

HOUSE RECORD

First Year of the 162nd General Court Calendar and Journal of the 2011 Session

Vol. 33 Concord, N.H.

Friday, March 11, 2011

No. 22

Contains: Hearings, Meetings, Notices and Reports for March 15, 16 and 17.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will be in Session at **9:00 a.m. on Tuesday, March 15th, Wednesday, March 16th and Thursday, March 17th.**

We will be dealing with over 250 bills on those three days. Your attendance at these sessions is extremely important, and necessary for us to complete our work in a timely manner.

House Bills 1, 2 and 25, the operating and capital budget bills, are being dealt with in committee. Continue to check the scheduling for the Finance and Public Works & Highways committees for information regarding hearings on these bills.

Members are reminded to be courteous to others and to be aware of the distractions posed by individual conversations and the use of electronic communication devices on the House floor. Cell phones are not allowed, and I ask that you not use laptop computers on the House floor during Session except as may be necessary to follow the House Calendar and then only in a manner that is not distracting to other members. Thank you in advance for your cooperation.

The Secretary of State of Arizona has reported State Senate enactment of a resolution affirming that state's Tenth Amendment rights. Arizona Senate Resolution 1001 is on file with the House Clerk.

Chairmen and Vice-Chairmen will meet at **8:00 a.m. on Tuesday, March 15th** in Rooms 305-307 of the Legislative Office Building.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Tuesday, **March 15**, Wednesday, **March 16** and Thursday, **March 17** at **8:30 a.m.** in Representatives Hall.

David J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Monday, **March 14 at 1:00 p.m.**, Tuesday, **March 15** after session and Wednesday, **March 16** after session in Rooms 305-307, LOB.

COMMITTEE REPORT

TO: Members of the House of Representatives
FROM: Legislative Administration Committee
DATE: March 10, 2011
RE: Motion to Recommend Action Relative to a challenge to the Qualification of Representative Michael D. Brunelle

By motion adopted by the House on January 5, 2011 this Committee was asked to consider and recommend to the House disposition of a challenge under Part II, Article 7 of the New Hampshire Constitution to the qualification of Representative Michael D. Brunelle. After public hearings and consideration of an opinion by House Counsel, the Committee recommends no action by the House requiring forfeiture of Representative Brunelle's seat. The Committee does recommend that the House promulgate a rule to clarify members' obligations under Part II, Article 7 in order to give future direction as to the qualification of prospective members holding paid positions with political advocacy organizations.

In reaching this recommendation, the majority of the Committee relies substantially on the March 8, 2011 opinion of House Counsel. The Committee has directed its Chairman to file a copy of this opinion with the House Clerk and requests that the House Clerk make copies of the opinion available to requesting members of the House and the public.

Representative Paul Mirski, Chairman

Vote: 17-1

NOTICE

The Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at noon 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 17, 2011	Last day to act on all HBs not in a second committee, except budgets.
Thursday, March 24, 2011	Last day to report all remaining HBs and list of retained HBs.
Thursday, March 31, 2011	Last day to act on House bills.
Thursday, April 28, 2011	CROSSOVER Last day to report SBs going to a second committee.
Thursday, May 5, 2011	Last day to act on SBs going to a second committee.
Wednesday, May 25, 2011	First day to file LSRs for the 2012 session.
Thursday, May 26, 2011	Last day to report all remaining SBs and list of retained SBs.
Thursday, June 2, 2011	Last day to act on Senate bills.
Wednesday, June 8, 2011	Last day to form Committees of Conference.

Thursday, June 16, 2011

Thursday, June 23, 2011

Wednesday, November 2, 2011

Last day to file LSRs for the 2012 session.

Last day to sign Committee of Conference reports.

Last day to act on Committee of Conference reports.

Last day to report retained bills.

LAID ON TABLE

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. (Pending question OTP – third reading.)

HB 154-FN-A, increasing a threshold amount for taxation under the business enterprise tax. (Pending question OTP/A – third reading.)

HB 166-FN-A-L, reducing the rate of the meals and rooms tax. (Pending question OTP/A – third reading.)

CONSENT CALENDAR

TUESDAY, MARCH 15

CHILDREN AND FAMILY LAW

HB 435, establishing a committee to study joint parenting decisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling for Children and Family Law: The topics and subject matters contained in this bill will be covered in HB 597 and HB 563; also in the 2009 child support study. The sponsor indicated that it would be acceptable to have the substance of this bill, namely court awards of parenting time, child support formulas and their amendment incorporated in other related bills so as to avoid duplication, thus the above-referenced bills. committee voted ITL. **Vote 11-0.**

HB 512, relative to education requirements for certification as a guardian ad litem. **INEXPEDIENT TO LEGISLATE.**

Rep. Marie N. Sapienza for Children and Family Law: This bill requires guardian ad litem (GAL's) to receive education and training in areas of child development and family dynamics including parental alienation. The GAL program has evidenced some problem areas and this bill is an attempt to help improve the education component. However, HB 614 proposes a performance audit of, among other things, GAL education and training. The committee feels that a prudent approach is to review the results and recommendations of a professional audit of the system that will include the educational piece, before requiring additional education components. **Vote 11-0.**

HB 597, revising the child support guidelines based on an income shares model of calculating child support. **OUGHT TO PASS.**

Rep. Edward P. Moran for Children and Family Law: This bill amends the current child support formula found in RSA 458-C:3 to adopt an income shares model used by most states. This approach is largely the result of discussions and recommendations contained in the University of New Hampshire 2009 New Hampshire child support guidelines review and recommendations. The income shares model is based on economic studies indicating that as parents' combined income increases, the percent of total income spent on child support declines. Thus, the income shares formula uses both the number of children and level of parents' combined income as major variables. In current formula, both parents' adjusted incomes are combined to establish a total child support obligation based on a fixed percentage determined by the number of children. Total obligation is then divided between parties based on their relative income. The income share model complies with federal rules requirements for state support guidelines. **Vote 11-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 31, relative to insurance payments for ambulance services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill was submitted to create a more level playing field for reimbursement to ambulance service providers by insurance companies. Reimbursement by one insurer for the benefit of the ambulance services was being sent directly to the beneficiary who would not always pay the ambulance service. Questions also arose on differing reimbursement rates between insurers. To minimize costs to all health insurers and therefore health insurance purchasers, the insurer agreed to direct pay the ambulance service providers and the providers agreed reimbursement rates subject to the terms and conditions of the policy, plan or contract. RSA 415:6-9 and RSA 415:18-V will be amended to reflect same. **Vote 17-0.**

HB 102, establishing a committee to study merging the insurance department, banking department, and securities division of the office of the secretary of state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill, as amended, will establish a study committee to examine ways to improve communications among the insurance department, banking department, and bureau of securities regulation. It will also address confidentiality issues among the various departments and make recommendations regarding specific changes in the appropriate statutes. The committee may also solicit information from any source deemed relevant to its study. **Vote 16-0.**

HB 175, relative to technical changes in life, accident, and health insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill is a request of the insurance department and makes certain technical changes to the laws pertaining to life, Health and accident insurance. **Vote 16-0.**

HB 237, relative to federal mandated health insurance benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill requires any health insurance benefits implemented pursuant to federal health care reform to be 100 percent funded by federal funds. Unfortunately we cannot control federal funding at the state level. **Vote 17-0.**

HB 246, relative to prearranged funeral contracts or burial plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill establishes procedures for contracts involving prearranged funeral contracts or burial plans, and provides for consumer protection by setting guidelines and standards to ensure the contracts are fairly written. This act strengthens the current law to provide a level of protection for New Hampshire families. This bill is supported by the NH funeral directors association who would like to see New Hampshire go from a poor national rating in the area of detailed consumer disclosures to an excellent rating. **Vote 15-1.**

HB 248, establishing a commission to study business regulations in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick C Rice for Commerce and Consumer Affairs: This bill establishes a commission comprised of representatives from the legislature and both the private and public sectors, diversely representative of the state by geography and industry. The commission will examine labor and work force regulations, and environmental and construction regulations, and submit a report with recommendations to improve the business environment in New Hampshire. The amendment served only to correct and clarify the names of some of the representative agencies. **Vote 15-2.**

HB 255, requiring consumer protection for prepaid services. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill addressed an important consumer issue and was supported by the attorney general's office which has dealt with complaints from people paying for a good or service in advance and not receiving the good or service. Unfortunately, the bill was too broadly written. It would have allowed individuals to terminate a prepaid agreement for a good or service at any point, even if the service was partially provided or the good partially used, and receive their prepaid funds. The committee, working with the consumer protection bureau, was unable to craft workable language free of unintended consequences. **Vote 12-0.**

HB 291, relative to permissible fireworks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean M McGuinness for Commerce and Consumer Affairs: This bill repeals a statutory committee system that currently tests and evaluates consumer fireworks that will be placed on a list of permissible fireworks available for sale in the state. Currently there are over 2400 individual items on the permissible list and this list is always changing. This bill changes "permissible fireworks" to mean "consumer fireworks which are those items that are approved by the federal Consumer Product Safety Commission under 27 F.R. Sec 555.111;" the only exception being those particular consumer fireworks specifically prohibited by statute. The bill has broad support with testimony coming from public and private interests. The act removes unnecessary bureaucracy, simplifies enforcement and maintains the federal standard of safety. **Vote 17-0.**

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M Sullivan for Commerce and Consumer Affairs: This bill requires a condominium management company to disclose to the unit owners' association the structure of referral fees received from contracted work performed on behalf of the association. It does not place any requirement on the nature of the fee itself, just the disclosure of the fee and the purpose of the fee. **Vote 12-0.**

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection devices in dwellings. This bill removes the mandate to have carbon monoxide detectors in dwellings that do not have an attached garage or appliance or device that uses a combustion method of burning solid, liquid or gas fuel. **Vote 16-0.**

HB 322, relative to occupancy fees charged by manufactured housing park owners. **OUGHT TO PASS.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: Current law allows manufactured housing parks to charge for increased occupancy rates in individual units. The current rate is ten dollars per adult per month where the number of adults residing in manufactured housing exceeds the limit established by the park's rules. Due to increased maintenance costs, especially with septic systems, park owners requested an increase to twenty dollars. The committee found this request more than reasonable. **Vote 11-1.**

HB 345-FN, relative to insurance payments for ambulance providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill would require automobile insurers to make direct payment to ambulance providers under the medical payments coverage of the automobile insurance policy. This is contrary to current insurance law which prohibits medical payments coverage from being assigned to any health care provider. The purpose of this coverage is to reimburse the policyholder for his medical expenses incurred as a result of an automobile accident and to allow the policyholder to pay his bills directly. Allowing ambulance providers to have an exception to this rule would be inequitable to other health care provider **Vote 16-0.**

HB 359-FN, prohibiting the use of certain information to underwrite insurance coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill would make it an unfair insurance trade practice to charge higher premiums for automobile and homeowners insurance based on credit rating. Credit rating is a nationally used factor in establishing automobile and homeowner's rates and has been a very good predictor of loss experience. Its removal would create more uncertainty in the viability of rates and would result in rate increases to an estimated 70% of policy holders in the state. **Vote 16-0.**

HB 385-FN, relative to the applicability of licensure requirements for mortgage bankers and brokers. **INEXPEDIENT TO LEGISLATE.**

Rep. James M Sullivan for Commerce and Consumer Affairs: The bill adds an exemption to the licensure law regarding mortgage bankers and brokers for a person who negotiates no more than 12 residential mortgage loans in any calendar year. This would allow a partnership with one employee to issue 36 mortgages in a calendar year, hardly in the spirit of "deminimus" as anticipated by the yet unpublished HUD guidelines. Any exemption granted by the state could be exposed to be in error. There is a bill coming from the Senate that addresses this provision. **Vote 16-0.**

HB 398, relative to service animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill came at the request of people with disabilities who use service dogs. It aligns New Hampshire's statute with new language recently enacted under the federal American with Disabilities Act. It clarifies the role(s) of service animals (dogs) in assisting individuals with disabilities and removes the state requirement that special collars or leashes be used to designate the nature of the disability, which is considered to be an invasion of privacy. **Vote 12-0.**

HB 405, relative to dissolving corporations. **OUGHT TO PASS.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill provides that the filing of articles of dissolution by a corporation shall not effect a court determination of fair market value of the shares of a shareholder who has petitioned for judicial dissolution, and eliminates the authority of the petitioner to continue to pursue claims on behalf of the corporation preventing a shareholder from affecting the value of the corporation. **Vote 12-0.**

HB 419-FN, relative to language in insurance certificates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald Flanders for Commerce and Consumer Affairs: This bill establishes the model law relative to the content and form of certificates of insurance which are issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. It also prohibits anyone from issuing a certificate that is not in compliance with the requirements of this law. **Vote 16-0.**

HB424, relative to surplus lines tax collection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F Headd for Commerce and Consumer Affairs: This bill ensures the continued receipt of premium taxes for non-admitted insurance companies, including surplus line insurance companies to be collected and disbursed (annual \$1.5 to \$2 million fiscal impact). The bill also allows domestic insurers, under certain circumstances, to be designated by the insurance commissioner as domestic surplus lines insurers. **Vote 16-0.**

Rep. James F Headd for Commerce and Consumer Affairs: This bill ensures the continued receipt of premium taxes for non-admitted insurance companies, including surplus line insurance companies to be collected and disbursed (annual \$1.5 to \$2 million fiscal impact). The bill also allows domestic insurers, under certain circumstances, to be designated by the insurance commissioner as domestic

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers and wholesalers to report changes in ownership. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M Sullivan for Commerce and Consumer Affairs: Within the drug industry, reverse distribution outlets allow a retail pharmacy to return expired, near-expired or damaged drug packages to many manufacturers using a single point of return. It will save the pharmacies time and cost in making returns as well as provide proper control of materials and records. There is a separate provision to tighten the requirements of reporting

change of ownership of drug manufacturers, distributors, wholesalers, service distributors and brokers. **Vote 16-0.**

HB 562, relative to overdraft fees charged by banks. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill limits overdraft fees by banks to \$50. The bill looks to solve a problem that does not exist. Customers are properly noticed and aware that if they spend more than they have, they will be charged fees. This bill would have also only impacted state banks and had no effect on the larger banks across the state that are not New Hampshire based. **Vote 14-0.**

HB 566, relative to the identification of dental prosthetic appliances. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill requires removable dental prosthetic appliances that are fabricated pursuant to a dentist's orders, to have markings identifying the patient. The committee respects the intent of the sponsor; however the committee felt this decision should be left up to the consumers. Currently many dentists are now doing this on their own so legislation is not necessary. **Vote 16-0.**

HB 577, relative to the use of foreign languages by retail establishments. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill requires establishments that provide in-store aisle marking or directions in a foreign language to provide such signs in the six official languages of the United Nation. This bill creates an unfair burden on private businesses especially those that may cater to foreign retail items such as Gaelic shops or Japanese or Korean grocery stores. **Vote 16-0.**

HB 601-FN, relative to implementation of federal health care reform. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: In the interim period while the committee studies the various options for opting-out of the patient protection and affordable care act of 2010 and also whether to prevent its further implementation, this bill would require all actions of "any state official or agency that seeks to enforce the insurance provisions of the act" to obtain approval from an oversight committee made up of two senators and three representatives. This oversight committee would continue to check the carte blanche authority of state bureaucrats and ensure that they are not taking any actions against the will of the legislature, and indirectly, the will of the people. At this point, such an oversight committee is needed to prevent unnecessary steps toward adoption of an act that the legislature may ultimately decide not to adopt. **Vote 15-0.**

HB 606, establishing a committee to study the formation of a consumer protection working group. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill establishes a committee to study the formation of a consumer protection working group as recommended by the joint legislative committee to review the state's regulatory oversight over Financial Resources Mortgage, Inc. This matter has already been addressed by the committee in earlier legislation. **Vote 15-0.**

HB 607, relative to exemptions under the consumer protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill would limit exemptions from the Consumer Protection Act to transactions "expressly" permitted by the bank commissioner, director of securities regulations, the insurance commissioner, the public utilities commission. By so doing it would allow claimants to bypass current regulations and procedures used by these departments to enforce their consumer protection and substantially reduce their enforcement effectiveness by allowing claimants to sue under the Consumer Protection Act (RSA 358A). The committee felt that simply because a department has not issued a bulletin or rule regulating every activity or product that a bank or insurance company may offer is no reason why enforcement for a consumer complaint should be under

the Consumer Protection Act rather than the consumer protection laws and regulations of the individual departments. **Vote 15-0.**

HB 613, establishing exemptions from the licensing requirements for first mortgage bankers and brokers. **INEXPEDIENT TO LEGISLATE.**

Rep. James M Sullivan for Commerce and Consumer Affairs: Like HB 385, this bill adds an exemption to the licensure law regarding mortgage bankers and brokers who negotiate less than 4 residential mortgage loans in any calendar year. The bill also provides an exemption for individuals licensed to practice law. A bill coming from the Senate deals with the “deminimus” allowance for issuance of mortgages at a lower level. The House voted ITL on HB 129 dealing with attorney exemptions in licensing requirements for mortgages. **Vote 15-0.**

HB 616-FN, relative to coverage for divorced spouses. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill was requested by the insurance department to clarify insurance coverage for divorced spouses. The intent is to amend RSA 415:18 relative to group insurance coverage for divorced or legally separated spouses, the intent being to curb abuse of insuring “multiple” families due to remarriage. Since this will also be the subject of another health insurance mandate bill the committee recommended ITL so that the matter will be more fully covered in another mandate bill.

Vote 15-0.

HB 617, repealing the prohibitions on Sunday business activities. **OUGHT TO PASS.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill repeals the chapter prohibiting certain business activities on Sunday. This is an outdated law that the committee believes should be repealed as all businesses should be on equal terms of operations with each other, and we will decrease the size of our statutes as well as over regulation of businesses by the state. **Vote 15-0.**

HB 627-FN, relative to “essential benefits” under federal health care reform. **OUGHT TO PASS.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill provides that any state mandate that exceeds or which offers better benefits than the “essential benefits” section of the Patient Protection and Affordable Care Act of 2009 as amended and which mandate is required to be paid for by the state, shall not be available to the insured. **Vote 13-2.**

HB 643, relative to propane sales. **INEXPEDIENT TO LEGISLATE.**

Rep. James M Sullivan for Commerce and Consumer Affairs: The bill made it a violation to charge a higher price or surcharge on propane delivered to low-volume users. The committee took testimony on various examples as to why deliveries in different forms or levels did indeed have fixed costs associated with the act of delivery, and that recovery of the costs justified pricing differences. **Vote 15-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 434, relative to procedures for investigating law enforcement officers involved in critical incidents. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee recognizes the traumatic character of certain incidents for those involved but is reluctant to impose regulations or costs on the communities involved. The committee is further concerned that the definition of “critical incident” may be too broad, imposing costs in a wide range of cases. The committee is satisfied that municipalities may define procedures for managing officer-involved shootings and other incidents and may choose to follow them on a case-by-case basis. **Vote 17-0.**

HB 453-FN-L, making persons fleeing to avoid prosecution or custody or violating parole or probation ineligible to receive certain disability aid. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee felt this bill would add bureaucratic requirements to an already-overburdened department. Supporters

didn't demonstrate a real need for the legislation. According to a representative from the department of health and human services (DHHS), the number of cases that would fall into this new regulation would be approximately 1/10 of 1% of total cases, making it insignificant and unnecessary. By including in regulation what is illegal in other states and at the federal level, constantly changing criteria would make enforcement difficult. **Vote 14-3.**

HB 544, relative to state authority over firearms and ammunition. **OUGHT TO PASS.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: It makes little sense for towns to be allowed to make conflicting laws regulating knives. If one were to pass from jurisdiction to jurisdiction with conflicting laws you could easily find yourself in conflict with a town ordinance that is different than your destination or place of origin. **Vote 16-0.**

HB 552, establishing a committee to study repealing the revisions to the law implemented by SB 500-FN of the 2010 legislative session. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would establish a committee to study repealing the provisions of SB 500 which was enacted last session. The committee believes that this study is unnecessary because separate legislation exists this session which specifically addresses the perceived deficiencies of SB 500 and which can be used as vehicles to amend the law. Therefore, further study is not needed at this time and the committee recommends inexpedient to legislate. **Vote 15-1.**

HB 576-FN, relative to the right to brandish a firearm in defense of one's property.

INEXPEDIENT TO LEGISLATE.

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill would allow the use of deadly force to prevent the unlawful taking of one's property. The bill also permits a person to display a firearm to prevent a theft of one's property. While this bill is well intentioned and although the majority of the committee has no problem with the displaying of a firearm to warn away a threat to one's property, we felt that the use of deadly force was excessive as the term "property" was not clearly defined. Are we talking about hub caps, lawn chairs, vehicle or a life threatening situation? There are bills on the calendar that we feel will adequately address the brandishing issue. **Vote 14-2.**

EDUCATION

HB 39, relative to the adoption of the common core state standards in New Hampshire and relative to the substantive content of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education: Even though this bill did not remove any courses from a school's mandatory requirement of courses that must be available, it was perceived as such. What this bill tried to address is what courses the state was actually paying for, for a so-called state defined adequate education. The second part of this bill is in HB 164, which was approved by this House. This bill will not change anything and the law that this bill addresses will probably not exist in the near future. As such, this bill is unnecessary. **Vote 15-0.**

HB 220-FN, relative to the approval of plans and specifications for the construction of school buildings. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M Jones for Education: This bill would require the department of transportation and regional planning commission to submit recommendations on all school building aid projects. We've already retained HB 604 in committee. The issue in HB 220 could be incorporated into the retained HB 604 with the concerns expressed by the NH Association of Regional Planning Commissions taken into account. This bill creates an unfunded mandate and expands government. **Vote 16-0.**

HB 290, relative to staffing exceptions for small schools. **OUGHT TO PASS.**

Rep. Rick M Ladd for Education: This bill provides staffing exceptions for small schools. The bill enables schools of this size to seek approval for staffing exceptions from the commissioner of education, with approval effective until such time the school no longer meets the small school student size definition. The bill enables school boards that have limited

resources to modify staffing patterns to best support the small school's unique learning environment. For example, a small school may have a public library directly across the street with a capable librarian with whom the school could share services. Other instructional programs required by rule such as a reading specialist, media services, music, physical education, etc., might be provided through a classroom teacher generalist or a non-certified staff member supervised by a certified classroom teacher or principal. Guidance counselor services could be provided as determined necessary by school administration and the school board. Small schools have many special qualities and with modification of rules and in keeping with economies of scale, these schools will continue to provide necessary instructional programming while maintaining the community's small school environment.

Vote 16-0.

HB 376, relative to representative voting on joint boards of school administrative units.

INEXPEDIENT TO LEGISLATE.

Rep. Laura M Jones for Education: The committee determined that this bill is not needed since statute (RSA 194-C:7 and 194-C:8) already deals with representative voting on joint boards of school administrative units. **Vote 14-0.**

HB 377-FN, requiring daily physical education for public school pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Education: The committee members all felt that physical education was an important class. However, with that said, mandating daily physical education would be an additional unfunded mandate on local schools. This bill would require a 5 day a week class potentially requiring additional teachers. **Vote 15-0.**

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. **OUGHT TO PASS.**

Rep. Jeffrey L St. Cyr for Education: This bill amends the corporate charter of the University System of New Hampshire to include Granite State College. The bill also amends the student trustee rotation to include a student trustee to serve as a member of the board of trustees from Granite State College. HB 386 does not change the size of the board membership. Granite State College allows students to attend classes at 9 academic centers or through on-line courses. **Vote 15-0.**

HB 501-FN-L, requiring the teaching of cardiopulmonary resuscitation in public schools.

INEXPEDIENT TO LEGISLATE.

