 837, 877, 901, 1293, 1298, 1459, 1508, 1509, 1545, 1580, 1584, 1594, 1598, 1599, 1601, 1602, 1603, 1605, 1607, 1608, 1614, 1615, 1616, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1631, 1633, 1635, 1639, 1642, 1647, 1648, 1652. SBs 94, 146, 173, 212, 303, 317, 318, 490.

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.

The Legislative Youth Advisory Council will meet Sunday, **March 2**, from 1:00 p.m. to 4:00 p.m. at the NH Technical Institute in Concord. They will be reviewing legislation and planning public forums. The meetings are open to the public. For further information or questions contact Rep. Carolyn Gargas.

Rep. Carolyn Gargas

The New Hampshire Peace Action private event for state representatives on Tuesday, **March 4** from 4:00 to 6:00 p.m., on US- Iran relations, to be held at the Concord Common Man Restaurant, 25 Water Street has been **canceled**.

Rep. Susi Nord

State House employees will be hosting a Support the Troops bake sale on Wednesday, **March 5th** from 9:00 a.m. until 3:00 p.m. in the basement of the Legislative Office Building. Please bake or purchase some goodies for the cause with all proceeds going to the Support the Troops program. Any questions may be e-mailed to Erin.Hass@leg.state.nh.us or Ryan.Phinney@leg.state.nh.us.

Terie Norelli, Speaker

All House and Senate members are invited to attend the screening of a short video, "Property Tax Relief vs. 'The Pledge': The NH Tax Story," presented by the Granite State Fair Tax Coalition at the Concord Public Library on Wednesday, **March 5**, from noon-2:00 p.m. (or during House session break). Light lunch will be served. The library is located on Green Street across from the LOB garage. Many communities statewide will consider the Fair Tax Resolution this month on local town warrants. This program will answer questions about what the Fair Tax Resolution is and what it means to state legislators. The Granite State Fair Tax Coalition is a nonprofit, nonpartisan educational organization. For more information about the Coalition or to preview the video online, see www.nhfairtax.org.

Reps. Christine Hamm and David Kidder

All legislators and staff are invited to the 6th Annual New Hampshire Capital St. Patrick's Day Breakfast and Roast to benefit events at Children's Hospital at Dartmouth (CHAD) on Wednesday, **March 12th** at 7:00 a.m. at the Marriott Courtyard in Concord. Guest roasters include Governor John Lynch and the House and Senate leadership. Free tickets are limited; please RSVP by March 7 by emailing James.Demers@TheDemersGroup.com.

Reps. Mary Jane Wallner and Michael D. Whalley

On Saturday, **March 15**, the "Five Years Too Many March and Demonstration" to mark the fifth anniversary of the US-led invasion of Iraq will take place in Concord. We will assemble in the parking lot at 6 Loudon Road at 1:00 p.m., march at 1:30 p.m. to a Peace Rally at the State House at 2:30 p.m. We are calling for the US to leave Iraq NOW; NO military strikes on Iran and Pakistan; and funding Human needs at home and abroad. Endorsed by American Friends Service Committee-NH, New Hampshire Peace Action, the NH UCC Peace with Justice Task Force, Seacoast Peace Response, Code Pink-NH, MothersUniting, Pace e Bene Nonviolence Service, the Plymouth's Common People's Peace Vigil, the Unitarian Universalist Action Network of New Hampshire, Concord High School Peace Club, At Om Yoga, Lakes Region Peace and Justice, Concord UU Social

Justice Committee, and the Sisters of Mercy. Please contact Erin Placey at eplacey@afsc.org with questions.

Rep. Susi Nord

The Merrimack County Democrats will hold their annual St. Patrick's Day Dinner on Sunday, **March 16** at 6:00 p.m. at the NH Audubon Center located at 3 Silk Farm Road in Concord. For further information contact Rep. Eleanor Kjellman.

Rep. Eleanor G. Kjellman

Bobby Stephen's 30th Annual St. Patrick's Day Celebration to benefit NH Jobs of America Graduates and funds for education will be held on Monday, **March 17** at 5:00 p.m. at the Executive Court Banquet Facility, Route 28, Manchester. Dinner and entertainment. Tickets \$35 can be purchased at the door.