Rep. Laura M Jones for Education: Local districts can already decide to offer a CPR class. It should not be mandated by the state. This bill would create an unfunded mandate. **Vote 14-0.**

ELECTION LAW

HB 99, relative to deeming voters reregistered for purposes of verification. **INEXPEDIENT TO LEGISLATE.**

Rep. Regina M Birdsell for Election Law: This bill requires a person's place and date of birth to be in the statewide centralized voter registration database in order for the person to be deemed re-registered at the 10-year verification of the checklist. This bill was voted Inexpedient to Legislate because it would require updating the place and date of birth of approximately 191,000 voters to prevent them from being purged from the voter registration checklist. The sponsor intends to file a new bill to solve this issue through a different approach. **Vote 16-0.**

HB 223-FN, eliminating election day voter registration. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law This bill would eliminate same day registration. While many of us have issues with the current system, we also recognize that eliminating it would subject us to the National Motor Voter Act, which is the very reason we adopted same day registration in the early 1990's. Among the consequences of falling under "Motor Voter" law would be that out-of-state groups could register voters on the street, with no assurance

that those registrations would reach the appropriate officials. We will continue to work to see that only citizens who have a right to vote will have that privilege. **Vote 18-0.**

HB 251, relative to absentee ballots. **OUGHT TO PASS.**

Rep. Susan C DeLemus for Election Law: This bill was submitted at the request of the secretary of state. It permits clerks to use the federal write-in absentee ballot as a request for an official absentee ballot as provided for in RSA 657:12. It also clarifies the city and town clerks responsibilities for sending and recording absentee ballots. **Vote 15-0.**

HB 257, relative to removal of political advertising. **OUGHT TO PASS.**

Rep. Cameron W DeJong for Election Law: New Hampshire law clearly prohibits placement of political advertising on public property. The requirement governing proper placement of political advertising only has reference to placement on private property or within state-owned rights-of-ways with the owner's consent. The assistant attorney general testified that they can not enforce a requirement to remove political advertising from private property by a certain time. This bill deletes that unenforceable deadline. **Vote 13-0.**

HB 258, eliminating certain unenforced election laws. **OUGHT TO PASS.**

Rep. Shawn N Jasper for Election Law: This bill makes no actual changes to how we conduct our elections at the present time. What it does is to eliminate references to filing fees and primary petitions, which were repealed by chapter law many years ago. It also makes changes such as changing "he" to "he or she." Additionally, it repeals specific RSA's which referred to the aforementioned filing fees and petitions. The repeal of RSA 664:4, I was the only area of disagreement and not because of the actual repeal, but because sections II and III were not also repealed. RSA 664:4 deals with contributions by corporations, partnerships and labor unions. The section dealing with corporations has been ruled unconstitutional and has not been enforced for years, yet it remains part of our statutes. There were those who wished to repeal the other two sections as well, but as that was a policy question and not subject to a public hearing the committee felt it best to pass the bill as introduced. **Vote 11-2.**

HB 274-FN, relative to voting procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Regina M Birdsell for Election Law: This bill makes various technical changes to the voting procedures wherein the bill would require town clerks to have available an official email, addresses, and polling hours available to voters and insure that the information is available to the secretary of state so it can be placed on that website in advance of an election to insure it is available to voters. **Vote 18-0.**

HB 421, relative to candidates for United States senator. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M Hoelzel for Election Law: This bill as originally submitted required members of the General Court to nominate candidates for United States senator. The 17th Amendment to the US Constitution took away state legislatures' involvement in the election of US senators. Part 1, Article 11 of the New Hampshire constitution guarantees the equal right of a citizen to be elected to office. Permitting only the political parties' favorites to file for office violates this guarantee. HB 421 would deprive the people of the power the 17th Amendment guarantees them. **Vote 18-0.**

HB 427-FN, prohibiting political advertising on public property. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M Hoelzel for Election Law: This bill would allow the state or a city or town to charge for the removal and storage of improperly placed political advertising. Nothing in the bill addresses upon whom the charge would be assessed. The director of the New Hampshire DOT operations stated it would be very problematic to have to pick up all signs and then determine the charge and to whom. **Vote 16-0.**

HB 451-FN, prohibiting the use of prerecorded political messages for political advocacy within 30 days prior to an election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Election Law: As amended, this bill repeals the ban on calling a voter whose name is on the federal do-not-call registry with prerecorded political messages.

Political messages are permitted to be made under the federal do not call statute because political speech cannot be limited in this way since political speech has more first amendment protection than the commercial speech the statute was designed to target. Because our state law conflicts with federal law, it is appropriate to repeal the state law. The bill first came to the committee to prohibit robo-calls within 30 days of an election. The committee decided to replace that bill language for the same first amendment reasons. **Vote 15-0.**

HB 459-FN, relative to placement of political advertising. INEXPEDIENT TO LEGISLATE.

Rep. Shaun S Doherty for Election Law: This bill would limit the placement of political advertising to an area within 450 feet of intersections and at least 150 feet from any residence or business. The committee decided these arbitrary requirements on placement of signs are too restrictive and unenforceable. **Vote 15-0.**

HB 487-FN, relative to election day registrants. OUGHT TO PASS.

Rep. Shaun S Doherty for Election Law: This bill requires that a voter who does not verify his or her identity upon registration be mailed a letter and instructed that the recipient return the letter to the secretary of state within thirty days. By having the recipient return the letter, the committee believes it would improve the verification process and prevent unnecessary investigations. **Vote 16-0.**

HB 588, relative to polling hours and location of polling places. OUGHT TO PASS WITH AMENDMENT.

Rep. David M Pierce for Election Law: Leading up to the 2010 election, a few towns/cities changed their polling hours and polling place addresses without reporting the changes to the secretary of state. This bill requires the towns/cities to immediately report any changes to the polling hours and locations and the secretary of state to immediately update his website with that information. HB588 ensures that the voters know when and where to vote. **Vote 16-0.**

HB 598, prohibiting a candidate from receiving the nomination of more than one party. INEXPEDIENT TO LEGISLATE.

Rep. Shawn N Jasper for Election Law: This bill would prevent a person from being a candidate of more than one party which may at first glance seem like a good idea. On closer examination of the effect of this act, the committee believes that the choices of the voters could be negatively affected. Under current law there is a real effort on the part of local party officials to see that the slate of their party is full. If they fail to fill the slate, any vacancy may be filled by the state party. If they fail to do so then it should be left to the voters, without restriction **Vote 14-2.**

ENVIRONMENT AND AGRICULTURE

HB 46, relative to the membership of the current use advisory board. OUGHT TO PASS WITH AMENDMENT.

Rep. David L Babson for Environment and Agriculture: This bill clarifies the make-up of the current use board. As the law reads now, the board can have only three current or former assessors. This eliminates selectmen and most likely the appointee of the commissioner of the department of revenue who by the very nature of their job are assessors. The simple change in the RSA would allow the commissioner of DRA to appoint an individual who is a certified assessor. The other minor change allows the executive director of the association of conservation commissioners to appoint a designee. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. OUGHT TO PASS.

Rep. Peter B Schmidt for Executive Departments and Administration: This bill was vetted as to policy by the Environment and Agriculture committee and passed by the House on the

consent calendar. Our function was solely to review the licensing aspect of the bill and our members found no objection therein. **Vote 12-0.**

HB 43, relative to the adoption of forms under the administrative procedures act. **OUGHT TO PASS.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill was introduced at the request of the Joint Legislative Committee on Administrative Rules (JLCAR). In the last session, the legislature authorized agencies to incorporate by reference forms used by the agency and it made such forms non-expiring. The option allowing agencies to incorporate forms by reference proved to be a great improvement. The provision making them non-expiring created a serious unintended consequence for those agencies who decided to continue to describe their forms in the corpus of the rule. Because the form section had a different life-span, it needed to be filed separately and recorded distinctly from the rest of the rule, thus creating work rather than streamlining the process. This bill repeals the non-expiring provision. **Vote 16-0.**

HB 62, relative to the definition of the New Hampshire building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D Pratt for Executive Departments and Administration: The contents of this bill are being incorporated into HB 137 thus making this bill unnecessary. **Vote 17-0.**

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilotte for Executive Departments and Administration: This bill was introduced to insure that any proposed administrative rule accurately reflects the intent of the authorizing statute and that no rule goes into effect by default. The amendment mandates that the first time a rule implements a newly-enacted statute, it is sent to the chairs of the standing policy committee of the house and senate. The standing committee may review the proposed rule to determine whether it is consistent with the intent of the authorizing legislation. If the policy committee concludes that the rule is not consistent with legislative intent, it shall notify the agency and the director of legislative services identifying the inconsistent provisions. The second section of the amendment mandates that absent a waiver of deadlines, for good cause, the JLCAR committee shall either approve the rule or object to the rule within the required time. **Vote 16-0.**

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: Other than a single USDA approved federal meat inspection site in Goffstown, there has been no other way for New Hampshire farmers to get their meat inspected since the 1970s. Consequently, farmers have been unable to sell their meat in the New Hampshire commercial market. This profoundly limits the state's opportunity for agricultural growth. New Hampshire needs a state meat inspection program. This bill is the result of extensive subcommittee work throughout the last session. The department of agriculture has been very effective at minimizing the start-up expenses that prevented passage last year, and the appropriation is only \$1. Once running, the program will pay for itself; the amendment includes a list of not to exceed fees for inspection services. **Vote 14-0.**

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill is a request of the committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces established in 2009, 144:87, II. The purpose is to eliminate unnecessary and, in some cases, non-functioning bodies while retaining those found worthy of continuing. The amendment deletes references to bodies addressed in separate legislation. **Vote 15-0.**

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill repeals RSA 100-D relating to divesting investments in Sudan. While the committee does not support the activities taking place in Sudan it complicates the investment decisions of both the New Hampshire retirement system and the judicial retirement system. Mutual funds, ETF's and index funds invest in many companies, and for the retirement systems to try and figure out all the companies invested in, and whether or not what companies are investing in Sudan is a herculean task. We feel that it should be left to the retirement systems to be able to invest as they see fit to get the best return which will help lower employer contributions which will help the local property tax payer. **Vote 13-0.**

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Spec Bowers for Executive Departments and Administration: This bill increases from one to two the number of apprentices a master electrician may supervise. Under current law there can be no more than a 1:1 ratio of apprentice to master (or journeyman). For example, a job site might have one master, an apprentice, a journeyman, and an apprentice. If the journeyman called in sick, an apprentice would also have to miss work in order to preserve the 1:1 ratio. Under the bill, if the journeyman left, the master electrician could supervise both of the remaining apprentices. The amendment, negotiated between electricians and the IBEW union, limits to six the number of master electricians supervising two apprentices at a job site. The committee majority agrees that the bill increases workplace flexibility and efficiency without sacrificing safety. **Vote 14-1.**

HB 508-FN, establishing a performance measurement system for state agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilote for Executive Departments and Administration: This bill was introduced to establish a pilot program for the development of a performance measurement system in the department of health and human services and calls for all agencies to develop such systems by 2013. The committee recognizes the need for measuring how effectively the state is servicing the public and believes this approach is consistent with the goals of improving governmental practices. DHHS has been working on this type of analysis for several years and some other agencies are currently involved in discussions about adopting a similar model. The amendment extends the deadlines to ensure smooth adoption. **Vote 13-0.**

HB 586, establishing an interdepartmental public health and environmental coordinating committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill adds bi-annual meetings to four state agencies on top of the work they already have to do. Their reports are advisory in nature and thus lack any rulemaking or other authority to influence outcomes. The committee felt that the additional workload was ill-advised at this time. **Vote 16-0.**

HB 620, establishing a commission to study the creation of a health care pool for police, fire, teachers, state, university, and municipal employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill creates a study commission that duplicates private sector activities and is thus unnecessary at this time. **Vote 16-0.**

HB 630, requiring state agencies, boards, and commissions to submit a report to the senate and house finance committees concerning the need for fee increases or new fees.

INEXPEDIENT TO LEGISLATE.

Rep. Peter T Hansen for Executive Departments and Administration: The committee felt the bill's intent was unclear and would or could result in undue burden and repetition of information flowing to the recipient finance committees. HB 624, which has been retained, also addresses the intent of this bill. **Vote 14-0.**

FISH AND GAME AND MARINE RESOURCES

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program. **OUGHT TO PASS.**

Rep. Betsy McKinney for Fish and Game and Marine Resources: This bill was a request of the fish and game department and asks for the ability to suspend hunter certification under administrative rules for a person charged with significant violations of safety rules and require these individuals to retake a hunter safety course. **Vote 9-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 71, authorizing establishment of pharmaceutical drug take-back programs. **OUGHT TO PASS.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This is enabling legislation that allows New Hampshire communities and private entities to establish uncontrolled and controlled drug take-back programs for the purpose of destruction of these agents by allowing collaboration with the chief law enforcement of the community or governmental entity. This bill does not mandate participation upon any community or private entity at the state or municipal level. There is great legislative and constituent support for this legislation. All should support this legislation as it has already proven its ability to remove thousands of unused medications from homes and streets of New Hampshire. **Vote 11-0.**

HB 75, establishing a commission to study bed bugs in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: The committee agrees that bedbugs are a growing problem in New Hampshire and New England. This public health concern presents a serious challenge for the healthcare, hospitality, tourism, education and housing communities. Consequently, the committee has assigned the bed bug issue to the health and human services oversight committee (HHSOC) in order to expedite the discussion. The HHSOC has already created a subcommittee to bring the stakeholders together to discuss public education and prevention strategies. The prime sponsor of HB 75 will be chairing the subcommittee. **Vote 16-0.**

HB 163, establishing the medical sharps advisory council on disposal of medical sharps. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill would establish the medical sharps advisory council, a product of a 2008 commission. The health and human services oversight committee agreed to establish the medical sharps advisory council. **Vote 17-0.**

HB 191, relative to the community mental health system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill addresses the recommendations of a 2010 performance audit of the 10 community mental health agencies. As recommended by the audit, it eliminates the term "state funded" and requires all state contracts to have outcome measures. It also addresses the concern related to the growing problem of uncompensated care delivered to individuals who have no insurance and present for mental health services. The bill clarifies that clinical interventions cannot be denied but enables the agencies to prioritize care for this group of clients based on a thorough clinical assessment. This language will enable the community mental health agencies to stretch their increasingly scarce resources a bit further while providing care to needy individuals. **Vote 16-0.**

HB 214, establishing a committee to study the state's participation in the federal Medicaid program. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen J Cusson-Cail for Health, Human Services and Elderly Affairs: This bill establishes a committee to study the state's participation in the federal Medicaid program. The committee decided to allow the HHS Oversight Committee to establish a subcommittee to study this and other methods relating to financing of health care. **Vote 17-0.**

HB 284-FN, relative to contact lens prescriptions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: This bill as amended will cause refracted and plano (unrefracted) lenses to “on prescription only” for sales. At the present time, only refracted lenses (prepared for sight need for each individual) are on prescription only. This bill will add plano lenses. This bill was requested by the NH board of optometry. This request was triggered by the purchase of “colored lenses” to change the color of the wearer’s eye, which was sold at a tattoo parlor. These lenses have to be fitted just as the refracted lenses. Later, this lady came to an optician with an ulcerated cornea which, if not properly treated, could cause the loss of sight in that eye. This bill has been heard and passed because of possible public harm if these lenses can be sold without a prescription from an eye doctor. **Vote 15-0.**

HB 312-L, relative to notice required for the fluoridation of drinking water.

INEXPEDIENT TO LEGISLATE.

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: This bill would require communities that fluoridate their water supplies to place a notice on water bills advising parents of children less than 12 months of age of the potential of developing dental fluorosis if they exclusively use tap water to reconstitute formula. This bill has a number of issues of concern for the committee. First, it would only address the 11 communities in New Hampshire that fluoridate their water and not include those small community water supplies with high levels of naturally present fluoride. The committee also was concerned that this bill may involve an unfunded mandate for the affected communities. The proposed language of the notice was not consistent with the recommendations of the Centers for Disease Control and Prevention (CDC) or the American Dental Association (ADA). Lastly, the committee feels that this concern is best addressed by parents discussing this issue with their child’s physician or dentist. **Vote 16-0.**

HB 407, establishing a committee to study the rising incidence of autism. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald L LeBrun for Health, Human Services and Elderly Affairs: After reviewing the testimony from the public hearing weighing the current situation, it was agreed that this issue is unlikely to be further helped by creating an autism study committee. **Vote 16-0.**

HB 426, adding certain entities to the unused prescription drug program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill has been requested by the NH board of pharmacy. This bill will give the board of pharmacy the authority to make rules which would allow long- term health care facilities (nursing homes) and correctional facilities to donate unused prescription drugs to the New Hampshire recycling program. These donations will provide a large number of prescription drugs to be reused and not destroyed. **Vote 16-0.**

HB 484-FN, requiring random drug testing of food stamp program participants.

INEXPEDIENT TO LEGISLATE.

Rep. James R MacKay for Health, Human Services and Elderly Affairs: The sponsors of this bill demonstrated a laudable concern about drug use among our citizens and its impact on society. However, this legislation contains several defects that render it Inexpedient to Legislate. The department of health and human services, in the fiscal note, clearly states that mandatory drug testing is prohibited by the federal supplemental nutrition assistance program (SNAP). In addition, a senior attorney from the office of the attorney general cited several concerns about the constitutionality of the legislation. The fiscal note indicated that the cost of implementing this program could range from 3 ½ to over 7 million dollars. This legislation could have the unintended consequences of family members, including minors, deprived of food stamp assistance. Lastly, the state has a long history of advocating for treating individuals with substance use and mental illness. Perhaps more thought could be

given to ways to identify methods to involve these individuals in appropriate treatment services. **Vote 16-1.**

HB 485-FN, relative to requiring photo identification for food stamp program participants. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs: This bill would mandate the use of photo identification “for continued eligibility” in the food stamp program. In essence, the eligible food stamp recipient would be required to provide a photo ID along with the electronic benefits transfer (EBT) card, e.g. to retail goods stores or meal services. It is not possible to place a picture of the recipient on the EBT card. In addition, federal regulation would require a photo ID for every family member. This legislation would require the issuance of upwards of 112,293 photo ID’s with an approximate cost of \$90,000. Since the food stamp program is 100% federally funded, any savings would not accrue to the State of New Hampshire. **Vote 16-1.**

HB 489-FN, relative to health information exchange. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: This bill creates an oversight structure for electronic health information transmission between health care providers. This structure is called the health information organization (HIO). Previous legislation insures privacy as well as establishes the parameters for the sharing of data. This HIO will oversee the grant monies that will be used to implement this project as well as the design and implementation of the project. Members of the HIO will be providers as well as members of the public who have had some health care experience. The electronic transmission of health care information will give providers a way of transferring patient data in an efficient, encrypted, expedient fashion which will improve provider communication and consequently will lower patient costs. The amendment clarifies that the HIO should not be confused with the Health Benefit Exchange. **Vote 18-0.**

HB 573, relative to the administration of certain pain relief medications by a school nurse. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A Fredette for Health, Human Services and Elderly Affairs: The committee determined that this bill was not necessary. There is currently language, Ed 311.02 (p), that allows school nurses to administer certain over the counter medications providing the medications are included in school policy and providing there is parental consent. HB 573 was generated because of a problem in a particular school. The department of education agreed to follow up with that school to make sure that the personnel fully understood the existing rule. **Vote 16-1.**

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs: This bill requires that the departments of health and human services and administrative services issue a certain request for information (RFI) needed to determine if a single source administrator for the NH pharmacy benefits management system is feasible. If the RFI suggests that there would be increased efficiency and savings, the commissioners shall jointly issue a request for proposal (RFP) within six months of the report required under this section and the cost of the RFP shall be borne by the affected groups in proportion to their covered lives. **Vote 17-0.**

JUDICIARY

HB 146, relative to the right of jury nullification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: As amended, this bill requires the judge in a criminal trial to instruct the jury of its right "to judge the facts and the application of the law in

relationship to the facts in controversy." It also requires the court to permit the defendant or counsel for the defendant to explain this right to the jury. **Vote 17-1.**

HB 305, relative to the homestead right. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill amends the homestead law, RSA Chapter 480, in order to change a rule established in the 2007 case of *Chase v. Ameriquest Mortgage Co.*, 155 N.H. 19. Until *Chase*, it had been widely understood that the four exemptions and exceptions from levy or sale on execution and from liability to be encumbered or taken for the payment of debts set out in RSA 480:4 must be strictly construed. In *Chase*, however, the supreme court embraced a further exception when, to the extent of the amount of the new mortgaged-secured loan used to pay off the old one, it recognized an equitable lien on Mrs. Chase's homestead in favor of the foreclosing mortgage lender, even though her signature on the new mortgage had been forged. The result was to condemn a single mother and her two minor children to eviction from their home, precisely the evil that this chapter had been enacted to prevent. This bill would clarify that the statutory homestead exemption creates an exception to the common law theory of equitable subrogation in that the ability of individual creditors to be secured by a lien on a homestead is subordinated to the broader social benefit of preventing destitution and homelessness of mothers and children; that it is the purpose of the homestead exemption to secure to debtors and their families the shelter of the homestead roof. **Vote 16-0.**

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph M. Hagan for Judiciary: This bill extends access to public records (RSA 91-A) concerning line of duty motor vehicle accidents and violations by state employees to the same events involving county, city, town and local entity employees. This expansion of the right-to-know provisions was felt to be a matter of fairness to all employees of New Hampshire governments. **Vote 14-0.**

HB 349-FN, relative to alternative dispute resolution in civil cases. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill would require non-binding arbitration for legal cases involving \$100,000 or less that were not resolved through other alternative dispute resolution methods. Currently, litigants in cases involving money judgments are required to participate in alternative dispute resolution, with the majority of litigants preferring mediation. However, litigants in New Hampshire are not required to itemize their damages prior to discovery or trial, so it was unclear to the committee or the judicial branch representative that testified how the \$100,000 limit imposed by this bill would be determined. Further, imposing an additional requirement of arbitration for those smaller cases that did not settle at mediation would eliminate smaller valid claims due to increased costs, would further slow the already-clogged court system, and would impose a significant financial burden on the judicial branch. The majority believes that the alternative dispute resolution procedures already in place are working well and that this bill is not only unnecessary, but that it would be detrimental to the current system. **Vote 14-1.**

HB 412, establishing a committee to study issues of judicial standing under federal and state law. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L. Silva for Judiciary: This bill would establish a committee to study issues of judicial standing under federal and state law. The committee believes that this study is unnecessary because the perceived problems regarding taxpayer standing can be resolved by amending RSA 491:22. Therefore, the committee unanimously recommends inexpedient to legislate. **Vote 15-0.**

HB 431, relative to psychiatric evaluations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: Two sessions ago, RSA 135-C: 43, regarding non-emergency involuntary admissions to the state hospital or other facility, was amended to close the probate files in these cases to protect the privacy of the individuals involved. An unintended consequence of the change was that the probate court cannot now send a copy of

the psychiatric evaluation which provides the basis for the committal to the treating institution. The evaluation contains useful information that could aid in the determination of the best course of treatment. The bill provides that the court can determine whether the evaluation should be provided to the treating facility, after the individual who is the subject of the proceeding has notice and an opportunity to be heard on the issue. The amendment changes the word “shall” to the word “may” to reflect that the court could determine that the file should not be forwarded to the treating institution. **Vote 13-0.**

HB 522-FN, relative to elder abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The committee extends its collective thanks to the sponsor of this bill for her concern for our frail elders and for the opportunity to hear from several experts about this most important issue. The first provision of the bill provides that criminal background checks shall be done on any person seeking to be appointed as a guardian of a frail elder. The committee learned that background checks are already routinely required not only for guardians of elders, but of minors as well. Secondly, the bill provides that a person convicted of felony abuse of an elder forfeits all right to the estate of their victim. New Hampshire does not have a codified version of the “slayer law,” the law that prohibits one who has killed another from benefitting from the crime. However, case law from the 1960s and also from 2000 confirmed the equitable powers of a court to impose a constructive trust on an inheritance in that circumstance, and to ensure that the criminal did not benefit from the crime. The committee was convinced that the court has the power, in an appropriate case, to impose the same sanction in a case of elder abuse. As the core subjects of the bill are being addressed through different mechanisms, the committee determined that passage of further legislation was not needed at this time. **Vote 16-0.**

HB 569-FN, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would entirely replace civil marriage and civil unions with domestic unions for all couples, heterosexual or homosexual, beginning January 1, 2012. Except for the curious difference that the new scheme would recognize unions between siblings, first cousins, aunts and uncles with nephews and nieces, and step-parents with step-children, it undertakes to parallel marriage precisely, the evident purpose being to disentangle the civil and religious aspects of the institution. The committee concluded that substitutes for marriage is an idea whose time has come and gone in New Hampshire. Heterosexual couples never wanted them for themselves and were willing to accept them for homosexual couples in order to enable them to share in the economic advantages of marriage. Homosexual couples have moved on to marriage. There is no longer any constituency for substitutes for marriage except among a small minority who would alter society to conform to an abstract ideal of logical perfection. The majority believes that few, if any, would-be “June Brides” would prefer to be “June Parties-to-a-Domestic-Union,” which just doesn’t have quite the same romantic feel. **Vote 16-0.**

HB 596, establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L. Silva for Judiciary: This bill was voted unanimously Inexpedient to Legislate. Committee members felt this was the best vote because HB 232, relative to abandoned homes in manufactured housing parks, is currently in the Municipal and County Government Committee for further study during the summer. **Vote 15-0.**

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Rowe for Judiciary: The bill represents a complete reorganization of a portion of the Judicial Branch. Three courts have been merged, namely the District Court, Probate Court and the Family Division. The merger of the three court functions into the new court structure, the Circuit Court, will bring the functions of the three courts closer to the citizens with a resulting reduction of citizen’s costs, travel and court delay. Judges in all three of the

former courts will become certified in district court, probate court and family matters. As a result, there will be greater flexibility in the court in dealing with matters brought before them. In smaller towns, the court will be available to hear a variety of cases, thus reducing delays. The Circuit Court will function in all current court locations; no courts will be closed. Further, the bill provides for the elimination of marital masters at the end of each masters' current contract term. The marital master function will be converted to that of a full-time judicial position depending on available funding and approval of Governor and Council in each case. **Vote 16-0.**

HB 637-FN, relative to lowering the legal drinking age for members of the armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph M. Hagan for Judiciary: The committee has the highest respect for and extends the greatest thanks to our service members who have not reached their 21st birthday. However, lowering the legal drinking age to 18 would lead to loss of federal highway funds. Additionally, numerous witnesses, including members of the New Hampshire National Guard, the department of transportation, law enforcement agents unanimously testified that alcohol consumption is especially problematic in this age group and ought to be discouraged by the force of law. **Vote 15-1.**

HB 640-FN, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald B McClarren for Judiciary This bill would require a person who has a spouse who received medical assistance under the state Medicaid program to notice the department of health and human services and as a result possibly be responsible for reimbursing the state for benefits given to the spouse. The committee felt that the small number of possible instances where this bill would have an affect did not justify the passage of the bill. **Vote 17-0.**

HB 641-FN, relative to lien authority for the office of reimbursements within the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman A. Tregenza for Judiciary: This bill's intent is to recover costs that have been expended by the various statewide institutions providing health care. It would enable the department of health and human Services or the office of reimbursements to file liens against patients who have received services but not paid for them. Any notice of lien would be filed with the register of deeds in the patient's home county. The committee voted Inexpedient to legislate for more than one reason. There may be cases where the family members of those who received services are forced to pay for those services. This bill also would empower statewide federal agencies to file a notice of lien on private citizens. Such authority concerned some members in a similar way that expansion of internal revenue Sservice would also. **Vote 17-0.**

HCR 17, declaring that *Copp v. Henniker* and the opinions which subsequently relied upon *Copp* versus *Henniker* are void and of no force. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: *Copp v. Henniker* was decided in 1875, and addresses the availability of jury trials. The case has been reaffirmed over the intervening years. The New Hampshire House cannot, by House Concurrent Resolution, overturn a decision of the New Hampshire supreme court. The legislature has the power at any time to expand the right to jury trial by passing a bill to that effect. **Vote 15-0.**

HCR 18, declaring *Merrill v. Sherburne* to be void and of no force. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: *Merrill v. Sherburne* was decided in 1818, and addresses the separation of powers between the legislature and the judicial branch. The case has been cited with approval over the intervening years. The New Hampshire House cannot, by House Concurrent Resolution, overturn a decision of the New Hampshire Supreme Court. The legislature has the power to begin the process to overturn this ruling, which has stood for nearly 200 years, by an appropriate constitutional amendment. **Vote 14-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 26-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The original bill would make any dishonest act of an employee that was fired for that act be classified as “gross misconduct” under the law. Gross misconduct results in the employee’s inability to receive unemployment compensation and losing all their earned unemployment credits. Misconduct has a lesser penalty in that the employee would still be ineligible to receive employment compensation but they would not lose their earned unemployment credits. The committee determined that the word “dishonest” was too vague and open to severe penalties for an infraction worth \$0.01 and utilized by unscrupulous employers as a means to keep their unemployment tax low. The committee felt it was better to amend the current threshold of a theft of greater than \$500.00 to include accumulation of multiple thefts in an amount greater than \$500.00. Employees who have committed misconduct or gross misconduct will not be able to obtain benefits from their previous employers if the employer is an unemployment tax paying employer. Contributing employers could be responsible for paying unemployment benefits. However, they have access to an appeals process at the department of employment security to request non payment of benefits. **Vote 15-0.**

HB 401, relative to postsecondary training for workers with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joanne A Ward for Labor, Industrial and Rehabilitative Services: Upon application by a participating employer or proper school authority, the labor commissioner may establish a sub-minimum wage rate or no rate for high school or post secondary student working for practical experience to provide them with on the job skills to seek gainful employment once the training has been completed. The amendment states that during the training period no trainee can replace an employee. **Vote 15-0.**

HB 647, relative to withholding of wages. **OUGHT TO PASS.**

Rep. Andrew A White for Labor, Industrial and Rehabilitative Services: This bill adds to statute an additional provision on employer withholding of wages. This provision allows the employee and the employer to mutually agree on any withholding provided that withholding is authorized in writing and does not give the employer a financial advantage. **Vote 15-0.**

LEGISLATIVE ADMINISTRATION

HB 114, establishing a committee to study merging the state heritage collections committee and the joint legislative historical committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H Kidder for Legislative Administration: This bill came to us as a request for a study committee. In the course of testimony it seemed plausible that we should combine the functions under one bill. The bill was amended to reinstate the joint legislative historical committee. It is the hope archival, historic, cultural and art assets can be catalogued so we know what we own, using the best current practices. **Vote 14-0.**

HB 190, relative to legislative study committees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gladys Johnsen for Legislative Administration: This legislation limits membership of study committees established by the General Court to members of the legislative unit. In addition to the electronic filing all other reporting requirements shall be met. **Vote 12-2.**

HB 520-FN, requiring certain bills to have performance standard notes. **OUGHT TO PASS.**

Rep. Brendon S Browne for Legislative Administration: This bill requires the legislative budget assistant to prepare a fiscal note for any bill changing expenditures of the state by more than \$1,000,000. The performance standards note shall include a description of the measurable outcomes, positive and negative, if the bill passes. The committee believes that, like any good business plan, the legislature should know before it expends any money on a

program how that program will define success. We believe that this bill will allow us to better identify what programs are successful, and which are not. **Vote 12-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 66, relative to assessment of the land use change tax on cluster or condominium developments. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: The purpose of HB 66 was to change the effective date of HB 424 from July 1, 2009 back to 2007 when the supreme court altered the method in which the land use change tax is calculated on cluster or condominium development. After considering all the testimony, the committee had serious concerns with a retroactive bill. **Vote 16-0.**

HB 144, repealing the authorization for energy efficiency and clean energy districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin W Sterling for Municipal and County Government: This bill, as amended, changes the manner in which clean energy districts created under RSA 53-F are funded. The amended bill removes as a funding source general revenue funds and general obligation bonds for energy conservation improvements and as a source of funds for the required loan loss reserve account. Further the proposed legislation removes the priority lien position of clean energy fund loans, a condition that has been contentious with mortgage lending institutions. The proposed changes will remove the liability of the PACE program from the municipalities' general fund revenues while still preserving the clean energy initiative. **Vote 15-0.**

HB 205-FN, relative to notice to owners of upstream dams. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: In 2010, an amendment to RSA 676:4, I(d) was enacted to require notification of upstream dam owners whenever a "near" development was proposed. There was difficulty in verifying the owners of the dams due to perceived homeland security issues. HB 205 was introduced to deal with those issues. The amendment clarifies that "near" is defined by any structure that will be within 500 feet of the top of the bank of any river or stream and now requires notification to the department of environmental services who will notify the upstream dam owners. **Vote 15-0.**

HB 338, allowing towns and cities to exempt farm buildings and structures from property taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Burt for Municipal and County Government: The committee feels that there are already avenues to address this problem. For decades, the New Hampshire legislature has been concerned with the decline of agriculture in the state and the loss of agricultural land to encroaching development. In response, statutes to preserve and protect agriculture have been enacted, including current use property taxation, RSA Chapter 79-A, and the "Right to Farm Law," RSA Chapter 432. RSA 79-F Current use assessment, provides a property tax incentive to all qualifying landowners who agree to maintain their land in an undeveloped condition. This assessment is based on the capacity of the land to produce income in its current uses whether it is managed farm or forest, or managed open space. Current use is the cornerstone of the state's land conservation efforts, with over half the land in New Hampshire enrolled in this valuable program. RSA Chapter 432 protects agricultural operations against claims of public nuisance or private nuisance when operations are conducted in compliance with state and local health and safety regulations. Several statutes afford advantageous property tax treatment to agriculture. The legislature has also been encouraging agriculture through amendments to the zoning and planning enabling legislation. **Vote 15-0.**

HB 358, relative to the maintenance, repair, and preservation of burial grounds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M Stroud for Municipal and County Government: The preservation of our historic burial grounds enhances our towns and communities. This bill establishes

procedures for maintenance, repair and preservation of these grounds by volunteers who wish to take up this important work. **Vote 15-0.**

HB 366, relative to the jurisdiction of counties concerning retail electric supply.

INEXPEDIENT TO LEGISLATE.

Rep. Franklin W Sterling for Municipal and County Government: This bill seeks to enhance the authority of the counties to “exercise the full jurisdiction” over public utilities (water and sewage disposal and treatment) that are essential to the safe operation of county buildings by including municipal electric utilities in the list of services enumerated in RSA 23:1. This bill further mandates that the municipal electric utilities within the county unbundle in direct opposition to RSA 38:34 which allows for the “voluntary” unbundling of there rates. No evidence as to the economies to be derived by the county nor any economic impact to the municipal electric utility was presented to the committee. Without such testimony and without compelling evidence as to the necessity of the mandate the committee voted to recommend ITL. **Vote 15-0.**

HB 367-L, relative to the election of county commissioners in Carroll County.

INEXPEDIENT TO LEGISLATE.

Rep. James E Coffey for Municipal and County Government: This bill changes the procedure for the election of the county commissioners in Carroll County from at large to the districts of each commissioner. Based on the testimony provided, the committee did not find that was a significant level of support within the county delegation to recommend the proposed change at this time. **Vote 16-0.**

HB 382, allowing municipalities discretion to raise and appropriate funds for cemetery fences. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W Moore for Municipal and County Government: This bill removes the requirement that municipalities maintain fences and gates surrounding municipal public cemeteries. **Vote 15-0.**

HB 393, repealing the authority for the establishment of certain revolving funds by towns. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: This bill would remove the ability of a town to use revolving funds as a budgeting tool and force them to estimate expenses and revenues for the upcoming year at an annual meeting without knowing what needs may arise during the year. It would tie the town to a gross budget without the ability to take in and expend funds that have no tax impact. More than that, it would dissolve existing funds in trust that townspeople have put aside and return them to the general fund for a one year reduction in taxes which could not be repeated in the next year and would mandate new appropriations for the revolving funds purposes. **Vote 16-0.**

HB 521, relative to meeting dates for county conventions. **OUGHT TO PASS.**

Rep. Betsey L Patten for Municipal and County Government: The county convention convening time for organization and public hearing on budget estimates is covered in RSA 24:23 and RSA 24:9-a. There is no conflict except in the fifth meeting dates of the even numbered years, i.e., 2010, 2020. This amendment will fix the conflict by changing “not earlier than 10..days” to “not earlier than 5..days.” The committee noted that it was a small change but necessary to correct the conflict. **Vote 15-0.**

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Burt for Municipal and County Government: This bill clarifies the ability of the owner of real property that is placed in trust to qualify for exemptions or tax credits. **Vote 16-0.**

HB 594, relative to the application of procedures for discharge or suspension from county employment. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Municipal and County Government: This bill provides, under RSA 28:10a, the procedures for discharge or suspension from employment by county

government. This bill does not apply to per diem, on call, seasonal, part time or employees under a union contract. **Vote 15-0.**

HB 622, relative to adjustments to the semi-annual collection of property taxes in towns and cities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal a, the municipalities were allowed to make an adjustment in their June estimated tax bills to smooth out tax bills that would otherwise increase when the statewide education property tax went into effect. This legislation would again allow this possibility for adjustment and include it permanently in RSA 198:41. The effect of HB 622 would help those cities and towns deal with either an increase or decrease change in the amounts excess tax amounts or grants if the statewide property tax continues as it is calculated currently. The committee recommendation will help the local taxpayers plan for any increases or decreases in their tax bills. **Vote 16-0.**

HB 639-FN-L, requiring impact studies for large-scale retail development. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry Accornero for Municipal and County Government: This bill creates a set of study criteria dictated by the state, which is overseen by the local planning board. It also requires the office of energy and planning to act as a holder of funds to pay for the study and even notes how much money should be sent to the state to hold. Who knows if that amount of money would be enough for such a study? Noting a specific dollar amount in a statute makes no sense. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 477-FN, relative to the classification of certain highways in the town of Farmington. **INEXPEDIENT TO LEGISLATE.**

Rep. Edwin O Smith for Public Works and Highways: The town of Farmington established a new policy for posting load limits on roads in the spring creating a problem for some of neighboring towns. The state agreed to swap road maintenance from one road to another to help solve the problem; however Farmington will not accept maintenance of any bridges on either road so the state would continue to maintain all bridges. The committee can understand the problem for the neighboring towns. However, the precedent established by posting roads to avoid maintenance of bridges and roads could encourage other towns to do the same thing. **Vote 14-0.**

HB 507-FN, requiring the department of transportation to establish a storage depot for storing historic bridge parts. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Graham for Public Works and Highways: This bill, as introduced, would require the department of transportation to establish a storage area for historic bridge parts in the city of Concord. The sponsor brought forward an amendment that would allow the DOT to locate this storage area any where in the state. Either option would increase costs to the department. Additionally, under existing federal and state regulations governing historic bridges, the DOT currently stores these parts around the state in the hope that a municipality or a private entity will purchase them. Given these considerations, the committee recommends that the bill be found ITL. **Vote 12-0.**

HB 531, relative to uniformed presence officers in highway work zones. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Graham for Public Works and Highways: This bill would set the amount that the commissioner of the department of transportation could pay uniformed officers on a work site at 150% of the pay flaggers would receive for the same job. The committee heard testimony that the DOT evaluated, on the basis of public safety, the need for uniformed officers or the use of flaggers on each job. Additionally, the bill as written would not affect municipal requirements that uniformed officers be utilized during work on town or city streets. While sympathetic to the intent of the sponsors to reduce costs to DOT projects, the committee felt safety issues were of paramount importance and that the bill would do nothing to solve any perceived problems with municipalities charging excessive fees to

developers or utilities. An ad hoc committee will be established to seek ways to improve the existing situation, especially as it deals with local government entities. **Vote 14-1.**

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edwin O Smith for Public Works and Highways: The committee heard testimony from the Town of Plaistow and NH DOT both in support of this legislation. This eliminates a bad intersection and all of the parties affected agree with this solution. The amendment removes any mention of maintenance as this is typically done by agreement between the town or city and DOT, so this would put maintenance into statute and the committee did not want to start that practice. **Vote 12-0.**

HB 583, relative to including projected sea level rise in planning and implementation of state-funded projects. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Graham for Public Works and Highways: In many respects this bill is similar to HB 584 that the House found ITL on March 2, 2011. As introduced, the bill mandates that projected sea levels “shall” be included in the permitting, siting and construction of state funded projects. The committee did consider changing the “shall” to “may”. However, the committee felt that even this change would not make the bill workable or necessary at this time. **Vote 14-1.**

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected official. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways: This bill, as amended, prohibits naming state-controlled facilities after elected or formerly elected officials during their lifetime. A similar bill passed the House six years ago, but was defeated in the Senate. The committee believes naming state facilities after political figures is more appropriate when done posthumously. **Vote 13-2.**

HB 621-FN-L, relative to the authority of the department of transportation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark E McConkey for Public Works and Highways: This bill, as amended, expands the issuance of a permit by notification by the department of environmental services for the repair, replacement or maintenance of stream crossings and culverts from the present diameter limit of 36” to 48”. Secondly, it establishes a committee to study certain rules recently adopted by DES concerning stream crossings. The duty of the committee is to determine: 1.) if the above mentioned rules as adopted violate Article 28-a of the NH Constitution, 2.) if DES had the authority to implement those rules. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 27, relative to de minimis impact work in designated rivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill amends the New Hampshire rivers management and protection program (RSA 483) making recommended changes found during river bill hearings. The changes are: (1) Requires the nominating party to give written notice to all riparian landowners of their intent. (2) When a designated river is protected, any protected tributary river shall be in a subparagraph under main stem. (3) Permanent alterations of de minimus impact work may be done. (4) Spells out protection criteria in evaluation process, including public water supply. (5) Extends an exemption for septage and sludge land application restriction. Exemption has been in effect since 1998. **Vote 13-1.**

HB 33, relative to the preservation and care of the Franconia Notch forest reservation and memorial park. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S Bolster for Resources, Recreation and Development: This bill provides for protection and recognition of the War Memorial at Franconia State Park and other memorials graves and historic sites throughout the state park system. It also sets up a fund

for private contributions to insure appropriate maintenance of the War Memorial at Profile Lake. **Vote 14-0.**

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: A segment of the Lamprey River has been in the rivers management protection program (RMPP) since 1996. HB 149 extends protection for the remaining segments of this river from its headwaters in Northwood to the tidal segment in Newmarket. This 87 plus miles of waterway are a major contribution to protecting the Great Bay Estuary (GBE). Along with additional protection by the Cocheco, Oyster, and Exeter Rivers, also in RMPP, it will greatly enhance the water quality of the GBE. This legislation puts not only the main stem of the Lamprey River into protection, but all five of its tributary rivers, making it the first complete river watershed protected in RMPP. During committee discussion, a concern was CSPA setbacks, being imposed on sections not presently under the act. This concern was answered with the amendment "exempting the first, second, and third order streams from the Comprehensive Shoreland Protection Act (CSPA) setbacks for the Lamprey River and its tributary rivers."

Vote 14-0.

HB 404, relative to toilets at campgrounds and exclusions for such requirements for certain parcels of land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S Bolster for Resources, Recreation and Development: In the past, only flush toilets were permitted at campgrounds in the state. This bill permits the use of self-composting and incinerator toilets in all campgrounds, saving cost and creating a more environmentally friendly solution to this issue. **Vote 14-0.**

HB 439-FN-L, relative to claiming an invasive species as a habitat. **OUGHT TO PASS.**

Rep. Harry C Merrow for Resources, Recreation and Development: This bill prevents an invasive species from being protected as a habitat for an endangered species. This bill was introduced because a threatened specie of fish was found inhabiting milfoil. Milfoil is a real problem. Many of our lakes are seriously infected with milfoil and large sums of money are being spent to eradicate it. The last thing we need is to allow the overly strict application of the state endangered species act to prevent its eradication. Milfoil, if allowed to grow, will eliminate necessary oxygen in the water body and kill the fish anyway. It is unfortunate that this bill was necessary. Cooperation among agencies and a common sense application of existing and conflicting statutes on a case by case basis should have been sufficient. **Vote 13-1.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 379, relative to late fees charged by utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. William D Panek for Science, Technology and Energy: This bill would change the way that utility companies would be able to bill their customers. The PUC determines the rate for late fees and oversees the utility billing process. The committee feels that the PUC properly monitors the utility companies and no further legislation is needed at this time.

Vote 17-0.

HB 381, authorizing net metering for micro-combined heat and power systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R Holden for Science, Technology and Energy: As amended, this bill would add another eligible class of electrical generation to the net metering law. Micro-combined heat and power (micro-CHP) systems would become eligible provided that the primary purpose of the system is the production of heat and certain system efficiency goals are met. The surplus electrical power would then flow into the electrical grid, offsetting that customer's electrical usage. Customers that use these systems would use less energy overall to heat and power their house or building. An additional benefit is distributed generation which could potentially reduce the need for electrical distribution infrastructure upgrades by locating generation closer to the load. **Vote 17-0.**

HB 402-L, relative to the authority of the department of environmental services to determine whether outdoor wood-fired hydronic heaters violate air quality emission limits. **INEXPEDIENT TO LEGISLATE.**

Rep. William D Panek for Science, Technology and Energy: This bill arises from a particular case in Claremont of an outdoor wood-fired hydronic heater (OWHH) creating a public nuisance and possibly a health hazard. The law currently states “If the owner or operator of an outdoor wood-fired hydronic heater (OWHH), as defined under RSA 125-R, operates the OWHH in a manner which causes a nuisance or is injurious to the public health, the health officers may, in writing, order that use of the OWHH be discontinued.” (RSA 147:16b). The statute already addresses this problem. The committee therefore recommends ITL. **Vote 14-0.**

HB 559, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and authorizing the development of a solar photovoltaic renewable energy project in Manchester.

INEXPEDIENT TO LEGISLATE.

Rep. Frank R Holden for Science, Technology and Energy: This bill, as written would have established a study committee regarding small scale renewable energy, but that study committee was already created by legislation in 2010 and filed its report in November. The bill also dealt with authorizing the development of a solar photovoltaic (PV) project in Manchester between the City of Manchester and Public Service Company of New Hampshire (PSNH). PSNH testified that they were not interested in being part of this project and did not want to be included in this bill. So, with the study already completed and PSNH not interested, this bill is not needed. After the hearing, the committee facilitated discussions between the bill sponsors and the renewable energy division of the public utilities commission to explore possible clean energy grant opportunities from existing programs.

Vote 15-0.

HB 608, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for Science, Technology and Energy: There already is a voluminous body of work regarding fluoride in municipal water supplies. We believe that establishing a special committee to study this further is unlikely to clarify the issue. Furthermore, addition of fluoride to public water supplies is a decision made at the local level. **Vote 14-0.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. **OUGHT TO PASS.**

Rep. Lynne M Ober for Special Committee on Education Funding Reform: This bill provides a method for school districts, who already have approved budgets, to make an adjustment. The cycle of the legislature is not in sync with budgeting cycles for towns and municipalities that have chosen to use SB2 budgeting, i.e. with a budget committee, public hearing, deliberative session and voting. As a result, when the legislature changes school funding, these towns cannot under state law change their gross budgets without repeating the process. HB650 provides a legal mechanism for towns and municipalities operating under the Municipal Budget Act to change their budgets. For purposes only of adequate education funding changes, a town may call one additional deliberative and voting session. This allows towns and municipalities that must budget not only gross expenditures, but also gross revenues, to have an opportunity to make changes to both revenues and expenses as they relate to adequate education. In cases where additional revenues are received from the state, this will allow a school district to accept the additional revenues thus reducing the tax burden on local residents. **Vote 14-0.**

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 360-FN, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system and establishing a committee to study the transition of current employees into the new plan and administration of the new plan.