Rep. John H. Thomas

The members of the NH Chapter of the National Association of Insurance and Financial Advisors (NAIFA-NH) cordially invite all House members and staff to a reception at the Barley House on Wednesday, **March 19** from 3:00 to 6:00 p.m. Look forward to seeing you there.

Reps. Mary Jane Wallner and Michael D. Whalley

All legislators and staff are cordially invited to the New Hampshire Automobile Dealers Association's annual Crossover reception on Wednesday, **March 19** at the New Hampshire Historical Society, The Tuck Library, 30 Park Street, Concord, beginning at 3:00 pm or following the session. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Mary Jane Wallner and Michael D. Whalley

The House Republican Alliance will meet every Tuesday at 8:30 a.m. in the Upham Walker House.

Rep. David J. Bettencourt

The Main Street Republicans will meet every Wednesday at 8:30 a.m. at the Upham Walker House.

Rep. David H. Kidder

STATE HOUSE VISITATION SCHEDULE

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 **March 2008**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the remainder of the school year and subject to changes. **Please note that if your school is closed or has a delay, that their tour will be rescheduled. 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 3	9:30/11:00 SH/HM/SC	Hanover Street School – Lebanon	4/74
Mar 3	10:00	State Department Guests	15
Mar 4	9:45/11:00 SH/HM	Hooksett Memorial School	5/85
Mar 5	9:45/11:00 SH/HM	Hooksett Memorial School	5/85
Mar 5	11:30	Great Bay eLearning Charter School – Exeter	HS/40
Mar 6	9:30/11:00 SH/HM	Smyth Road School – Manchester	4/65
Mar 7	9:30/11:00 SH/HM	Webster Elementary School – Manchester	3/66
Mar 10	10:00	South Merrimack Christian Academy	4/20
Mar 11	9:30/11:00 SH/HM	Henry Wilson School – Farmington	4/66
Mar 12	9:30/11:00 SH/HM	Henry Wilson School – Farmington	4/60
Mar 12	1:00	Leadership of Greater Concord	Adult/22
Mar 13	9:00	Kimball School – Concord	4/50
Mar 13	9:30	Bristol Elementary School	4/40
Mar 13	11:00	Wheelock Elementary School – Keene	4/16
Mar 13	1:00	Dover Red Hat Sassy Lassies	Adult/18
Mar 14	9:30/11:00 SH/SC	Symonds Elementary School – Keene	4/58
Mar 14	12:30	St. Joseph’s Regional School – Keene	(3&4)/29
Mar 14	1:30	Fire Academy	Adult/26
Mar 17	9:00	Broken Ground Elementary School – Concord	4/24
Mar 17	10:30	Tuftonboro Central School	4/34
Mar 18	9:00	Broken Ground Elementary School – Concord	4/24
Mar 18	11:00/12:30 SH/HM	Appleton Elementary School – New Ipswich	4/63
Mar 19	9:00	Broken Ground Elementary School – Concord	4/24
Mar 19	10:30	Sant Bani School – Sanbornton	4/14
Mar 19	12:30	KA Brett School – Tamworth	4/30
Mar 20	9:30	Barnstead Elementary School	4/50
Mar 20	11:00	Sacred Heart School – Hampton	4/30
Mar 21	9:45/11:00 SH/SC	Lincoln Street School – Exeter	4/60
Mar 21	12:30	Maplewood Elementary School – Somersworth	(3&4/45)
Mar 24	10:30	Henniker Elementary School – 2 Separate Tours	4/52
Mar 24	9:30	Dover High School – Civics Class	HS/45
Mar 25	9:00	Bow Elementary School	4/45
Mar 25	11:00	Greenland Elementary School	4/45
Mar 26	9:00	Bow Elementary School	4/45

Mar 26	10:00	East Kingston Elementary School	4/26
Mar 26	10:15	Woodbury Middle School – Salem	(7&8)/25
Mar 26	11:30	Disnard School – Claremont	4/40
Mar 27	9:00	Bow Elementary School	4/24
Mar 27	10:00/11:30 SH/HM	Newmarket Elementary School	4/90
Mar 28	9:30/11:00 SH/HM	Epsom Elementary School	4/60
Mar 28	1:00	Merrimack Area Home School	(4 th -9 th)/15
Mar 31	9:45/10:30 SH/HM	Hooksett Memorial School	4/95
Mar 31	10:00	Winchester School	4/50