INEXPEDIENT TO LEGISLATE.

Rep. Kevin A Avard for Special Committee on Public Employee Pensions Reform: There are two other bills in committee that establish a study committee to report back by November 1, 2011. **Vote 12-0.**

HB 456-FN, relative to the calculation of average final compensation for the purpose of determining retirement system benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. Seth Cohn for Special Committee on Public Employee Pensions Reform: This bill would have used the entire span of an employee's creditable service, rather than the last three years for calculating an average compensation. The committee has retained a similar bill (HB 465) which would use the last five years, for consideration as part of the overall reform process. **Vote 11-0.**

HB 492-FN, establishing a deferred retirement option in the judicial retirement plan, and relative to benefits related to service of certain judges of probate retiring because of permanent disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P Moran for Special Committee on Public Employee Pensions Reform: This bill would establish a deferred retirement option in the judicial retirement plan. It also includes provisions for benefits related to the service of certain judges of probate retiring because of permanent disability. Information that the bill would allow judges with seven years service to retire at 45% of salary was determinative. The funds would be drawn from the judicial retirement plan, and the committee concern was the high probability that these rates of payout would progressively impair the resources of the fund. **Vote 10-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 8, urging the Transportation Security Administration to terminate recent changes to pat down search procedures and urging Congress and the President to change or discontinue the use of advanced imaging technology at airports. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven L Cunningham for State-Federal Relations and Veterans Affairs: This bill is remarkably similar to another bill and what little subject matter that the committee found to be unique was incorporated into the aforementioned bill. **Vote 13-0.**

HCR 10, urging the National Park Service to permit the exhumation of the body of Meriwether Lewis to determine the cause of his death. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J Tamburello for State-Federal Relations and Veterans Affairs: The intent of this resolution is to ask the national park service to investigate further the cause of death of American hero Meriwether Lewis. While noble in its intent, the resolution is outside the scope and responsibility of the state of New Hampshire, and the committee further felt that living relatives had primary authority for asking such a measure be taken, if in fact, there were any controversy regarding the death of Lewis. **Vote 13-0.**

HCR 13, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H McCarthy for State-Federal Relations and Veterans Affairs: This bill urges the New Hampshire congressional delegation to support H.R. 459 and S. 202. Both of these bills require a comprehensive audit of the federal reserve which, since its existence, has never been audited. The chairman of the US House subcommittee on domestic monetary policy is the prime sponsor of H.R. 459. The committee agreed that this is a responsible and necessary resolution. **Vote 13-0.**

HCR 14, applying to Congress to convene a convention proposing amendments to the United States Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert P Kingsbury for State-Federal Relations and Veterans Affairs: An article five convention is no guarantee on other states. There is every possibility of an article five convention being a runaway convention. With no guarantees the committee recommends ITL. **Vote 12-0.**

HCR 15, ordering our federal senators to vote against the Law of the Sea Convention. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucien A Vita for State-Federal Relations and Veterans Affairs: The Law of the Sea Convention has never been subjected to a two-thirds vote of the Senate and therefore is unenforceable and of no relevance to the several states. Yet should this treaty be adopted, in any form, a supranational body (the U.N.) will have control over our territorial waters, the great lakes, the sea beds below these waters and the air space above. Essentially we are ceding control of part of our country to the U.N., negatively impacting our status as a sovereign nation. **Vote 9-3.**

HCR 16, urging the prohibition of enforcing a particular federal executive order. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A Vita for State-Federal Relations and Veterans Affairs: The committee, in reviewing HCR 15 and HCR 16, determined that the subject matter of the two resolutions was sufficiently related to allow both resolutions to be combined into one. Consequently, two paragraphs were extracted from HCR 16 and added to HCR 15, improving HCR 15 and making HCR 16 redundant. **Vote 11-0.**

TRANSPORTATION

HB 134, relative to eligibility for walking disability plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lisa E Scentsas for Transportation: This bill allows a veteran or a person with a permanent disability after satisfying proof of a walking disability, to be excused from resubmitting proof for plates every five years. **Vote 13-0.**

HB 271-FN-A, establishing number plates for firefighters and emergency medical care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E Scentsas for Transportation: This bill will be covered under the multi-plate bill (HB 335) and is not necessary. **Vote 13-0.**

HB 397, relative to image display devices in motor vehicles. **OUGHT TO PASS.**

Rep. Richard W Hinch for Transportation: This bill replaces the prohibition on televisions in motor vehicles with a prohibition on image display devices, as defined in the bill. The committee was unanimous in its opinion that technology has advanced to a point whereby utilization of a split screen technology has appropriately addressed prior concerns regarding distracted driver/safety issues. These innovations help to prevent accidents or reduce their impact. **Vote 13-0.**

HB 516-FN-A, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Transportation: This is one of the many license plate bills that the transportation committee considered this year. We recommend a multi-use plate bill (HB 335) that all these plate bills could take advantage of. **Vote 14-0.**

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels. **OUGHT TO PASS.**

Rep. Richard W Hinch for Transportation: This bill expands the safe boater education certificate requirement to the operation of all motorized vessels. It allows persons 12 years of age and older to obtain safe boater education certificates and further, it modifies the minimum age for operation restrictions for motorized vessels. This bill was requested and supported by the department of safety. The committee was unanimous in its support for family enjoyment of our public waterways and providing an avenue for youth operation of vessels with appropriate certification or supervision. **Vote 14-0.**

HB 549, relative to driver's license reexaminations. **OUGHT TO PASS.**

Rep. Robert W Williams for Transportation: This bill eliminates the possibility of age based rules that a driver have a road test upon reaching his or her seventy-fifth birthday. The bill provides for new functional and medical based rules for persons of all ages to have a required road test. The current reexamination statute does not require a road test for 75 and older seniors. The statute states that the director shall decide on the reexamination test required for seniors. The director has prescribed that every person reaching his or her seventy-fifth birthday shall have a road test. As it now stands the present age based reexamination statute is discriminatory, ineffective, unnecessary and expensive. New Hampshire does not need an age based test now that it has a medical board which was created to develop new evidence based tests. In 2010, a Senate bill created the NH medical board. It made New Hampshire one (1) of forty (40) states that have medical boards: over 40 states are using functional and medical fitness rather than age based reasons for a driver renewal road test being required. Passage of this bill would end New Hampshire as being one (1) of two (2) states which have age based driver's license renewal tests. This bill would base final license decisions on functional and medical fitness to drive and not chronological age. **Vote 14-0.** **HB 610-FN-A**, establishing number plates supporting New Hampshire public higher education. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E Scentsas for Transportation: This bill is not needed because this committee has already passed a bill that deals with this and many other plate ideas by having a multi-use plate at no expense to the taxpayers. **Vote 14-0.**

WAYS AND MEANS

CACR 10, relating to establishing a New Hampshire state reserve fund. Providing that the New Hampshire state reserve fund shall be under the authority of the state treasurer and dedicated to offset the business profits tax, business enterprise tax, and the interest and dividends tax for purposes of lowering the rates of such taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F Abrami for Ways and Means: This bill would establish a New Hampshire state reserve fund. To do so would require a constitutional amendment. The fund shall consist of 10 percent of the balance of the revenue stabilization reserve account, which shall be transferred to this state reserve fund at the close of each fiscal year, any other appropriation which may be made by the general court of surplus funds from the operating budget for the prior fiscal year, and any other type of public or private donations. The concept is that balance of this fund, being managed by the state treasurer, would grow over the years to the point in which there would be enough interest and dividend income generated to help fund state operations and allowing a lowering of taxes in those future years. The committee found this idea intriguing but unanimously felt, as a practical matter, this approach to funding future obligation to be unworkable. **Vote 19-0.**

HB 157-FN-A, repealing the tax on gambling winnings. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W Almy for Ways and Means: This bill is recommended as ITL because the majority of the committee preferred to amend HB 229 and use it as the vehicle to repeal the tax on gambling winnings. Both bills were filed to stop the drain on lottery instant ticket sales and on the much smaller simulcast, bingo and games of chance revenues. The tax is almost impossible to administer in this state except as a tax on winnings without regard to losses. This costs professional gamblers more than they make, and both in- and out-of-staters have taken their business elsewhere. The committee received testimony from the lottery commission that repeal will likely bring in more than the state has gained from the tax by at least \$1 million per year, but that number could well increase if the commission is successful in attracting lost business back to the state. **Vote 19-0.**

HB 201-FN-A, establishing deductions from the tax on gambling winnings, the business profits tax, and the business enterprise tax for gambling losses. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means: This bill establishes deductions of gambling losses from gambling winnings before the tax on gambling winnings is applied. However, the sponsor prefers passage of HB 229-FN-A, which repeals the tax on gambling winnings. Since the committee is recommending passage of HB 229-FN-A which repeals the gambling tax, this bill is no longer needed. **Vote 19-0.**

HB 243, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S Azarian for Ways and Means: The committee was unanimous in reaching the conclusion that enabling towns and cities to establish a local revenue option such as a local sales tax or income tax as an alternative to property taxation for funding of their local government costs had little merit and may be unconstitutional. **Vote 19-0.**

HB 579, exempting department of revenue administration guidelines from the right-to-know law. **OUGHT TO PASS.**

Rep. Susan W Almy for Ways and Means: This bill was put in to enact an agreement among the department of revenue administration, the legislative budget office, and the attorney general's office which makes it possible to go forward with a long-delayed performance audit of the department. The department feared that confidential taxpayer documents would become subject to the right-to-know law if provided to our performance auditors. This language clears that up without sacrificing any of the confidentiality insisted on by our taxpayers, the department, and the internal revenue service. **Vote 19-0.**

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen B Stepanek for Ways and Means: This bill establishes a New Hampshire innovation business job growth program, intended to promote investment in qualified venture capital funds by guaranteeing or insuring portions of the principle of investments in such funds and through direct investment in qualified venture capital funds by the program. The program is authorized to apply for and accept grants from the federal government and sources other than the state of New Hampshire that will assist in carrying out the purposes of this law. There are no funds from the state of New Hampshire. There are no obligations or liabilities to the state of New Hampshire related to any of these investments. This is a new business new job creation bill. **Vote 17-0.**

HB 636-FN-A, increasing the rate of the Medicaid enhancement tax, the nursing facility quality assessment fee, and the ICF quality assessment fee. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S Azarian for Ways and Means: The sponsor and the committee agreed that this actually equated to a new tax and should be found Inexpedient to Legislate. **Vote 19-0.**

REGULAR CALENDAR

TUESDAY, MARCH 15

CHILDREN AND FAMILY LAW

CACR 9, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children.

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

Rep. Anne C. Grassie for the **Majority** of Children and Family Law: The majority understands that both the U.S. and N.H. Supreme Courts expressly recognize the natural rights of parents to raise their children as they see fit. However, those recognized rights do not confer an absolute right when it is proven that the welfare of a child is in jeopardy. Courts' explicit recognition of these parental rights hasn't prevented legislatures from promulgating laws that enable governmental agencies interventions. The sensible solution

for the aggrieved is to revise or repeal those specific laws. Also, a constitutional amendment that doesn't allow abridgement of parental rights will spawn litigation and paralyze constructive state interventions where parents, through substance addiction or something similar, are derelict in their parenting responsibilities to the point that children are in real jeopardy. The sensible solution again, is to amend relevant RSAs, because the problem lies not in the constitution but in the culture. **Vote 8-3.**

Rep. Jeffrey D Oigny for the **Minority** of Children and Family Law: The bearing of arms, Article 2a, was added to the NH Bill of Rights in 1982 to explicitly enumerate the natural right already covered by Article 2 in response to several efforts to degrade gun rights in New Hampshire. The constitutional enumeration of gun rights hasn't stopped all gun legislation, but it has protected the right even during times when the legislature was inclined to pass laws limiting it. Similar degradation of parental rights is taking place in New Hampshire, on a regular basis. The New Hampshire bureau of vital statistics has data showing that New Hampshire family division's parenting time determination orders abridge parental rights in 80 percent of cases. Even this year, the number of bills related to parental rights is considerably high, both in bills to protect them and worse, bills to restrict them.

Enumeration of parental rights is needed to set a bright line and not only stop the violation of fundamentally protected parental rights but also guide the legislature forward so it can amend existing statutory law to coincide with the constitutional right. It's time that New Hampshire act in concordance with 80 years of U.S. Supreme Court decisions that have consistently upheld the primary, natural authority of parents over their children, to make key determinations in their formative lives, by sending Article 2b to the people, so that the parents of NH can insist that the constitution should protect their proper role with a clear statement of that fact. Parents have the natural right to control the health, education and welfare of their children.

HB 52, relative to grounds for modification of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M Gargas for Children and Family Law: This bill, as amended, permits the court to modify a permanent order based on the best interests of the child if the modification makes no more than a minimal change in the allocation of parenting time. The bill also permits modification of a parenting plan based on the best interests of the child, other than the sections of the plan concerning relocation or the parenting schedule. The current rigidity resulted from an inadvertent omission when the law was changed. The court system felt the change would not create any undue burdens. **Vote 10-2.**

HB 81, relative to public members of the guardian ad litem board. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin F Gould for Children and Family Law: Three issues led to Inexpedient to Legislate: 1) This bill changes precedent by narrowly defining "general public" by gender and customers of the Guardian ad Litem system. 2) Adding two members would change the quorum which has been hard to make in the past and four "general public" members would represent a voting majority when a quorum is present. 3) A bill to require an audit of the GAL process, including the make-up of the GAL board, has passed the House. HB 81 is inappropriate at this time. **Vote 9-2.**

HB 395, establishing a child protection study committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for Children and Family Law: The committee felt that the performance and financial audits called for in this bill were overly broad. The study committee had no end date, reporting would have been required every year by November 1st. The bill did not have a financial note but would require large expenditures in order to perform all of the duties listed. In addition, the bill called for audits of two independent not-for-profit organizations, The New Hampshire Charitable Foundation and the Child Advocacy Centers. Several committee members agreed on pursuing a more focused approach including University of New Hampshire help and review of current audits. **Vote 10-2.**

HB 416, adding an exemption from immunization for conscientious beliefs. **INEXPEDIENT TO LEGISLATE.**

Rep. David S. Robbins for Children and Family Law: The proposed law would add an exemption for conscientious belief to the NH requirement that all children be immunized for attendance at public schools and licensed day care facilities. Currently NH requires a series of vaccinations and boosters for entry to and continued attendance at public schools and licensed day care facilities. There are now two exemptions: medical and religious. A medical professional can assert that a specific vaccination or vaccinations should be delayed or proscribed due to a temporary or ongoing medical condition. Parents may assert that vaccination violates a religious tenant. NH law is silent on whether the religious exemption allows the parents to choose administration of some, but not all, vaccinations. Testimony before the committee indicated that some, but by no means all, medical professionals were reluctant to administer selective immunizations. Further testimony indicated that parents could, if they chose, find medical professionals who would administer vaccinations selectively. The committee believes that immunization requirements for attendance at public school and licensed daycare are appropriate and necessary for the public good. We received testimony indicating increased outbreaks of pertussis and other contagious diseases in states and countries with decreased immunization rates. Conversely, there was lower disease incidence in states and countries with high immunization rates. Further testimony indicated that effective group protection required very high, but not total, immunization rates. A small percentage of unimmunized individuals did not threaten the health of the group. However, beyond a certain threshold (the limit of herd immunity) infection rates increased dramatically. The committee heard the anguished, passionate, frustrated, philosophical, constitutional and health-based arguments offered by parents and professionals supporting an exemption as a right of conscience. They were compelling and well-articulated. The committee did not and does not dismiss or minimize them. They come from a genuine concern for children's health and the right of parents to make choices for their children. The committee concluded that there was compelling, overwhelming medical evidence that vaccinations were effective and current law served the public good. Allowing a third exemption would threaten public health. We further concluded that while vaccinations have some risks of adverse consequences, the public good outweighs the individual risks. Parents may choose which, if any, vaccines their children receive. They have school choice options including private, parochial and/or home schooling. The committee believes these options provide a balance between group health and a parent's right to choose what they believe best for their children. **Vote 8-3.**

HB 563, revising the child support guidelines based on foster care reimbursement rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A Dowling for Children and Family Law: The committee heard several bills relative to child support issues and opted to affirm HB 597 unanimously and to find this bill Inexpedient to Legislate. This bill proposed using foster care subsidies as total child support obligation guidelines. The majority of the committee felt that foster care subsidies were intended as temporary subsidies for foster families with a child in their care, and not as benchmarks for actual child support in New Hampshire, as are elaborated in HB 597. **Vote 10-1.**

HB 575, relative to the calculation of child support in cases of shared parenting. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M Gargas for Children and Family Law: Currently adjustments are being made in court regarding parents sharing expenses in cases of equal and near equal parenting time. Upon further reflection constituents who requested the bill and the sponsor decided the court was functioning well enough in this area that this legislation was essentially superfluous. Therefore, there is no need for this legislation. **Vote 9-2.**

COMMERCE AND CONSUMER AFFAIRS

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. **OUGHT TO PASS.**

Rep. Matt J Quandt for Commerce and Consumer Affairs: The majority believes that the previous FRM commission ran out of time before they received all the facts in this case, although there was a report done by the AG's office in which the banking department was involved. Given that the securities department will have a report done and public in a couple of weeks, the committee felt that to continue the committee would be worth while. There are enough reports out there to review, with the expected securities report that the information will be available to nail down the facts without any extensive interviewing or investigation and provide this information to the full House. **Vote 13-4.**

HB 262-FN, relative to beverage manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This common-sense bill is an enabling piece of legislation that will create an entry-level license for entrepreneurs who want to launch a New Hampshire brewery. This new "nanobrewery" license, which will create jobs and more choices for consumers, will remove the prohibitive barriers to market entry of current license classifications. Unlike a brew pub, a nanobrewery set up only to sell uniquely brewed beer would not be subject to the burdens of maintaining kitchen and food services in order to serve beer samples to potential customers. A nanobrewery would also be allowed to sell limited amounts of New Hampshire made product to the market. The \$240 annual license fee for a nanobrewery is substantially less than the \$1,200 license required of larger manufacturers, yet the lower-cost license comes with reasonable limitations until the nanobrewery is ready to graduate to the next level license. The committee felt that this type of enabling legislation is needed to help stimulate the state's economy with new small businesses. **Vote 16-0.**

HB 276-FN, relative to wine manufacturers. **OUGHT TO PASS.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill adds wine manufacturers to the existing state statute that licenses beer festivals and that already allows wines to be brought to farmers' markets. It sets fees in line with beer festivals. While the statute applies to all wines, this bill will reduce red tape and make it easier for New Hampshire's 24 wineries to participate in New Hampshire wine festivals. **Vote 16-0.**

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine. **OUGHT TO PASS.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: This bill repeals labeling requirements of oleomargarine sold in less quantities than the original packages contain, and for serving colored oleomargarine. These are two very old laws from the 1800's; removing these laws still leaves law in effect in RSA 184:48 to provide for consumer protection and notification. Restaurants will be able to serve in the color and shape they would choose, so long as the customer knows what they are getting. **Vote 13-3.**

HB 629-FN, relative to the uninsured health care database. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for the **Majority** of Commerce and Consumer Affairs: This bill repeals the uninsured health care database. This bill will end the database creation passed in 2009 that has proven to be a burden on hospitals and an invasion of privacy by the use and storing of the social security numbers of patients without their knowledge or permission. The New Hampshire Hospital Association and the NH Medical Society requested this bill. **Vote 11-4.**

Rep. Donna L Schlachman for the **Minority** of Commerce and Consumer Affairs: Last year the legislature passed a bill to expand the healthcare data collection already done by hospitals, hospital-owned physician practices and community health centers under RSA 126:25. The impetus for this was concern over cost-shifting that occurs in providing health care services to the uninsured. These expenses are one factor in the high insurance premiums paid by NH residents. This data would be available to policy analysts, legislators,

healthcare providers and others to better understand healthcare utilization by the uninsured. The minority believes that the failure of the hospitals and their physician practices to establish the mechanism for data collection is not a reason to abandon this effort.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne S Cartwright for the **Majority** of Constitutional Review and Statutory Recodification: The question before the committee was the issue of whether the legislature has the constitutional right to direct the attorney general to pursue a lawsuit on behalf of the state. We reviewed testimony specifically on the constitutional issue. The evidence for both past practices and recent examples was overwhelmingly supportive of the constitutionality of this directive. Clearly the legislature has directed the attorney general using mandatory language many times before. Section 2 Article 5 of the NH Constitution deals with the power to make laws, elect officers, define their powers and duties....and in part states “or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to the constitution;” Furthermore, RSA 7 and RSA 21-M, which define his duties, including any discretion he may have, contain many statutes that use “shall” to require the attorney general to take action. Although the House of Representatives could retain the services of an independent counsel on behalf of the House, it is constitutionally questionable for the House to do so on behalf of the state. If the legislature does not have the ability to direct the attorney general to act on its behalf then the legislature has no ability to enforce our statutes. Section 2 Article 2 states that: “The supreme legislative power, within this state, shall be vested in the senate and house of representatives, each of which shall have a negative on the other.” (June 2, 1784). The constitutionally appropriate action is to direct the attorney general to take action on behalf of the state of New Hampshire. **Vote 12-5.**

Rep. Thomas Katsiantonis for the **Minority** of Constitutional Review and Statutory Recodification: After hearing public testimony and engaging in considerable discussion at the committee level, the minority has come to the realization that the constitutionality of HB 89 will ultimately be determined by the state’s supreme authority on constitutionality, the New Hampshire Supreme Court. The attorney general has already stated that he will challenge the constitutionality of HB 89 in court if it becomes law. Such an action would not only be time consuming for the judicial, the executive (plaintiff), and legislative (defendant) branches, it would also be unnecessarily costly to the taxpayer, who would be forced to fund both sides of the lawsuit. The minority believes that instead of determining the constitutionality of HB 89 through expensive, time consuming court proceedings, the more appropriate course of action would be to request an Opinion of the Justices concerning the constitutionality of HB 89. By requesting an Opinion of the Justices, we get the same question answered (“Is HB 89 constitutional or not?”) quickly, definitively, and at very little expense to the taxpayer. The minority sees no shame in admitting that the supreme court is a higher constitutional authority than we, and the savings to the taxpayer in taking this approach shows that it is far more logical and responsible than passing HB 89 and engaging in the costly legal battle that would follow. For that reason, the minority supports tabling HB 89 while an Opinion of the Justices is rendered. Alternatively, the minority supports ITL.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 145, permitting the audio and video recording of any public official while in the course of his or her official duties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill is the result of extensive subcommittee work, testimony and input from a number of interested parties, including the Attorney General's office, police chiefs and the public. This bill promotes transparency and accountability among public officials and clarifies an ambiguous section of RSA 570:A that has been inconsistently applied, leading to arrests of people on felony wiretapping charges for simply recording routine traffic stops. **Vote 13-4.**

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute. **OUGHT TO PASS.**

Rep. Phil J Greazzo for Criminal Justice and Public Safety: This bill would expand the death penalty law to include murder committed during home invasions where the killing is premeditated. We believe that this legislation represents a necessary enhancement of protection for those in their homes who have the right to be safe and secure. It will achieve justice for victims and allow for deterrence to those who would enter the homes of others to murder them. This is a measured and responsible expansion of the NH death penalty statute. **Vote 14-2.**

HB 207-FN, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill is one of many bills that are before the committee this session that would expand the "Castle Doctrine." The "Castle Doctrine" allows an individual to use deadly force within his home whenever an individual attempts to commit a felonious act against others. What this bill would permit is already allowed under RSA 627.4 II. Under current law there is a presumption that a person acted in self defense, the state must prove they didn't. There is also the concern that a person using deadly force in a public place could cause death or bodily harm to an innocent third party. **Vote 11-6.**

HB 210-FN, relative to the use of deadly force to protect oneself. **OUGHT TO PASS.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: NH Citizens should not be forced to retreat when faced with serious bodily injury or death. Current NH law places an undue burden on a citizen having to make split second decisions on whether it is appropriate to use deadly force. While we do not think deadly force should be used lightly, citizens should not be put in a position of having to choose between defending themselves and/or possibly going to jail because they might be able to retreat, or face serious injury from an assailant. **Vote 9-8.**

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Phil J Greazzo for Criminal Justice and Public Safety: We the majority of the committee, firmly believe, once a person has their property taken during the course of any criminal investigation and are then found not guilty of any charges pending, they are entitled to get back any items taken from them. In the event these items are unduly withheld, the agency in possession of said items would then be fined for not returning the personal property taken **Vote 11-5.**

HB 235, relative to the right to possess a firearm in one's personal motor vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: A majority of the committee believes that this bill has many flaws. It takes away a business owners right to tell people they can not have guns on their property. The committee believes we should not mandate business owners property rights, particularly since they would be liable for what happens on their property **Vote 9-8.**

HB 330-FN, relative to carrying firearms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill permits most people to carry a firearm open or concealed, loaded or unloaded, without the requirement of a license. This bill complies with Art. 2-a, Part I of the N.H. constitution, protecting a person's right to keep and bear arms, while also recognizing law enforcement's requests to prohibit certain persons from obtaining a license. The bill extends the license renewal period from 4 to 5 years, saving time for both citizens and police departments. It also restores the non-resident license and reduces the cost from \$100 to \$50. These fees will pay for the resident license forms. A non-resident who pays for a NH license will then have the advantage of the reciprocity that NH currently enjoys with approximately 20 other states. **Vote 11-6.**

HB 378-FN, inserting an exception to the criminal threatening statute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill adds to the criminal threatening statutes an exception for a person who responds to a trespasser who refuses to leave his or her property and displays a firearm to with an intent to warn away the trespasser that he or she shall not have committed a criminal act. It further amends the sentencing statutes to change "shall" to "may" to eliminate the mandatory 3 year sentence for the commission of a felony an element of which is the use of a firearm. Another part of the amendment defines non-deadly force as the display, producing or pointing a weapon without firing such weapon. Deadly force is currently defined as firing a firearm at a person or vehicle. **Vote 13-3.**

HB 478-FN-L, relative to testimony by video teleconference. **OUGHT TO PASS.**

Rep. Phil J Greazzo for Criminal Justice and Public Safety: The committee recommended that this bill Ought to Pass because of the significant savings it will provide to cities and towns when officers and others are relieved of the burden of taking time off to travel to hearings in Concord in district and superior court in motor vehicle cases. Video teleconference will provide similar savings for state laboratory personnel and will relieve parties who have left the state from the expense and time required to appear in person.

Vote 17-0.

HB 524-FN, excluding persons convicted of violent crimes from mandatory early release on probation or parole. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Phil J Greazzo for the **Majority** of Criminal Justice and Public Safety: This bill seeks to address the serious flaws contained within SB 500, which was passed last session. Specifically, it seeks to ensure that violent or sex offenders are not released earlier than is warranted in their individual cases. Additionally, under the bill the discretion of our state's parole board is restored. Violent and sex offenders should not be automatically released early from their sentences without a specific review of their status and determination by the parole board that a release is appropriate. Parole violators also should not face merely a 90-day return to incarceration following their violations. Rather, they should be again released earlier than their full sentences when the parole board believes that release is appropriate.

Vote 12-4.

Rep. Stephen J Shurtleff for the **Minority** of Criminal Justice and Public Safety: This bill would make a critical and crippling change to SB 500. The bill would mandate that individuals convicted of sex offenses and crimes of violence would not be eligible for mandatory supervised release. There is no disagreement that minor changes in the law need to be made, especially in the area of the time to be served by parolees sent back to prison for technical parole violations. A former speaker testified against this bill and said "There are some issues that are truly bipartisan, and public safety is one of them." The current law requires focused supervision and treatment of offenders most likely to reoffend. There are provisions in the current law for quick and certain sanctions for those that violate the provisions of mandatory release. Also speaking against this bill was the attorney general, who told the committee that last year, before the bill went into effect, 225 inmates "maxed out." These inmates completed their sentence and walked out of the prison doors without

any supervision whatsoever. The director of community corrections, told the committee that although the current law has been in effect for less than a year, the positive results are obvious. The prison population has already been reduced by 150 inmates. Housing an inmate costs the taxpayers of this state \$33,000 each. This reduction in population is a tremendous savings to the people of New Hampshire.

HB 567, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill would expand the "Castle Doctrine," the right to use deadly force within one's home. As the assistant attorney general said in testimony, "This (bill) is an impenetrable morass of law." The bill would grant immunity from criminal prosecution. The term "criminal prosecution" as defined includes arresting, detaining in custody, charging or prosecuting a defendant. This bill would have a chilling effect on law enforcement, as well as state or county prosecutors. Furthermore, the bill grants immunity from a civil action. A person under this bill could, in using deadly force, injure an innocent third person. That innocent individual would be barred from seeking relief in the courts. **Vote 11-6.**

EDUCATION

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. **OUGHT TO PASS.**

Rep. Kathleen A Lauer-Rago for Education: This came to the committee via the Town of Croydon which has been attempting to withdraw from SAU 43 since 2006 to no avail due to excessive red tape. This bill will streamline the bureaucracy and has the support of the department of education. **Vote 11-4.**

HB 370, making changes to the pupil safety and violence prevention act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for the **Majority** of Education: Parents should be notified when their child is involved in a bullying incident. However, current law allows the school administration to determine whether to tell parents about their child being bullied or being a bully. Also current law requires school boards to be responsible for their students' behavior 24/7/365. That's an impossible oversight burden and the liability to the town/district is potentially devastating should a student be injured off school grounds, not at a school function, and at any hour of the day or night. This bill as amended solves these problems by requiring parents be notified when their child is involved in a bullying incident and limits the school's liability to only when the school has assumed control of, and a supervisory role over, a child. The bill also requires the school to notify parents if the school becomes aware of a bullying or cyber-bullying situation that occurred when the school did not have a supervisory role over the child. **Vote 10-6.**

Rep. Mary Stuart Gile for the **Minority** of Education: The minority supports allowing the Pupil Safety and Violence Prevention Act (RSA 193-F) to continue as enacted. School districts have implemented training programs for school administrators, teaching faculty, ancillary and auxiliary staff and parents, all of which were required to be completed by March 1, 2011. In other words, full implementation of RSA 193-F has just begun. In May, 2011, the department of education will conduct a survey which will include questions on the impact of RSA 193-F. The minority agreed that resulting information should be more helpful in deciding which aspects of the new statute need to be amended.

HB 422, prohibiting vaccinations in public schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kathleen A Lauer-Rago for the **Majority** of Education: Currently vaccination clinics in schools are strictly on a voluntary basis. The majority felt that this goes back to local control and that a district should be allowed to choose whether or not to have a vaccination clinic in its school. **Vote 11-4.**

Rep. J.R. Hoell for the **Minority** of Education: Schools are institutions of learning and this bill seeks to restore that from where we are today. The rationale against this bill was the hardship imposed on parents for having to spend time to visit a doctor or clinic. Convenience should not be the reason for keeping an unnecessary statute on the books. Lastly, testimony was given that the current process allows the lack of controls about the brand and date code of vaccine being administered. Parents should expect to be notified of all necessary and pertinent information prior to their children receiving any vaccination. This information should include vaccine brand, date code and information prescribed by the manufacturer.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission. **WITHOUT RECOMMENDATION.**

This bill would reduce the permissible High School drop out age from 18 to 16.

HB 542-FN, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for the **Majority** of Education: Parents have a right to control the education and instruction of their children. This bill clarifies in statute the constitutional right of parents to conscientiously object to materials, or programs, taught in the public school system. Parents already have the right to a voice in alternate learning programs for children over the age of 16, (RSA 193:1,I,(h)), and this bill clearly states that this right shall be extended to all children ages 6-18. The New Hampshire Constitution states in Part First, Article 4 that the right of Conscience is an unalienable right, and this bill specifies that this right applies to parent-directed education of their children. This bill codifies in statute the common practice seen in some, but not all, local school districts where parents have the right to provide alternatives to a public school program where the parent has objections; this includes conscientious objections to particular books, materials, units or classes. For example: parents may object to a particular sex education course or specific books being used in the curriculum. Recently (12/2010), the town of Bedford had a controversy over a book used in the finance course. The book, Nickel and Dimed: On (Not) Getting By In America by Barbara Ehrenreich promoted the abuse of controlled substances and mocked Jesus which was offensive to both the parents and the student. The book in question not only had political propaganda violating the conscience of the parents, the questionable material was taking time from teaching valuable personal finance skills. Had HB542 as amended been in statute, the controversy could have been avoided. **Vote 11-6.**

Rep. Karen K Hutchinson for the **Minority** of Education: This amendment attempts to codify a parent's right to conscientiously object to a program or school. However, the original bill did not address this subject matter, as the amendment replaces the entire bill and title. Had this been the subject of the original bill, the minority believes that that testimony would have been received and that the public should have the right to testify and weigh in on this important issue. The minority believes that a new bill with appropriate title be brought forth in May for next year. In addition, this bill as amended, inserts language regarding program approval into the "attendance" statute. The language attempts to remove a school district's right to approve a "parent's education program." While it alludes to home schooling, its ramifications could be much further reaching. The minority believes that the question of whether approval of home school programs are warranted be better answered during the study of the three home schooling bills already retained.

HB 505-FN, making charter schools eligible for grants for leased space. **OUGHT TO PASS.**

Rep. Gregory Hill for Education: The committee feels the success of charter schools is critical as an alternative to traditional public schools. Use of building aid funds to lease space will be very helpful. Even though there currently is a moratorium on building aid, the committee feels that eventually that moratorium will have to be lifted given the age of our schools state-

wide. Leasing space is currently the only option for charter schools to gain space for educational purposes. This bill will allow charter schools access to up to 30% of the annual lease arrangement. **Vote 13-1.**

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education: In an effort to reduce new construction costs associated with state building aid spending, this bill encourages school districts to initiate and implement facility maintenance and capital improvement plans. To date, school districts may apply for and receive state funding for new construction and renovation projects without having to demonstrate that the school has been properly maintained and that renovations or new construction cannot be attributed to lack of maintenance. In brief, school districts must demonstrate maintenance of effort before being accepted for future building grant aid funds. Many districts currently have active, ongoing maintenance and capital improvements plans; however, there are others according to DOE who could avoid expensive costs through better implementing routine, preventive, and predictive maintenance. Although this bill does not mandate that a school district must initiate a working maintenance and capital improvement plan to the extent possible, evidence that the district has complied with the maintenance and capital improvement program will be required when applying for future building aid unless the school district can show good cause for noncompliance in which the department may approve the school district's request. In summary, proactive attention to building maintenance will increase building longevity while saving costly construction and renovation expenses associated with state spending. **Vote 14-0.**

ELECTION LAW

HB 176, relative to eligibility to vote. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard B Drisko for the **Majority** of Election Law: This bill would place potentially unconstitutional and certainly unfair restrictive prohibitions on the voting rights of individuals who serve in the military or pursue college course work, whether full or part-time. The bill would not allow elected officials to move from their present domicile to another, even when that domicile is in the same district. When a person declares a community in New Hampshire as his or her domicile we can not, nor should we, deny them the right to vote based on their occupation or pursuit of a higher education. The issue which should be addressed is the steps that individuals should take in order to have a valid claim of domicile in New Hampshire. That issue will be addressed in HB 515, which has been retained by the committee. HB 176 evokes strong emotions from both its supporters and detractors. Due to the high level of feelings surrounding this bill, it is the opinion of the majority of the committee that using HB 176 as a vehicle to study the issue of domicile, as well as others, which were raised during the public hearing would be a distraction at best. **Vote 13-5.**

Rep. Regina M Birdsell for the **Minority** of Election Law: This bill was voted Inexpedient to Legislate, however the minority feels the testimony, letters, and emails from constituents show there is a problem with the definition of "domicile." The minority feels the bill would have been better served being retained and worked on to focus in on the definition of "domicile" with regards to voter eligibility.

HB 186-FN, relative to restrictions on political communications. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Regina M Birdsell for the **Majority** of Election Law: This bill removes the word "implicitly" from the definition of "political advertising" to make the statute conform to the decision reached in *Stenson v. McLaughlin*. The attorney general stated that the statute, as currently written, is unenforceable because of that decision. **Vote 13-2.**

Rep. David M Pierce for the **Minority** of Election Law: No state law should regulate the content of political messages, but there are many political advertising statutes that regulate

not the content of the message, but the manner in which political messages are communicated. For instance, current law on political advertising prohibits: (i) removing, defacing or destroying political advertising on private property; (ii) displaying political messages on government and law enforcement vehicles; (iii) anonymous “robo-calls”; and (iv) misrepresenting the origin of a campaign call. HB 186 would narrow the definition of “political advertising” and would implicitly permit: (i) someone to deface or remove a sign from his neighbor’s yard; (ii) a police car to display campaign signs; (iii) middle-of-the-night robo-calls without any way to trace who made the calls; and (iv) one campaign changing the caller ID of its outgoing calls to say the call is coming from an opponent’s campaign. Our election laws are models of how to ensure the integrity of our campaigns and elections. Campaigns should be based on the competition of ideas, not tricks and traps. HB 186 makes it marginally easier to game the system. The minority believes the entire structure of political advertising statutes should be studied to continue to prohibit governmental regulation of the content of political messages while at the same time ensuring the integrity of the system.

HB 264-FN, relative to political contributions by state contractors and other recipients of state grants or appropriations. **MAJORITY: INEXPEDIENT TO LEGISLATE.**
MINORITY: OUGHT TO PASS.

Rep. Dino A Scala for the **Majority** of Election Law: This bill would require any recipient of a grant or appropriation of funds to file with the secretary of state an itemized statement under oath of any political contribution. The majority feels that because a political candidate has to file and claim political contributions already, this would be a redundant filing and unnecessary. Although the minority believes it would be a burden for an individual to look line by line at a candidate’s disclosure, the majority feels that a system is in place and is transparent. **Vote 13-5.**

Rep. David M Pierce for the **Minority** of Election Law: Current law prohibits lobbying or participating in political activity with money received from the state. HB 264 takes this one step further. HB264 requires anyone who gets a state grant or appropriation to disclose any political contributions he/she may make. The majority believes that because current law requires candidates to disclose that money, we already have enough disclosure. But this ignores the reality that current law requires the public to comb through every single line of every single contribution report to see if there’s a conflict. HB 264 puts all that information in one place. HB264 gives the people an effective tool to know if their tax dollars are going to fund political campaigns or not. The lobbying laws aren’t on the books to protect the politicians and their donors, they exist to protect the people and the fair use of their tax dollars.

HB 411, relative to distributing campaign materials at the polling place. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Election Law: This bill originally would have deprived the moderator the discretion to establish the electioneering zone at the polling place. The secretary of state and the attorney general testified that we should leave these decisions to local officials. Every polling place is different and the moderators know their polling places best. The committee adopted a compromise amendment that guarantees local control, but also establishes a challenge process with the secretary of state to permit anyone to contest the moderator’s decision if the electioneering zone is too restrictive of electioneering activities. **Vote 14-2.**

HB 423, relative to including workplace harassment in the legislative ethics law. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bates for Election Law: This bill would add a new basis for bringing complaints to the Legislative Ethics Committee against legislators and legislative employees. “Workplace harassment” would be added to the list of improper conduct that a person could be charged with. The proposed definition for “workplace harassment” is, “treatment or behavior that to a reasonable person creates an intimidating, hostile, or abusive work

environment.” The committee believes that this definition is too general and subjective. Language this vague could lead to people filing unnecessary complaints that could be resolved through other channels. Legislators and legislative employees should not be subjected to ethics complaints just because someone felt intimidated by them. The Speaker has the authority and responsibility to deal with any problems arising among House members and employees. **Vote 11-7.**

HB 466-FN, eliminating the ballot law commission. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard B Drisko for the **Majority** of Election Law: The purpose of this bill is to eliminate the ballot law commission and transfer its responsibilities to the secretary of state. For many years the duties of the ballot law commission were performed by the secretary of state. Some of those duties are beyond the expertise of the commission’s members. The committee decided that these duties are best preformed by the secretary of state with any appeals being decided in superior court. The committee’s conclusion is that the ballot law commission is too partisan and should be eliminated. **Vote 14-2.**

Rep. David E Cote for the **Minority** of Election Law: The minority is concerned that the elimination of the ballot law commission will place an unnecessary financial burden on a candidate seeking to appeal a decision of the secretary of state, as they would have no alternative but to appeal to the superior court. The minority believes that a change this significant to a structure that has been in place for decades should be undertaken, if at all, only after greater consideration than is possible under current deadlines. The fiscal note states, in part, that: “The judicial branch states this bill would eliminate the ballot law commission and replace its adjudicatory function with appeals to the superior court. The branch does not have information on which to estimate how many new appeals to the superior court will be brought pursuant to this proposed bill. The branch states the average cost of a complex equity case in superior court will be \$598.85 in FY 2012 and \$595.70 in FY 2013.”

ENVIRONMENT AND AGRICULTURE

HB 495-FN, relative to the prevention of the use of pesticides on the grounds of child day care facilities, schools, and state parks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John T O'Connor for the **Majority** of Environment and Agriculture: The intent of this bill is to reduce the amount of pesticides that children are exposed to because they are toxic. The majority of the committee is concerned about the health and welfare of our children, citizens, and environment. It is for this reason that the majority voted to ITL the bill. We are confident that the current state pesticide statute (RSA 430:28-50) recognizes the benefits of safe pesticides use when conditions indicate a need. This bill will result in unintended consequences of limiting the ability of local control as to whether to use EPA and state certified pesticides, or IPM (Integrated Pest Management), PESP (Pesticide Environmental Stewardship Program) or other alternative methods, in protecting our citizens, young and old from diseases like, Lyme, West Nile Virus, Triple E and insect bites that cause anaphylactic shock. As stated in testimony, this is the first bill to take local control away and that private academies, colleges and municipal playgrounds and public gathering locations are next in banning of the use of pesticides. We in the voting majority believe and emphasize that the IPM program that many applicators use is the preferable and prudent approach that should be taken. **Vote 11-6.**

Rep. Suzanne J Smith for the **Minority** of Environment and Agriculture: The minority agrees with the President’s Cancer Panel issued in 2010 that recommended that it is prudent to reduce and, where possible, eliminate children’s exposure to pesticides. This bill restricts pesticides used on school grounds, playing fields and on the lawns at day care centers. Those pesticides are used predominately to keep crabgrass, dandelions and grubs at bay. Our children spend 180 plus days a year at school. Is it worth risking their long-term health for short-term relief of weeds on ball fields? Knowing that there are times when pesticides are

required, HB 495 allows for an emergency exemption in cases of threats to health such as spraying for mosquitoes, ticks, other stinging insects plus threats to plant health such as from invasive insects. If we can produce good quality ball fields and NOT put children at risk from even the possibility of short or long-term health consequences, what is the argument not to do something?

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 331-FN, relative to posting agency expenditures on the state transparency website. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth H Gould for Executive Departments and Administration: This bill requires all state agencies to post expenditures monthly no later than the fifteenth day of the following month on the state transparency website. It begins the process for a totally transparent state government by requiring the agencies to post their expenditures in a total fund format and where each expenditure will be reported in a check register format allowing our citizens an easily understood and accurate insight into each expense in a detailed comprehensive format. **Vote 11-0.**

HB 343-FN, establishing a permanent state defense force. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Randall A Whitehead for the **Majority** of Executive Departments and Administration: The majority felt that this bill is unnecessary, as the state, indeed, has adequate resources to deal with any and all contingencies, including the New Hampshire National Guard. It is believed that this bill could lead to unintended consequences and be a financial burden to the state. **Vote 10-6.**

Rep. Spec Bowers for the **Minority** of Executive Departments and Administration: The minority supported Retain to give the sponsor time to amend the bill. Although the bill as written is open to misinterpretation, a more narrowly crafted definition of the volunteer force envisioned by the sponsor would provide valuable services to the people of New Hampshire.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H Gould for the **Majority** of Executive Departments and Administration: This bill eliminates the racing and charitable gaming commission and transfers all of its duties, personnel, rules, and budget to the state lottery commission. The bill also prohibits the use of new electronic gaming devices in the state without specific statutory authorization. The amendment clarifies that gaming devices can be replaced as needed due to wear and tear. The lottery is a promotional agency and the racing and gaming commission is an enforcement agency, but the committee senses the need to streamline state agencies in this instance. Concerns about regulation of charitable gaming should not be affected by this reorganization. **Vote 9-6.**

Rep. Lawrence B Perkins for the **Minority** of Executive Departments and Administration: Although the minority understands the premise of combining state agencies for the purpose of lowering the budget, we also understand that charitable gaming needs regulation and enforcement and a marketing entity such as the lottery commission is not the vehicle for such an undertaking. In fact five years ago the lottery relinquished bingo and lucky 7's to charitable gaming. This bill looks to save \$60,000 while jeopardizing hundreds of charities in New Hampshire.

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill clearly delineates this authority of fire marshals to cite unlicensed individuals for fire safety violations under the authority of the professional boards. **Vote 12-3.**

HB 418-FN, requiring state agencies to consider open source software when acquiring new software. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt for Executive Departments and Administration: This bill codifies a process that is already being used at the discretion of the state's information technology workers. Although it would require a three person team to fully implement, the cost would be offset by software savings resulting in a cost neutral program going forward. This bill was supported by the department of information technology and the archivist's office. **Vote 11-2.**

HB 444-FN, making John Stark Day a New Hampshire state holiday. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T Hansen for Executive Departments and Administration: The committee agrees with the sponsor that the significant contributions made by General Stark to the state and the nation in its infancy deserve recognition in the form of a proclamation urging the schools on the 4th Monday in April to commemorate the day with appropriate activities and events. **Vote 12-3.**

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration: This bill as introduced would permit unlicensed people to perform barbering, cosmetology, and esthetics services provided that there is no compensation for the services performed. The amendment closes a possible loophole while maintaining the intent of the sponsor by inserting an exemption for these services including manicuring performed for friends and family and with no compensation. The amendment also decreases the penalties for offenses. Current law makes possible a penalty of a year in county jail if an unlicensed person gives a haircut. Although the committee knows of no such prosecution, it feels that it is bad law to leave so drastic a penalty up to prosecutorial discretion. **Vote 15-1.**

HB 452-FN, establishing the independent regulation of dental hygienists. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The practice of dental hygiene is presently governed by the board of dental examiners. This bill would establish a separate board regulating dental hygienists in matters such as licensing, procedural aspects, and work rules (but would not change their scope of practice). This bill has had a long history. Nonetheless, the committee did not feel that the issues raised by the dental hygienists rose to the level of setting up yet another board in state government at this time. A major complicating factor is that dentists and dental hygienists are in an employer-employee relationship more directly than in any other licensed profession. Thus dental hygienists would have to answer to two authorities which could very well be in conflict with one another. The committee felt that the needs of the dental hygienists could be more appropriately addressed by giving them a greater voice in the board of dental examiners. The ITL recommendation is made in favor of HB 565 which provides a positive step in that direction. **Vote 12-5.**

HB 565, establishing a dental hygienists committee within the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill confers a substantial degree of rulemaking authority and self-governance on this valued and hitherto insufficiently empowered profession, while maintaining a unified and collaborative oversight board of dental care for the benefit of New Hampshire citizens. Similar arrangements are in effect in numerous other states. **Vote 12-3.**

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary

education commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter B Schmidt for the **Majority** of Executive Departments and Administration: This bill drew strong and persuasive testimony in opposition, both as to the premise of the language proposed for addition to the existing statute and to the facts of current practice. After much deliberation the committee majority concluded that the bill is unnecessary. **Vote 9-6.**

Rep. Spec Bowers for the **Minority** of Executive Departments and Administration: HB 623 prohibits preferential treatment or discrimination in recruiting, hiring, promotion, or admission by state agencies, colleges, or universities. The minority believes that "affirmative action" hurts the very people it tries to help. Installing a less qualified person in a demanding environment sets him or her up for failure. It is far better for a student to graduate from a lower tier college than to flunk out of a higher tier college. Secondly, well qualified individuals may be stigmatized because they happen to be members of a "preferred" group. For such individuals it may take years of hard work for others to realize that they are fully qualified. The committee believes that the best path is for all people to be judged not "by the color of their skin, but by the content of their character."

FINANCE

HB 425-FN-A-L, making an appropriation for the special education catastrophic aid program for the 2011 fiscal year. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C Umberger for Finance: This bill would allocate an extra \$7,892,809 for FY11 (this year) for special education catastrophic aid. While the committee supports this program, school budgets for FY11 have already been established. There are no remaining funds available to support this increase. **Vote 15-5.**

HB 482-FN-A-L, relative to county reimbursements for nursing home services. **INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for Finance: Several years ago, when the state transferred responsibility to the counties for Medicaid long-term costs, the state capped the county costs, starting at \$71.5 million a year for 2008 and rising to \$105 million a year for 2012. The counties sued the state on the grounds of it being an unfunded mandate but did not prevail because the cap prevented them from being harmed. RSA 167:18-a II requires the legislature to set the cap prospectively for the next biennium. The committee understands and agrees with the need to cap the costs. However, since the amount of the cap has been amended in the past, the committee wishes to retain the flexibility of setting the cap within the context of the entire budget. Therefore, the cap will be extended in HB 2. **Vote 22-0.**

FISH AND GAME AND MARINE RESOURCES

HB 206-FN, establishing an apprentice hunting license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Benjamin P Lefebvre for Fish and Game and Marine Resources: This bill allows the fish and game department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license. The committee feels that issuing an apprentice license for hunting with a bow or a firearm will provide an opportunity for new hunters to explore the enjoyment of hunting in a safe and responsible manner. **Vote 9-0.**

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H Watters for Fish and Game and Marine Resources: This bill revises criteria for lobster and crab licenses issued by the fish and game department. The bill also clarifies provisions for lobster tail permits and landing licenses for lobster and crabs. In an effort to reduce the latent catch related to individuals who are eligible to purchase a commercial lobster and crab license and have not done so, the department will require those eligible to

submit a notarized affidavit indicating their intent to remain eligible to purchase such license in subsequent years. The bill was at the request of the department. **Vote 9-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 58, relative to inter-facility transfers of critical access hospital patients. **OUGHT TO PASS.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill deletes the exception for emergency medical and trauma services to allow certain providers (MD, RN or PA) to ride alone in the back of an ambulance while transporting a critically ill patient. After much discussion, the NH hospital association, the emergency nurses' association, the NH nurses association and the NH department of safety, division of fire standards and training, emergency planning medical services came together and agreed that having only one clinician in the back of the ambulance was unsafe practice for the patient, the clinician and the hospital, especially considering current emergency medical services law requires two paramedics be in the back of an ambulance with a critically ill patient. The committee agreed. **Vote 14-2.**

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: Lyme disease has emerged as a devastating problem for many NH people. There is not a consensus of understanding about treatment modalities. This legislation directs the board of medicine to place a statement on their website that “no licensee may be subject to disciplinary action for prescribing, administering or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented in the physician’s medical record that that patient.” This serves to protect persons with Lyme disease and not interfere with the practice of medicine. **Vote 18-0.**

HB 442-FN, relative to the use of marijuana for medicinal purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: This bill first and foremost keeps the decision of medicinal healthcare between the patient and physician and not the government. It also removes the risk of any ailing patient from arrest, prosecution and jail if legally using cannabis for medicinal purposes. For a significant number of patients, clinical experience and research confirm that marijuana serves as the only effective medicine for relieving pain, suppressing nausea, stimulating appetite, minimizing severe and chronic symptoms as a result of serious and terminal medical conditions, and creating an opportunity for patients to connect with their loves ones in their dying days. Numerous studies by blue-ribbon government panels and federally funded, peer reviewed scientific studies have consistently found that cannabis is effective for treating certain debilitating symptoms when traditional, legally prescribed, therapeutic drugs are not effective. Studies have consistently found that cannabis is an effective analgesic and antispasmodic agent, that its side effects are often less debilitating than those of drugs currently approved for treating the same ailments, and for some individuals is the only meaningful option. It is one of the safest therapeutically active substances known. For certain persons, the medical use of marijuana laws such as HB 442 are not preempted by federal law, as stated explicitly in the Federal Controlled Substance Act. As of July 2, 2010, the department of veterans affairs (a federal agency) accepts medical cannabis as an effective medicine and formally allows patients treated at its hospitals and clinics to use medicinal cannabis in those states where it is legal as an alternative medicine. **Vote 14-3.**

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. **OUGHT TO PASS.**

Rep. Donald L LeBrun for Health, Human Services and Elderly Affairs: This bill has been requested by the New Hampshire board of pharmacy. This was requested to allow the board of pharmacy to prepare labeling requirements for the placement of an “automated pharmacy system” which would not have a pharmacist present at the time of dispensing. These

systems could be placed for the use of one or more doctors in a suitable location, in an office building with several doctors' offices or outside a doctor's office. The doctor would email a prescription to the automated pharmacy system, and the client would then go to the machine and pick up and pay for the prepared prescription. The issue for the board of pharmacy is to have labeling requirements and to have a system in place for patient counseling which is required by New Hampshire law. **Vote 14-3.**

JUDICIARY

HB 141, relative to the treatment of cable television as a protected utility service.

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

Rep. Gregory M Sorg for the **Majority** of Judiciary: This bill, as introduced, sought to change a rule established in the 2009 case of *Lally v. Flieder*, 159 N.H. 350. In that case, the court found that an evicting landlord acted wrongfully in disconnecting cable television service that the tenant was stealing from a third-party provider by means of an illegal connection. The court reasoned that, notwithstanding the illegality of the connection, the legislative history of RSA 540-A:3I of the landlord-tenant statute--which prohibits the interruption or termination "directly or indirectly" of "any utility service" being supplied to the tenant--supported the conclusion that it was intended to prevent landlords from engaging in any self-help tactic. The committee majority concluded that this anomalous result warranted an amendment revising the statute to spell out with precision exactly which utility services may not be interrupted or terminated by an evicting landlord, and to limit that prohibition to utilities services being supplied by the landlord. The majority felt that, in view of the severity of the penalties they face for violations of the statute, landlords are entitled to such specificity. **Vote 11-4.**

Rep. Lucy M Weber for the **Minority** of Judiciary: RSA 540-A:3 currently prohibits a landlord from willfully causing, directly or indirectly, termination of a list of enumerated services, including water, heat, light, electricity, gas, telephone, sewerage, elevator or refrigeration. For 31 years, this statute has effectively discouraged landlords from evicting tenants through self-help measures, and has provided tenants with much-needed recourse if these practices occurred. Several years ago, a court decision added cable television to the list of protected services. The bill as originally introduced simply reversed the court decision and made it clear that cable television is not a protected service. Most of the committee members were in agreement with the original intent of the bill, although there was some concern over how to deal with tenants whose phone service is accessed through cable, such as Vonage. As amended, however, the bill removes from the statute any prohibition at all barring a landlord from interrupting services already paid for by the tenant. Nor would a landlord be liable if he or she caused a service interruption indirectly. As a result, a tenant would no longer have any recourse under this chapter if, for example, a landlord decided to drive the tenant out of the building by the simple expedient of tripping a circuit breaker which controls tenant-provided heat.

HB 158, relative to the misuse of social security numbers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: This bill creates a civil cause of action for citizens who have had their social security numbers misused. The cause of action applies to: (1) persons who misused the number with fraudulent intent; (2) persons who knowingly supplied or aided in obtaining the false documentation; and (3) employers who know or should have known the documentation was false. The majority felt that the bill serves an important public service by allowing innocent victims to recover civil damages against fraud and by creating a strong deterrent for people participating in such fraudulent behavior. The bill allows for treble damages or \$10,000, whichever is greater, plus reasonable attorney's fees and costs incurred to correct the records of the aggrieved party. **Vote 15-2.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: No instances of the type of identity theft addressed by this bill have been reported in New Hampshire. In addition, the minority is

concerned about potential burdens on small businesses that are faced with the prospect of penalties amounting to the greater of \$10,000 or treble damages.

HB 254, relative to offers of judgments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for the **Majority** of Judiciary: This bill provides a judicial procedure to facilitate the more timely resolution of civil disputes between New Hampshire litigants. The bill allows for either a plaintiff or defendant to make a formal offer of judgment. If that offer is rejected, and the judgment finally obtained is not more favorable than the rejected offer, then the court will have the discretion to assess cost-shifting on the party that rejected the offer. The cost-shifting which is to include reasonable attorney fees, will be calculated from the time the more favorable offer of judgment was made. This bill is designed to compel parties to properly value their case and then bear the risk and responsibility of being stubborn or foolhardy. Forty-one states have enacted some version of this law, which is modeled after the Federal Rules of Civil Procedure (passed in 1938). There is a significant amount of legal precedent regarding this concept. The Committee found that the bill would effectively promote responsible resolutions between litigants, in a timely manner, and thereby preserve the state's limited judicial resources. **Vote 13-4.**

Rep. Janet G Wall for the **Minority** of Judiciary: The minority believes that some cases may take longer than others to reach a settlement and that it is in the best interest of the parties to determine what is fair and reasonable and conclude cases sooner. Prompt settlements would also reduce the workload on the court system. The minority disagrees with the requirement in the bill that may find the losing party liable for court costs and attorneys' fees. Those parties of lower economic status would stand at a disadvantage under this bill if they were pressured into an unreasonably low offer of settlement for fear of having to pay all costs of the other party. Justice would not be served. The committee has killed similar bills in the past while recognizing the importance of balancing justice better serve all.

HB 314, relative to judicially appointed officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald C. Andolina for Judiciary: This bill adopts a procedure for courts to follow in appointments of officials by the courts. The committee voted that the bill was inexpedient to legislate because there were no reported problems. Though the committee did see possible merit in the purpose of the bill, the consensus of the committee was that there was no pressing need at present. **Vote 11-5.**

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: This bill ensures that a parent, guardian or conservator of an unemancipated female child is notified prior to an abortion taking place, with certain exceptions. The exceptions include: (1) a medical emergency exists and there is not time to provide the required notice; (2) the parent, guardian or conservator certifies in writing that they have been notified; (3) a court of competent jurisdiction determines that the female child is mature and capable of giving informed consent; and (4) a court of competent jurisdiction determines that it is the best interest of a female child who is not proven to be mature. This bill ensures the confidentiality of all proceedings and ensures a speedy process. The majority stands behind this bill for many reasons, including but not limited to: (1) it is the fairest and most accessible judicial by-pass system that has ever been proposed in New Hampshire or any other state; (2) it will not negatively affect the health or safety of any female children in New Hampshire; (3) it reinforces the legislature's belief that parents are the most important part of a child's life and are necessary to protect the children from their own immaturity; (4) it fosters the family structure and preserves it as a viable social unit; and (5) it brings New Hampshire in line with 43 other states that have passed such laws to protect their children. **Vote 12-4.**

Rep. Lucy M Weber for the **Minority** of Judiciary: The minority agrees that every minor considering an abortion should have the advice and support of a caring, nurturing parent.

Currently, about 75% of minor women seeking are accompanied by a parent, and all minors are counseled to inform a parent. Those who are unable to do so have heartbreaking reasons: there is physical or sexual abuse in the home; the parent is unable, through physical or mental illness or addiction, to offer support; the young woman fears being thrown out of the home. Currently, these most vulnerable young women have the safety net of safe, legal health care provided by experienced licensed medical professionals and counselors. For these young women who lack parental support, passage of this bill poses very real risks to their health. The choice of notifying a parent or seeking a judicial bypass will cause some of these young women to delay seeking medical attention, and delay brings with it increased health risks, whether the young woman seeks an abortion or ultimately decides to carry the child to term. In addition, a desperate young woman may seek an abortion through illegal and life-threatening methods. In addition to being intimidating for a vulnerable young woman, the judicial bypass carries with it concerns about confidentiality. The minority is concerned that, even as amended, there is no effective way of guaranteeing confidentiality in our small communities. Finally, there is the issue of cost. The estimated 50 judicial bypass proceedings could cost approximately \$4000 each for a total of \$200,000, not counting the additional costs for any cases which are appealed. There is no provision in the bill to provide extra funding to the courts to cover these added costs.

HB 499-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary W Wheaton for Judiciary:. This bill clarifies the division of damages and benefits received from third persons by employees who have received workers' compensation. A court, arbitrator or the commissioner of labor would now have the authority to allocate a lien recovery based upon fault, so that if an employer were at fault in causing the accident, its lien would be reduced as justice may require. While the committee believes that the provisions of this bill would apply only in a small number of workers' compensation cases, it further believes that the effects would cause workers' compensation insurance rates to disproportionately increase. The committee is also concerned with introducing the concept of fault to the workers' compensation scheme which is designed to be a no-fault system. For these reasons, the majority of the committee recommends inexpedient to legislate. **Vote 14-3.**

HB 513-FN, relative to end of life aid in dying for certain persons suffering from a terminal disease. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lenette M Peterson for the **Majority** of Judiciary: This bill would allow a person who has been diagnosed with a terminal disease to request a prescription for medication to enable the patient to control the time, place and manner of his or her death. The committee believes that this bill would legalize state-sanctioned suicide for people with terminal illnesses and that this is an area where government does not belong. People with terminal illnesses who may consider suicide do not need encouragement from the government. The committee further believes that this bill is a recipe for elder abuse. The committee also recognizes that doctors' diagnoses and predictions may be incorrect; numerous cases exist where people have lived far beyond their doctor's predictions, some of them having been cured from their terminal disease. For these reasons, the committee strongly believes that this bill represents bad policy and practice and recommend inexpedient to legislate. **Vote 15-1.**

Rep. Rick H. Watrous for the **Minority** of Judiciary: This personal liberty bill would allow a mentally competent adult who has been diagnosed as having a terminal disease by the citizen's attending physician and a consulting physician to request a prescription for medication which would enable that citizen to control the time, place, and manner of his or her own death. Based on the long standing death with dignity Oregon law, this bill would enable terminal citizens to end their needless suffering. There is no law against suicide in New Hampshire, but there is a law against assisting suicide. Passage of this bill would allow

physicians to grant this aid in dying request by patients. It would also allow the patient to end his or her own life in the presence of friends or family without fear that those loved ones would be prosecuted. New Hampshire is the Live Free or Die state; this is the ultimate Live Free or Die bill. A person should be able to end their terminal suffering as painlessly as possible.

HB 532-L, relative to municipal liability for dog bites. **OUGHT TO PASS.**

Rep. J. Brandon Giuda for Judiciary: This bill repeals seven statutes that were enacted in 1863 to hold towns liable for damages caused by dogs to sheep, lambs, fowl or other domestic creatures, if the dog owners could not be found. These statutes may have been useful in 1863, when towns taxed people on their animals and when many animals including dogs and livestock still roamed free. However, not only are the statutes rarely used, but the world today is much different than in 1863. Due to the move away from an agricultural society, there are fewer animals, and better fencing and protections are used to ensure animals are controlled. The large majority of towns have leash laws and dogs no longer roam free. Further, the majority of the committee believes that towns should not be held liable for damage from dogs over which they have no control. **Vote 11-5.**

HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for the **Majority** of Judiciary: By passing House Resolution 7, the House would direct the Judiciary Committee to investigate and report back to the House as to whether grounds exist for the House to impeach marital master Phillip Cross. The committee's review to this point has been limited to determining whether the allegations stated in the resolution and testified to at the public hearing met the relatively low standard of reasonable suspicion, thereby justifying further, formal investigation. The majority concluded that they did. In arriving at this conclusion, the committee was sensitive to the need to distinguish between disagreements with the subjective findings and recommendations of Master Cross - which go to the essence of the judicial function and not properly reviewable by the elected branches of the government - and violations of objective rules of law and procedure that a magistrate is bound to follow, and which are properly reviewable. In considering the latter, the committee was additionally sensitive to the need to distinguish between the occasional error that only proves that a magistrate is human and a pattern of apparent lapses that is indicative of malpractice or maladministration in office. The majority concluded that a reasonable showing of such a pattern had been made, which included: (1) granting one party ex parte relief and never scheduling a contested hearing to give the other party an opportunity to respond; (2) issuing conflicting orders to a party that made it impossible for him to comply with one without violating the other; (3) giving notice of a hearing to consider one subject and then considering an entirely different subject at the hearing; and (4) altering a stipulation filed by the parties and forwarding the altered stipulation as the court's final order without first giving the parties an opportunity to review and reconsider it. In addition, there was testimony that decisions made by Master Cross have the highest rate of appeal than those of any marital master and that more judicial conduct complaints have been filed against him than any marital master. Finally, the committee was presented with evidence of the ineffectiveness of the judicial branch's internal Judicial Conduct Committee to police and discipline its own members. On the basis of the foregoing, the majority was persuaded that the aspiration of Article 8, Part I of the New Hampshire Constitution - that all the magistrates and officers of the government are accountable to the people - cannot be fulfilled in this case without a formal investigation of Marital Master Cross. **Vote 10-5.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: The grounds for impeachment under the New Hampshire Constitution are bribery, corruption, malpractice or maladministration. There have been only two such proceedings against judges in the entire history of New

Hampshire. In neither of the two proceedings was the judge convicted and removed from the bench. The allegations against Marital Master Philip Cross arise out of three of the most contentious divorce proceedings in the state. Most of the specific instances alleged in HR 7 have been shown to be either untrue or mischaracterizations. Other actions have already been appealed to the NH Supreme Court, which has upheld the actions of Master Cross. Even if the substance of the allegations were entirely true, it might be grounds for reversal on appeal or for proceedings by the Judicial Conduct Commission, but it does not come close to the grave level of misconduct required for impeachment. For this reason alone, HR 7 should be voted Inexpedient to Legislate. During the discussion of this resolution, it was stated that the resolution should go forward as a vehicle for the legislature to investigate the court system. The legislature may study the workings of the court system at any time, without resorting to impeachment and thereby holding one individual's future hostage to the effort. Despite the fact that the only specific instances of wrongdoing are alleged against Master Cross, HR7 also gives the committee the sweeping power to investigate "any justice of the New Hampshire superior court," without stating any basis at all on which to do so. This is a breach of due process of staggering proportions. The minority is deeply concerned with other aspects of this resolution. The resolution carries with it no fiscal note. The resolution gives the committee the unlimited authority to subpoena the attendance and testimony of persons and the production of records. The committee may take depositions or prepare interrogatories. These actions may be taken by the committee or counsel for the committee. Presumably, then, the committee may choose to use the services of House Counsel or to employ outside counsel. Every one of these actions is expensive. All of the completely unfettered authority given to the committee may be exercised not only by the committee acting as a whole, but also by chairman of the committee, acting alone. Nowhere in the resolution is there any limitation whatsoever on how much may be spent in the conduct of this investigation. We heard that cost of the investigative phase of the proceeding against Justice Brock in 2000 exceeded \$100,000. The impeachment and trial cost many times that amount. The minority believes it irresponsible to launch an investigation with no limits on expenditure.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 133, relative to the minimum wage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tammy A Simmons for the **Majority** of Labor, Industrial and Rehabilitative Services: RSA 279:21 states that "no employee shall be paid at an hourly rate lower than that set forth in the federal minimum wage law." This bill strikes out-of date and redundant language reiterating the federal minimum wage rates in NH law. HB133 would additionally alleviate the need for the legislature to spend time amending RSA 279:21 each and every time the federal rate changes. Unnecessary RSA's that have absolutely no impact on residents of the state should be amended or repealed giving citizens a comprehensible and relevant code of law. **Vote 8-7.**

Rep. Jeffrey P Goley for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority of the committee believes New Hampshire should not give up its ability to set the state minimum wage rate above the federal rate. The current New Hampshire minimum wage is the same rate as the federal wage at \$7.25 and will not go up unless the federal rate goes up or the legislature passes an increase. New Hampshire's cost of living is higher than most southern states and therefore we should keep current legislation in place so that if New Hampshire wants to raise the rate above the federal rate, as we have in the past, the law is in place for the state to set that rate higher.

HB 273, relative to public or private criticism of employers by employees. **INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The sponsor of the bill was concerned that negative comments made by employees outside work or on social media sites could be used by employers as grounds for dismissal. The bill would allow

criticism no matter how determined to the employer and the employee would not be able to dismiss or fire the employee. There was some opposition to the ITL vote citing freedom of speech. While the majority respects this freedom, it still believes in responsibility for ones actions. Yelling fire in a crowded movie house or maligning ones employer to the general public without consequence go far beyond ones right to free speech. **Vote 11-4.**

HB 275, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William J Infantine for the **Majority** of Labor, Industrial and Rehabilitative Services: The concept of a private right of action is to allow private citizens or companies to bring suit against a competing company for violations of laws enforced by the New Hampshire department of labor. The premise of the bill is that if a company loses a bid to a competitor, the competitor must have cheated and therefore is ripe for a private right of action. This bill would open the door to additional legislation to allow private companies to bring suits against any competitor and use up the obligation of the various state departments to enforce the laws made by the legislature. This bill has come before the legislature three times in the past eight years. It has been defeated by a significant majority of the House when controlled by both Democrat and Republican majorities. **Vote 11-4.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority believes that the private right of action can be a useful tool in clarifying the ambiguity between employees and subcontractors. We also believe that private employers are responsible enough to be very cautious in charging other employers with a probable violation of the law. The private right of action could be a useful addition to New Hampshire's law enforcement capacities.

HB 362, relative to binding arbitration in public labor relations disputes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. G. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill attempts to offer a solution to prolonged impasse in public negotiations. A bipartisan majority of the committee found that the language of this bill, as written, would not accomplish its intended purpose. **Vote 12-3.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority believes that the impasse procedure in RSA 273a, public employee collective bargaining, is broken, and that adding last best offer arbitration can fix that process. There is no end process to the dispute if either party in negotiating rejects the process and report required in mediation and fact finding. Although the committee did not receive fresh data, information was provided that there are over 50 contracts still at impasse, some for over six years. Last best offer arbitration provides an end process at the bargaining table and still leaves it up to the legislative body to accept or reject the financial aspects decided by the arbitrator.

HB 560, increasing the minimum wage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steven D Smith for the **Majority** of Labor, Industrial and Rehabilitative Services: While we sympathize with the plight of low income workers, we feel that even a low wage job is better than no job, particularly when other benefits like health insurance are considered. We feel that it would be irresponsible in today's fragile economy to put more of a burden on New Hampshire businesses and endanger New Hampshire jobs. **Vote 11-4.**

Rep. Andrew A White for the **Minority** of Labor, Industrial and Rehabilitative Services: Increasing the minimum wage by \$0.75/hour would put an additional \$30.00 per week into the pockets of New Hampshire's 4,000 lowest paid workers. The minority knows that this increase in wages is as good or better than any tax cut for these low paid workers. More money in their pocket equals more money to spend at restaurants, more money to spend on newer vehicles, or perhaps for some the money to spend on a home. Part of this money comes

back to local businesses, cities and towns and to the state in the form of rooms and meals taxes, registration fees, and perhaps even property taxes.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

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

Rep. Kevin P Sullivan for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill repeals card check. The majority of the committee feels strongly that a person's right to vote should be private and that it will lessen coercion. **Vote 11-4.**

Rep. Andrew A White for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill seeks to remove the least expensive option to certify a bargaining unit. Today, there are two ways to certify a bargaining unit: the written majority and the secret ballot methods. Over the past four years, 2/3 of all bargaining units certified by the public employee labor relations board (PELRB) have been certified by the method this bill seeks to remove. The minority understands that passage of this bill will increase burdens on PELRB staff and public employers as well as increasing agency expenses at a time when we should be focused on creating efficiencies and reducing costs.

LEGISLATIVE ADMINISTRATION

HB 561-FN, prohibiting the state payment of the cost of wireless communications services for legislators and staff. **INEXPEDIENT TO LEGISLATE.**

Rep. Marilinda J Garcia for Legislative Administration: This bill would rescind funds for the 35 state-owned wireless telecommunication devices currently in the possession of legislative leadership and legislative staff. While the intent of the bill was to save \$18,732 in annual state expenditures and to communicate the full extent of legislative commitment to fiscal discipline to New Hampshire citizens, the bill as written would, in fact, impede the effectiveness and efficiency of the legislative body and staff as a whole thereby being a net loss to the public good. In addition, the distinction between wireless telecommunication "devices" and wireless telecommunication "services" is not clear – the words are used interchangeably in the bill and the LBAO fiscal note analysis. **Vote 9-4.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 109, relative to residential fire sprinklers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Burt for Municipal and County Government: The amendment states that the planning board shall not require, adopt or enforce any regulation requiring the installation of a fire suppression sprinkler system in proposed one or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond or other credible water source other than a fire suppression sprinkler system. The majority felt that the \$5000 to \$20,000 cost to a one or 2-family residence to install a suppression sprinkler system would kill the new housing market in NH. **Vote 13-3.**

HB 316, relative to due process requirements in property appraisals for property tax purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The original text of HB316 dealt with the constitutional issue of a citizen losing the right of appeal if the selectmen or assessing officials are unable to obtain consent to enter a dwelling for the purpose of assessing the property value and an alternate process to assess the unseen property. RSA 74 sets out the process for filling out the annual inventory of polls and taxable property. The committee felt that reinstating the ability to appeal an assessing value was important and gives the property owner due process. The amendment keeps the administrative inspection warrant that gives the municipality its due process to make sure that all property is assessed fairly. It also gives the other taxpayers assurance that everyone is paying his or her fair share. **Vote 14-1.**

HB 340-FN, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system.

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

Rep. Jeffrey S Shackett for the **Majority** of Municipal and County Government Although most of the testimony heard was very passionate, the committee voted with bi-partisan support 14-2 ITL. The fiscal notes attached to this bill were the overwhelming factor for our decision. The department of education estimates trust fund revenue would decrease by 89 million in FY 2012, and 186 million in FY 2013. These estimates only account for those students who would be enrolled in private schools. It does not include any home school students whose parents would certainly apply for this abatement which would significantly further increase these estimates. **Vote 14-2.**

Rep. John A Burt for the **Minority** of Municipal and County Government: First is the fact that we are facing a financial crisis that demands a long term perspective. A shortsighted band-aid approach will no longer work. This bill, by bringing competition into the educational marketplace, provides incentives for parents to put their children into private schools. In the long term this will have a very significant positive impact on the tax rate as greater numbers of parents, especially lower income parents, take advantage of the option of having some their educational tax payments returned to them thus enabling them to take advantage of private school opportunities in an environment more in tune with their family's worldview. The property tax burden in New Hampshire is onerous and education is by far its largest component. It is time that we faced up to this issue and this bill provides an opportunity to do just that. The second point is simply one of fairness. We hear the cry of, "What about the poor?" time after time on many issues, but when it comes to education we ignore the poor by denying them any real choice and forcing them to stay in the public schools. This bill simply allows a family to use a portion of the education part of their own property taxes (added to additional funds of their own) to provide an educational environment more in keeping with their family's values. The third issue is the positive impact that this bill, by introducing competition, could have on the quality of education in all schools whether public or private. Public education is for the most part a monopoly, funded like the established churches of the early colonies where everyone had to pay for that church whether they attended or not. Monopolies by their very nature are bureaucratic, highly centralized, lacking in creativity and expensive. The government education monopoly is no exception! This bill would provide the basis for some genuine competition which would have a very positive impact on all schools.

HB 341, relative to local spending caps. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: This bill would allow charter cities and charter towns to amend their charters to permit a tax cap on the city, town or the school district budgets, or taxes assessed by the city. The cap could only be overridden by a 2/3 vote of the elected body present and voting. Six towns - Allenstown, Derry, Hampstead, Kingston, Rindge and Salem - have already approved tax and spending caps and the town of Hudson rejected the effort. Also six cities - Dover, Franklin, Laconia, Manchester, Nashua and Rochester - have adopted this option. The cities of Claremont and Somersworth rejected the effort. The city of Concord had a petition filed but was not submitted to the voters and an appeal is in the Supreme Court. The city of Portsmouth also had a charter change request but the petition was rejected because of technical issues. As stated in the testimony given to the committee, the people of New Hampshire have a right to control their own destiny. The towns that have adopted the budget act already have an ability to limit spending. It only seems fair to allow those taxpayers in charter towns and cities to have the same option to choose limited spending. Since there have been lawsuits prohibiting the tax caps, this bill is required to declare local spending caps are lawful. The majority of the committee believe that allowing tax caps will give the citizens of a town, school or city an ability to have a greater say in their government. **Vote 13-2.**

HB 361, enabling counties to adopt semi-annual payment of county taxes by towns and cities. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: The committee determined by a significant bi-partisan majority that this bill could adversely affect towns and cities by requiring a mid-year partial payment. This payment could increase borrowing needs of the town and cities. **Vote 13-2.**

HB 368-FN-L, relative to workforce housing and the definition of community. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey S Shackett for the Majority of Municipal and County Government: Workforce housing is extremely important to our local economy. It has been well documented that New Hampshire has a critical shortage of housing options affordable to moderate and lower income families. The lack of affordable housing negatively impacts our states ability to grow a strong economy (no housing, no workers). We must work proactively and cooperatively on finding ways to make available housing for all members of our community. The workforce housing statute has been in effect for less than 2 years and has been supported by many communities including the city of Nashua and the town of Amherst. This bill would have a negative impact on housing for all lower and moderate income families by requiring the local legislative body to approve any such housing in our communities. **Vote 14-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill is an attempt to convert the current workforce housing statute to enabling legislation. Workforce housing has its origin in Massachusetts and what the minority believes is a faulty New Hampshire supreme court decision. (*Britton v The Town of Chester*). The current law restricts planning boards due to the fact that contractors can appeal any part of the planning process to superior court. This is causing cities and town to incur excessive legal costs. Additionally, the law is not successful in developing affordable housing in towns that have high land prices. This was its original goal. Based on a complicated mathematical formula, workforce housing limits the price the property can sell for, limits any appreciation of the property and places limits on maximum income levels. It also has an effect on any attempt to maintain current master plan objectives. By "opting in" the requirements of workforce housing, the bill is trying to return local control in any development or planning, versus the control originating in Concord and ultimately the courts.

HB 391, relative to an optional tax credit for service-connected disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for Municipal and County Government: There are over 14,000 New Hampshire veterans receiving disability compensation for either service or non-service connected disabilities. Disabled veterans are rated anywhere from 10-100% with the great majority being between 10-30%. VA disability is granted based on lost earning potential based on education and work experience. While a veteran may be receiving disability payment, he or she may at the same time be gainfully employed with high wages. HB 391 doesn't require the veteran to furnish certification when the disability rating goes down, as such ratings are reviewable. HB 391 could cause conflict between a 20% service connected disability and an 80% non-service connected disability: how would the assessors know the difference? If enacted, HB 391 could result in a city such as Manchester having thousands of different tax credits, requiring numerous yearly changes. As with any tax credit there is a cost shift. HB 391 doesn't address this. **Vote 12-2.**

HB 396, exempting the land and buildings of Masonic temples or building associations from property taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for Municipal and County Government: Under current law, the sixty-eight Masonic temples and granges can apply on a yearly basis by the April 15 deadline for tax-exempt status. The passage of HB 396 would exempt the Masons from the requirement and would result in similar groups requesting tax-exempt status. This would result in tax-shifting to already over burdened home owners and businesses. While it is important to take notice of all the fine charitable work funded and/or performed by Masons, it is equally

important to note it is a male-only organization. The current religious, education, charitable, Red Cross and veterans are not limited to one gender. HB 396 is an attempt to overturn a board of tax and land appeals decision. **Vote 13-2.**

HB 403-L, requiring a public hearing on certain school district warrant articles.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. James E Coffey for the **Majority** of Municipal and County Government: Petitioned articles are presently well covered by existing statutes. This bill required an informational hearing only which would create an additional burden for school districts without any significant benefit. **Vote 13-3.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill requires that petitioned warrant articles shall have a public hearing on budgetary impact issues before the budget committee or governing body prior to insertion into the school district warrant. This would allow a timely hearing to inform voters and give them the opportunity to research the topic and make reasonable decisions. RSA 197:6 requires petitioned warrant articles to be posted in the school warrant articles regardless of the requirements of RSA 32:5. This does not give the voters a chance to review the budgetary impact of the petitioned warrant article, especially in towns that are under RSA 40:13, optional form of meeting official ballot referenda, commonly known as SB2. There are four possible sets of dates; regular town meeting, SB2, March, April or May second session voting, respectively. The first session under SB2 resembles traditional town meeting, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and dates adjusted respectively for April and May voting sessions. The petitioned warrant article is due the second Tuesday of January and the budget hearing must be completed by the third Tuesday. This schedule could only allow 11 days in some years to research and realize the ramifications of a petitioned warrant article, thus unfair to the involved voter.

HB 409, relative to planning board members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: Currently planning board members may serve on any municipal board or commission as long as it does not result in having more than two planning board members serving on the same board or commission. The committee accepted the amendment to clarify that planning board members could serve on other boards and commissions, except on the conservation commission or other land use boards as defined in RSA 672:2, as long as not more than one planning board member is on the governing body. Also during testimony the issue of “ex officio member” was discussed and an amendment to delete certain sections where the term was used inappropriately was adopted. A grandfathering clause for those currently serving as ex officio members was included in the amendment, so no serving members would be considered illegal. **Vote 15-1.**

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: As the law stands now, if a taxpayer does not pay property taxes when the final tax bill is due, the interest rate on the amount is 12%. Within 90 days of this due date, certified mail is sent to the taxpayer 30 days prior to a lien being placed upon the property. Once the lien is placed upon the property, the interest rate becomes 18% and a certified letter is sent to a property mortgagee of that fact. This bill as introduced set the local rates at 6% and 9% respectfully. The philosophy behind the high delinquent property tax interest rates is to ensure that the property tax bills will be among the first bills to be paid, not among the last. There are many circumstances where a taxpayer who is able to afford the tax payment may choose not to pay for almost three years to take care of other priorities. One reason to not lower the interest rate is that each unpaid property tax bill means that the other conscientious taxpayers in the town will have to dig deeper into their pockets to make up the difference. Also if the financial consequence is lessened to the proposed 6% and 9% more taxpayers would have the chance to default on their tax payments. This change would also put pressure on the cash flows of local governments, forcing them to borrow more to fund operations and increasing debt service

expenditures. The committee is sympathetic to the fact that some people are unable to pay their taxes through no fault of their own. However those citizens may petition their selectmen for an abatement of all interest and, as appropriate, an abatement of their actual taxes. **Vote 15-1.**

HB 483-FN-L, relative to mosquito control. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D Copeland for Municipal and County Government: This bill, as amended, modifies existing RSA 142: A making it enabling, giving local control to towns when mosquito borne health threats of disease such as triple E and West Nile virus which may exist and don't go away. The new language states, "A threat has been in effect, or has been declared within the last 5 years." This legislation involves larviciding (which is a proven safe means of controlling the adult population by preventing the hatching of mosquitoes) on state land owned by fish and game that exists within the municipalities' boundaries. This larvicide is an environmentally safe, natural bacteria which is applied to specific pool areas to break the life cycle of the mosquito at the very beginning. The alternative to larviciding is to wait until they are adults and airborne, then spray chemical pesticides into the greater environment. It's easy to see the advantages and desirability of treating mosquitoes while in the larva stage. This legislation is the result of the state declaring a health threat for a municipality last year, then delaying that notification to that municipality which had made an application to larvicide on fish and game property. Thirty days lapsed from that delay or notification from the state resulting in pools of mosquitoes hatching in that municipality. This is simply enabling legislation and gives municipalities local control over the health threats that may exist within their boundaries. **Vote 14-1.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

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

Rep. Sean C Cox for the **Majority** of Science, Technology and Energy: Both the majority and minority agree with the spirit and purpose of this bill. We agree that current federal subsidies, incentives and mandates for corn-based ethanol are bad energy policy, bad economic policy, bad environmental policy, and bad agricultural policy. Washington's policies have promoted the inefficient and expensive production of corn-based ethanol while discriminating against more environmentally-efficient alternatives such as sugar cane based ethanol. This bill seeks to ban corn-based ethanol from being sold in New Hampshire. That goal is unattainable given current federal laws, EPA rules, and regional petroleum refining capacity in New England. New Hampshire simply does not represent a large enough market to warrant its own boutique gasoline mix, and even if it did, there are currently few affordable alternatives to corn-based ethanol in the marketplace. Although the majority feels that we need to "send a message to Washington" expressing our disapproval of current corn-based ethanol policy, we did not feel that passing this (unenforceable) legislation is the proper way to send that message. We feel it is more prudent to ITL this bill, send a strongly-worded official policy letter to our congressional delegation, and perhaps follow-up in 2012 with a House Resolution on the same subject. **Vote 10-4.**

Rep. Beatriz Pastor for the **Minority** of Science, Technology and Energy: The minority of the committee shares with the majority the unanimous concern over the negative impact of corn ethanol production and of the federal mandate to use it. However, the minority believes that it is essential that the state of New Hampshire make its position crystal clear to the federal government and send a strong message to the US Congress, the producers of corn-based ethanol and their lobbyists. HB 374 conveys such a message: NH wants to get rid of corn-based ethanol. Corn-based ethanol has a higher carbon footprint than gasoline. It has raised world and US food prices by redirecting food production (corn and other grains) towards ethanol destined corn production. It reduces fuel efficiency in car engines and causes significantly impaired performance and/or damage to all combustion engines that use it. And, finally, the tax credits/subsidies that the corn ethanol industry receives, amount to an outrageous yearly amount (\$5.16 billion in 2009) of revenue loss. This money would be

much better used incentivizing research and entrepreneurs for the production of better renewable clean energy alternatives.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robin P Read for Science, Technology and Energy: This bill was requested by the department of safety's emergency communications division. It requires pre-paid cell phone companies to provide to the emergency 911 system, only in emergency situations, the information in its possession as to the name and address of the person who purchased the phone. This information will assist the department in locating the person who called 911 from a pre-paid cell phone. The department testified that in many emergency situations they have difficulty obtaining this information from pre-paid cell phone companies. The department does not keep the information the companies provide. The bill includes a provision that the pre-paid cell phone companies cannot be held liable if they make a good faith effort to provide the information requested. **Vote 8-6.**

HB 389-FN-L, relative to broadband infrastructure. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. William H O'Connor for the **Majority** of Science, Technology and Energy: This bill would allow municipalities to bond for and build out broadband infrastructure. The majority had several problems with the bill. First, we do not believe that high-speed, inexpensive broadband access is a fundamental right. Second, allowing local governments to become competitors to private industry by building communications infrastructure would discourage private providers from expanding or upgrading their existing networks and lead to less competition and higher costs to consumers. Third, it creates an uncomfortable potential conflict of interest when a local government, which is the taxing and franchising authority over current providers, also becomes a competitor with those same providers. Fourth, the state's first broadband director was hired in November 2009 with the expectation that collaborative solutions can be found to address the needs of populations in un-served and underserved areas. FairPoint Communications has built its broadband infrastructure to 85% of its operating area with a goal to reach 95% of the state, and several smaller telephone companies serve 100% of their customers. Fifth, similar schemes in other states have had mixed results at best and in some cases, as in Burlington, Vermont, have been a financial and policy disaster. **Vote 9-8.**

Rep. Beatriz Pastor for the **Minority** of Science, Technology and Energy: This bill gives municipalities local control over broadband expansion by allowing them to bond for the purpose of building broadband infrastructure. The minority believes that universal, affordable access to high-speed internet service is essential in New Hampshire for economic development, job creation, small business growth, local services delivery, and educational opportunities. The state should allow our counties and municipalities to use open access technology to provide low cost high-speed internet access without providing broadband services themselves. This bill gives towns the freedom to manage their resources to address the needs of their people regarding internet access; and it lets voters decide on the best way to provide universal, affordable access to high-speed internet services.

HB 496-FN, relative to radiological monitoring in nuclear emergency planning zones.

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

Rep. Sam A Cataldo for the **Majority** of Science, Technology and Energy: In its years of operation, the Seabrook Station has not had any problems in its real time monitoring, on the property or in the surrounding communities. The Seabrook Station's monitoring systems are appropriate and in compliance with Nuclear Regulatory Commission (NRC) regulations. Many of the plant's families live in the surrounding area, and since no significant data was presented to warrant the State Director of Fire Safety and Emergency Management to implement an expensive continuous real-time environmental radiological monitoring program, the committee feels that this bill is not needed. Similar bills have been introduced in two past sessions and have been found inexpedient to legislate. In addition, the committee

expressed its desire to the owners of Seabrook that they voluntarily work with an institution of higher learning to possibly install a single monitor as part of a cooperative scientific research project. **Vote 13-2.**

Rep. Robin P Read for the **Minority** of Science, Technology and Energy: The minority believes the bill is worthy of further study and should be retained by the committee. The committee heard testimony that placing radiation monitors in only a few towns within the 10 mile evacuation zone around the Seabrook Nuclear Plant would be an inexpensive and important complement to the current radiation monitoring being done by the State of Massachusetts in the Massachusetts communities within the Seabrook evacuation zone. If retained, the committee would also consider whether radiation monitors should be installed in the New Hampshire communities within the evacuation zone around the Vermont Yankee Nuclear Plant in Vernon, Vermont. The committee could also study the possibility of coordinating radiation monitoring programs with local educational institutions.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

CACR 12, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M Ober for Special Committee on Education Funding Reform: CACR 12 is a simple, straight forward amendment to the constitution that deals with the responsibility for determining education funding for our students. It affirms that people's elected representatives, not the court system, will have responsibility for determining school funding decisions, setting targeted aid and will allow the legislature to focus attention on offering students an outstanding education, not an adequate one. As a practical matter, this amendment, if adopted, will eliminate the statewide property taxes and make sure that donor towns are eliminated. CACR 12 resolves the state's lingering education funding situation and is critical to ensuring that the legislature can guarantee local control of schools. If you believe that education decisions are best made between parents, teachers and local school boards, not in courtrooms, CACR 12 is a vehicle to make that a reality. CACR 12 will once again place responsibility for ensuring an adequate education for New Hampshire children on the shoulders of the legislature, which will have the responsibility to define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity. **Vote 12-2.**

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

OUGHT TO PASS WITH AMENDMENT.

Rep. David W Hess for Special Committee on Education Funding Reform: This bill comprehensively addresses and revises the current statutory provisions for the state's funding of education. It accomplishes four critical objectives. First, it provides sustainability, predictability and continuity to that funding. Under this bill, no town, city or school district will receive either a greater or a lesser education grant from the state in the coming biennium than they are receiving in the current fiscal year, period. If it passes, the era of dueling spreadsheets will come to an end. This is the single most important aspect of state aid to education – for educators, school bonds and local property taxpayers. Second, this bill calculates the base cost per pupil by using empirical, realistic standards and criteria rather than the exaggerated, inflated criteria currently in law, which merely increases the total amount of state aid. The standards and criteria embodied in this bill are derived from the state department of education minimum standards as promulgated in its rules and from the federal definition of a "highly qualified" teacher. Third, as a result of the revised formula for calculating the base cost per pupil, this bill permits significantly increased targeted aid to

provide increased resources for those pupils and communities which would most benefit from state aid. It retains the targeted amount for special education and English-as-a-second language students at current levels. It retains targeted funds for students eligible for the federal free and reduced lunch program, but establishes that aid at a fixed dollar amount for each such pupil and distributes that aid based upon the number of students eligible for that program and not for the entire student population in schools which contain a certain percentage of such eligible students. This bill also substantially increases fiscal capacity disparity aid to our most disadvantaged communities. In total, this bill increases the aggregate targeted aid from approximately 25% of total state aid to almost 40%. Fourth and finally, this bill eliminates donor towns. In conclusion, this bill accomplishes all of these objectives without increasing the aggregate state appropriation for education. **Vote 12-3.**

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William B Smith for the **Majority** of Special Committee on Public Employee Pensions Reform: In order to help balance the budget in a fair and equitable manner, HB 231, as amended by the committee, requires the commissioner of the department of administrative services to change the insurance benefit structure for retired state employees in order to save about \$10 million a year in general fund costs by streamlining the benefit package. While the governor's budget proposes to increase monthly premium payments for retirees under 65 from the current \$65 per month to \$100 per month, HB 231, as amended, retains their current \$65 per month payment. Those 65 and over will continue to pay nothing toward their health insurance plan. The majority of the committee believes this change appropriately balances maintaining health care coverage for retirees with the state's need to balance its budget and asking all parties to participate in the challenge of bringing spending in line with state revenues. **Vote 8-4.**

Rep. Stephen J Shurtleff for the **Minority** of Special Committee on Public Employee Pensions Reform: The first several versions of this bill asked that our most vulnerable population, seniors on fixed incomes already facing all the same increased costs as we do, pay a significant amount of their modest incomes to pay for a benefit they were promised and are owed. As the committee learned, the average pension for a Group I retiree is only \$11,000 a year. The first several amendments met with bipartisan resistance and for good reason. Even in its final version, this bill insufficiently funds retiree health care by approximately 14% (all funds) in SFY 2012, and by 20% in SFY 2013. It does not take into account the fact that 1,000 to 2,000 current state employees may enter retirement within the biennium. If 10% enter retirement in the first year of the biennium, the funding will be 21% below the state's current commitment, and 33% below if another 10% retired in the second year. In whole, this means that potentially more than \$53m in health care cuts will be shifted onto less than 1/10th of the one percent of the population – those who faithfully served the citizens of New Hampshire for decades, worked for and earned this benefit, and did not look for a handout instead. There is no longer any question as to whether workers were promised this benefit in writing, as employment recruitment material was provided to the committee which clearly stated that they could continue their current health care in retirement and that it would be provided by the state, "at no cost to you." It is not these workers' fault that budget writers did not, for more than twenty years, save the revenue it needed to fund future retiree health care costs. In fact, in the past three years alone, more than \$60m of surplus funds raised for healthcare were returned to the general fund to pay for other state expenses. The bill's proposed cuts effectively put retirees significantly into harm's way. The ramifications of which are yet to be known but will surely impact local communities through downshifting caused by retirees needing local assistance which they otherwise may not

require. Our state retirees already “share the pain” of skyrocketing health costs, increased fuel costs and other effects of this recession. We should not place on the shoulders of loyal state employees this unfair and unequal tax. This bill breaks the state’s word by intentionally underfunding the cost of the benefit by tens of millions of dollars thus, as the sponsor said, turning a Cadillac plan into a Chevrolet plan. The Chevrolet means less benefits and higher out of pocket costs for state retirees – even those already paying up to \$130/month for a benefit previously promised as fully paid. There is a lawsuit challenging that breach of contract and more lawsuits are expected if HB 231 as amended becomes law. On the day the committee finished its work on this bill, a fifth and final amendment was introduced and voted on in the same day and within hours of introduction. The amendment was substantial and the public was not allowed to provide any public input. Our retirees earned this benefit and deserve better from New Hampshire.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J Sullivan for Special Committee on Public Employee Pensions Reform: The amended bill allows the out of state purchase of service credits in the New Hampshire retirement system at a rate determined by the system’s actuaries and upon approval by the board of trustees. The actuaries will base the purchase price in such a way that the employee is responsible for all actuarial costs and any fees, and the system is made whole.

Vote 6-5.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. **OUGHT TO PASS.**

Rep. William B Smith for Special Committee on Public Employee Pensions Reform: The majority believes that public employers should be responsible for benefits in excess of 125% of the average pay of the highest three years of employee creditable service. This bill corrects an error in the excess benefit calculation from a bill introduced in last session. This error would have increased assessment on employers more than intended. The bill also phases in, over four years, the assessments on employers, which was considered by the majority to provide a needed introductory period to reduce short-term impact on employers. **Vote 9-4.**

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Kenneth Hawkins for the **Majority** of Special Committee on Public Employee Pensions Reform: This bill would transfer \$89 million from the Group II special account to the corpus of the New Hampshire retirement system. The corpus is the main account of the NHRS. It will result in a decrease of \$3.5 million of employer (taxpayer) dollars needed. The \$89 million was transferred from a medical sub-trust for group II to the special account by the retirement board in Dec 2010. By doing this, the monies transferred would make available Group II monies needed for COLA’s. No other groups have monies available for COLA’s. We feel that no one group should have a benefit that the others don’t. **Vote 9-4.**

Rep. Stephen J Shurtleff for the **Minority** of Special Committee on Public Employee Pensions Reform: The transfer of 89 million dollars of Special Account money to the state accumulation fund breaches an agreement entered into by the retirement system (NHRS) and the IRS and reverses a vote of the NHRS Board authorizing a transfer of 89 million dollars from a medical subtrust back to the Special Account where the 89 million dollars originally came from. The agreement with the IRS was recommended by NHRS outside legal experts (Ice Miller) who expressly recommended that this money be returned to the special account. The transfer of special account money (intended to pay for employee pension benefits) to the corpus of the fund (in order to suppress employer rates) also constitutes a prohibited transaction under IRS rules and violates the New Hampshire Constitution, Part 1, Art 36-a. The prior transfer of 250 million dollars from the special account to the corpus is the subject of an ongoing lawsuit and HB 464-FN will likely amount to another illegal diversion of money raised and authorized exclusively to pay for employee pension benefits.

SPECIAL COMMITTEE ON REDISTRICTING

HB 224-FN, establishing an independent legislative redistricting commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Steve Vaillancourt for the **Majority** of Special Committee on Redistricting: Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a \$250,000 cost. **Vote 11-4.**

Rep. David M Pierce for the **Minority** of Special Committee on Redistricting:.. Whoever draws legislative district lines decides who gets elected, but the minority believes that the decision of who gets elected belongs to the voters, not the politicians. Current law permits district line drawing using subjective, politically-charged criteria. Current practice also shuts out public scrutiny and participation. HB224 would mandate objectivity and transparency. It would mandate that district lines be drawn using objective criteria, such as not favoring any political party or incumbent and not using previous election results to pack and fracture voters into more homogenous districts (or less, as the case may be). HB 224 would require the process be open to the public. It would solicit and encourage the public to submit its own redistricting plans. It would require favoring the plan that fits most closely to the objective standards. But we were told we don't need the House and Senate to go to the voters to hear what they think. We were told HB224 would simply be too much work. We were told that the House and Senate must act in its own interest. The minority believes the House and Senate shouldn't put its own interests at the front of the line while putting the voters' interests at the back. The voters should pick their representatives; the representatives shouldn't pick the voters.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven L Cunningham for the **Majority** of State-Federal Relations and Veterans Affairs: The committee finds it appalling that our federal government, under the umbrella of "safety," treats our citizens with such disrespect. This bill encourages passage of the federal H.R. 6416 to enact legislation protecting the rights and dignity of travelers in the nation's airports. Alternatives to embarrassing innocent citizens do exist and should be brought into play. **Vote 10-3.**

Rep. Dale S Spainhower for the **Minority** of State-Federal Relations and Veterans Affairs: Although the minority agrees with some concerns raised by the majority, the minority

believes that some personal rights or freedoms at times need to be overlooked to ensure our nation's security. In addition, no alternative plan dealing with airport security checks was presented.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeanine M Notter for the **Majority** of State-Federal Relations and Veterans Affairs: Charity begins at home. Our country has its own challenges with homelessness, education, war against terrorism, and other problems. Yet we provide the largest share of the financial burden of the United Nations (U.N.), paying hundreds of millions of dollars – giving America's money away – to other countries. Many of the U.N. members do not even like us. They support many things that are detrimental to this country and against its interests, yet they expect us to practically police the planet with our money and our military. Our country is so far in debt it makes sense to free ourselves from the tremendous burden of funding the United Nations. **Vote 9-3.**

Rep. Ted Rokas for the **Minority** of State-Federal Relations and Veterans Affairs: Although the minority agrees with the majority that the United Nations is not a perfect organization, the minority believes it would be unwise and foolish to withdraw from the organization, because the United Nations keeps the doors of diplomacy open.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A Vita for the **Majority** of State-Federal Relations and Veterans Affairs: NAFTA has never been subject to congressional oversight, necessary for a treaty to become law. Yet, in spite of being in violation of the constitution, NAFTA has been put into force by congress, resulting in the loss of jobs and wages to other countries. This agreement is not in the best interest of the United States and should be voided. **Vote 9-3.**

Rep. Ted Rokas for the **Minority** of State-Federal Relations and Veterans Affairs: The minority feels that withdrawing from NAFTA will not address the problems associated with economic security, human rights and environmental issues.

HCR 22, opposing the right of any firm, corporation, or individual to trademark the name Mount Washington. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: OUGHT TO PASS.

Rep. Robert L Theberge for the **Majority** of State-Federal Relations and Veterans Affairs: The majority believes that the North Country has a well-known history and culture which was not fully taken into account when an application was made to the U.S. Patent and Trademark Office (USPTO). Although the amendment is a good compromise, a letter will be sent to the USPTO stating that no firm, corporation, or individual shall have exclusivity. For example, the trademark in question corners the hospitality market. **Vote 10-3.**

Rep. Daniel J Tamburello for the **Minority** of State-Federal Relations and Veterans Affairs: While the committee adopted the amendment 12-1, the minority felt it important to note for the record that due to the unique nature of Mount Washington and its importance to the people and the state of New Hampshire both intrinsically and as a tourist attraction, the amended resolution does not go far enough in protecting the rights of the citizens and small business owners of the North Country.

HCR 25, urging Congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank H McCarthy for the **Majority** of State-Federal Relations and Veterans Affairs: This resolution would urge congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. The committee believes that, if passed, the result would be to open a Pandora's box as it relates to entities such as the

American Legion, other veterans organizations, the Red Cross and hundreds of other 501 c.3 organizations. **Vote 10-2.**

Rep. Todd P Smith for the **Minority** of State-Federal Relations and Veterans Affairs: The bill's sole intent is to reinforce the church's first amendment rights as a body of like believers and individuals thereof. Parishioners and pastors have been verbally and financially attacked for exercising their biblical beliefs. This HCR would have only asked Congress to pass legislation to protect the rights of churches to state their beliefs in and outside the four walls of the building when those beliefs may directly be infringed upon by political legislation.

TRANSPORTATION

HB 218, repealing the New Hampshire rail transit authority. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John A Hikel for the **Majority** of Transportation: The rail authority is planning to spend up to 5 million dollars to determine whether or not New Hampshire is ready for high speed rail. The state of Vermont tried a similar rail system and cancelled it after it cost their taxpayers millions of dollars. Maine's Down Easter prides itself in losing only a minimum of 10 million dollars annually. It is the opinion of the majority that the repeal of this authority is necessary. **Vote 11-5.**

Rep. Robert W Williams for the **Minority** of Transportation: This bill repeals the New Hampshire Rail Transit Authority. The 28 volunteer members of the New Hampshire Rail Transit Authority (NHRTA) have been working hard to be able to make a well thought out and researched recommendation for possible future passenger rail commuter service in New Hampshire. The NHRTA was established in July 2007 by legislation. Its mission is to develop and provide commuter and passenger rail and related public rail transportation services in New Hampshire. The authority's vision is to develop and implement a comprehensive, coordinated and prioritized project and funding plans for passenger rail services. The NHRTA made the decision to support passenger rail service on the NH Capitol Corridor from Concord to Boston in 2008. Working with NH-DOT, the state of NH is the recipient of two federal grants. These grant monies will be used to study and plan for the restoration of passenger rail service to the Capitol Corridor. These grants total over 4.1 million and are at no cost to the state. The next steps, using these grants, are to do an economic impact and feasibility study. Just as the authority is ready to work on this economic impact and feasibility study is not the time to disband the authority. This study is necessary and required for the authority to make an informed recommendation to the legislature advising whether or not to proceed with the NH Capitol Corridor project. The NHRTA should not be abolished before the economic impact and feasibility study is done, the questions are answered and a recommendation is prepared for the legislature to consider.

HB 335-FN-A, establishing multi-use number plates. **OUGHT TO PASS.**

Rep. Brian D Rhodes for Transportation: This bill will establish a multi-use number plate. The committee recognized that many worthy non-profit organizations in addition to state agencies have come forward year after year requesting a number plate that would enhance their visibility and image throughout New Hampshire. The committee was and continues to be committed to maintaining the purpose and sanctity of our license plates. This bill provides a pathway for our citizens to achieve their goal while receiving the endorsement of New Hampshire department of safety/division of motor vehicles. Qualifying organizations will now have the opportunity to design a logo that will represent them on a number plate. This bill requires no financial support from our state budget. Organizations who qualify will fund the production, administration and delivery of these number plates. **Vote 14-0.**

HB 540-FN, relative to motor vehicle inspections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John A Hikel for the **Majority** of Transportation: While this bill is well intentioned, inspections are only required to PASS on the day of the inspection and safety components

that are borderline but passable will surely not last another two years and put the operators, passengers, as well as the motoring public in jeopardy for their safety. **Vote 11-1.**

Rep. Kyle D Jones for the **Minority** of Transportation: There are a vast amount of studies that indicate that safety inspections are ineffective. In fact, they have proven to be so ineffective that 30 out of 50 states, including high snow areas such as Colorado, Michigan and Montana, do not require that safety inspections be done at all. This bill is a step in the right direction of promoting personal responsibility and limited government.

HB 546, relative to the use of hand-held cellular phones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E Scentsas for Transportation: The negligent driving statute already covers this type of distraction. As a committee we are going to work on this statute to be more effective. There are many distractions on the road today. We must try to make people understand that they need to be more responsible while driving. **Vote 10-4.**

WAYS AND MEANS

CACR 6, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jordan G Ulery for the **Majority** of Ways and Means: This bill simply requires that the members of the general court actually vote on tax bills with a 60% majority. Recent history in this storied legislature proves that a constraint on both the majority and the minority by our constitution. When a tax increase is required the public, our employers, can be assured that the increase is accepted by a large number of their elected officials. A minority of the committee objected that such a requirement would slow the growth of the state and make passing a balanced budget difficult. Yes, it will make it more difficult and more open, more visible and more responsive to the people. An escape clause is built into the law to prevent the stagnation associated with bond payments in other states by allowing a majority vote and bond payments. **Vote 13-6.**

Rep. Susan W Almy for the **Minority** of Ways and Means: This amendment attempts to solve one long-standing grievance (the insertion of tax and fee changes into the omnibus budget bills) by creating another (putting the budget process into permanent crisis with a supermajority requirement). The former could be solved with a CACR that requires that tax bills be separate from budget bills. The latter allows a 40.1% minority to overrule a 59.9% majority on every new tax and fee increase in the state. Every town that has tried to pass a school bond knows how hard that is. Every time a legislature cuts rates because we are in good times and revenue is pouring in, when bad times return, the minority can prevent the provision of the essential services of the state. Many past budget battles attest to the difficulty of getting 50.1%, let alone 60%. We have one of the lowest tax burdens in the country, but we depend on revenue that overall grows more slowly than the cost of services. This requirement will guarantee that New Hampshire citizens, businesses and visitors get less service every year until the government collapses. In addition, unless both houses succeed in passing whatever tax changes they need for the budget before the budget is finished, the budget process is likely to drag into the middle of the biennium every term. This creates major problems for bonding, payment of contractors and employee retention. As a fillip, every regulated profession in the state will have to overcome a supermajority vote to adjust their fees to cope with inflation and be able to stay in business. This amendment takes us into the realms of Arizona, California, Colorado and Wisconsin. The bipartisan minority recommends its defeat.

HB 156-FN-A, reducing the rates of the tobacco tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F Abrami for the **Majority** of Ways and Means: Reducing the rate of the tobacco tax will re-establish New Hampshire's competitiveness with Maine, Massachusetts and Vermont. New Hampshire will see an increase not only in tobacco sales but in the sales of its collateral products at the lottery and at liquor stores. Small convenience store owners, large grocers and restaurants will have positive sales in relation to the lowering of the tax. The effect of those positive sales will increase our BPT and BET revenue. The lowering of this tax will create a positive ripple effect that will benefit New Hampshire's businesses and provide an increased revenue stream to the state. **Vote 14-5.**

Rep. Susan W Almy for the **Minority** of Ways and Means: The minority believes New Hampshire's current tobacco tax rate is competitive with neighboring states and that it is unlikely a reduction of 10 cents per pack will result in increased sales sufficient to outweigh the lost revenue. The committee received competing information and studies, all funded by interested parties. While it is true tobacco sales have been on a decline for some years, the causes include not only the price of cigarettes themselves but also the rising cost of gasoline, coupled with stagnant wages, thus resulting in fewer sales to out-of-state customers. If, as some past experience has shown, the 10 cents is retained by the manufacturer, distributor, or retailer rather than being passed on to the consumer, there would be no increase in tobacco sales but the state's general fund would be reduced by what has been estimated to be \$16 million in 2012 alone. Even with a gain in sales, unlikely given the small change, the loss would be \$9 million. This includes a substantial loss statewide for non-cigarette products (OTPs: pineapple cigars, cigarette-like cigarillos, cherry snuff teabags) which finally were restored to tax parity with regular cigarettes last term, in order to stop smokers from defaulting to them to evade the tax. The bill reduces them to 78% of parity. The minority believes that this bill will only further aggravate our current budget problem.

HB 213-FN-A, reducing the rate of the business profits tax. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Laurie J Sanborn for the **Majority** of Ways and Means: This bill, as amended, reduces the current New Hampshire business profits tax rate from 8.5% to 8.25% effective 7/1/11, and to 8% effective 7/1/12. Currently, New Hampshire is ranked 50th (last) in terms of corporate taxes by the tax foundation. This bill makes our state markedly more competitive and attractive to businesses. At a time when other states are reducing their corporate tax rates, New Hampshire needs to send a clear message that we welcome responsible business growth and success, so they can create jobs and build the economic base. **Vote 14-5.**

Rep. William A Hatch for the **Minority** of Ways and Means: The purpose of this bill is to reduce the Business Profits Tax from the current 8.5% to 8.25% for the business profits tax of every business organization's business profit tax. The majority reasons this will help many small businesses and spur investments and help them create jobs. The majority also considers this a step in making New Hampshire more attractive for business to locate in. The majority recognizes the fiscal note indicates a revenue loss will be at least \$9.2 million for FY 2012 and indeterminable amounts thereafter but will be more than made up for by the job growth it creates. The minority does not believe that to create considerable revenue loss again and without any plan for replacement or cuts to accommodate the loss is irresponsible. The minority also questions if our small businesses are a beneficiary of this cut, reason and testimony from a large CPA firm indicate that the large companies and large box stores gain the most benefit. When you consider that these companies base employment level on need and investment in an area on the business realized the minority questions how much job growth this type of tax cut will bring. The minority agrees that we should do as much as possible to make New Hampshire an attractive place for businesses to locate because of the economic and job growth it provides, but questions the wisdom of doing many indiscriminate tax cuts without revenue replacement or exact expenditure cuts. It is agreed by many economists that the issues that drive a company to locate in one area over another, educated work force, infrastructure concerns such as transportation, the cost of utilities, quality of life issues and housing are greater than the tax structure provided the taxes of a state are stable

and not unreasonable. When you consider New Hampshire is considered not to have an overbearing tax structure for business and is high on the list as a desirable place to locate the minority believes it is unwise to take away the revenues needed to provide the education and infrastructure needs that make it attractive for companies. The minority also argues that considering we are only halfway through the term of the governor's commission to study business taxes, which is charged to do a review of the state's business tax structure and recommend changes, it would be sensible to wait for the report prior to making these major changes in business taxes.

HB 229-FN-A, repealing the tax on gambling winnings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Abrami for Ways and Means: This bill will repeal the tax on gambling winnings. The committee was unanimous in its belief that the gambling tax has done harm to our lottery sales as well as our various racing enterprises and thus revenue. The evidence shows that the revenue gain from the increased lottery sales and race betting will more than off-set the lost revenue from the gambling tax. Both the lottery commission and the racing and charitable gaming commission supported this bill. The bill was amended to go into effect 14 days after its enactment, instead of upon enactment, thus providing the various agencies the time needed to modify the pertinent software code. **Vote 19-0.**

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. **OUGHT TO PASS.**

Rep. Gary S Azarian for Ways and Means: This bill requires fees collected under the Unified Carrier Registration System to be deposited into the highway fund. The federal government requires that fees collected under the Unified Carrier System be deposited into the highway fund and not into the general fund as has been done previously. This is merely a housekeeping bill to become compliant with the federal requirement. **Vote 19-0.**

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V Sapareto for the **Majority** of Ways and Means: This bill leaves a \$50,000 safe-harbor deduction as reasonable compensation just as in current law. It also moves the burden of proof from the department of revenue administration for determining what is reasonable compensation, from the taxpayer to the department. It provides for definite proof of the amount deducted under IRS Code 162A and allows the commissioner to disallow the deduction only under the terms of excessive gross distributions. This definition of what is reasonable is the same as what existed in the state from 1973 to 1993. Overall, this bill brings us back to the business friendly and fair application of the reasonable compensation deduction on the LLC tax. **Vote 16-4.**

Rep. William A Hatch for the **Minority** of Ways and Means: This bill as amended changes the standards and burden of proof for the business profits tax deduction for reasonable compensation for owners of partnerships, LLC's and sole proprietorships. This bill states a taxpayer claiming a deduction for an owners compensation need only to show one or more proprietors, partners or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive. This bill shifts the burden of proof for compensation deductions from the taxpayer to the DRA from the onset. The majority states this is necessary to stop excessive auditing by the DRA over this issue. The majority also believes that in recent audits business owners are not allowed to deduct the full and fair value of their services to their small business to determine the business profits tax. The majority good tax policy requires tax rules that provide taxpayers with clear guidance that encourages compliance. Based on 2008 tax returns, the fiscal note indicates the revenue was \$49 million for this tax which

equals the maximum loss exposure. The DRA states in reality the revenue loss would be somewhere in the middle which would equate to the neighborhood of 25 million. The majority did not express any concern over the revenue loss. The minority believes this change is not good tax policy and should not go forward. The minority is very concerned with the burden of proof issue and believes this alone will effectively eliminate the business profit tax paid by these businesses. In any other area of tax law the burden of proof belongs with the tax payer until there is adjudication and for good reason. The DRA does not have the company records that would give them the necessary information to contest a compensation deduction on file, there for take away any bases except by subpoena. The minority is also concerned this may bring our business tax structure back into the courts because it will create a disproportionate business tax structure for our larger corporations. The minority is also very concerned with the revenue loss this bill creates. Though it is impossible to determine the exact loss it is agreed the loss will be several millions which again limits the state's ability to provide the necessary services, an ability that the minority believes is at the breaking point.

COMMITTEE MEETINGS

FRIDAY, MARCH 11

FINANCE – (DIVISION I), Room 212, LOB

Budget Work Sessions

- 9:00 a.m. Department of Justice
- 11:00 a.m. Adjutant General
- 2:00 p.m. Treasury/LCHIP
- 4:00 p.m. Joint Board of Licensure and Certification

FINANCE – (DIVISION II), Room 209, LOB

- 9:00 a.m. Budget work session with agencies.

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

Budget Work Session

- 9:00 a.m. Division – requested Health and Human Services - wide cost reduction plans (all divisions and bureaus.)

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306-308, LOB

- 10:00 a.m. Full committee work session on *HB 580-FN-L*, relative to the New Hampshire retirement system.

SUNDAY, MARCH 13

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

Budget Work Session

- 1:00 p.m. Division - requested Health and Human Services - wide cost reduction plans (all divisions and bureaus.)

MONDAY, MARCH 14

FINANCE – (DIVISION I), Room 212, LOB

Budget Work Session

- 9:00 a.m. Judicial Branch
- 10:30 a.m. Office of Energy and Planning
- 11:30 a.m. Governor's Commission on Disability

1:00 p.m. NH Racing and Charitable Gaming Commission
2:30 p.m. Board of Land and Tax Appeals
4:00 p.m. Real Estate Commission
4:30 p.m. Work session on **HB 438-FN-A**, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state.

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

12:00 p.m.. Budget work session.

FINANCE – (DIVISION III), Room 209, LOB

9:00 a.m. Work session on **HB 479-FN**, relative to receivership of nursing homes and other residential health care facilities.
10:00 a.m. Work session on **HB 353-FN**, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness.
11:00 a.m. Work session on **HB 490-FN**, adopting the interstate compact for juveniles.

Rooms 210-211, LOB

Budget Work Session

1:00 p.m. Division - requested Health and Human Services - wide cost reduction plans (all divisions and bureaus.)

TEMPORARY COMMISSION RELATIVE TO CHILDREN'S HEALTH INSURANCE (RSA 126-H:10), Room 103, LOB

1:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Work session on tax and fee items contained in HB 2.

THURSDAY, MARCH 17

FINANCE, Rooms 210-211, LOB

1:00 p.m. Or immediately following the House session, executive session on **HB 438-FN-A**, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state, **HB 353-FN**, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness, **HB 479-FN**, relative to receivership of nursing homes and other residential health care facilities, **HB 490-FN**, adopting the interstate compact for juveniles, **HCR 6**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties, **HB 160**, relative to decisions and actions of the joint committee on legislative facilities, **HB 635-FN-A**, requiring the governor to consolidate certain agency functions and making an appropriation therefor, **HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

FRIDAY, MARCH 18

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

9:00 a.m. Continued regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

2:00 p.m. Regular meeting.

FINANCE – (DIVISION I), Room 212, LOB

9:00 a.m. Public Utilities Commission /Consumer Advocate.

10:30 a.m. Or immediately following PUC, review of HB 2.

FINANCE – (DIVISION II), Room 209, LOB

9:00 a.m. Budget work session.

FINANCE – (DIVISION 111), Rooms 210-211, LOB

9:00 a.m. Division - requested Health and Human Services - wide cost reduction plans
(all divisions and bureaus.)

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

1:00 p.m. Regular meeting.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13),
Room 205, LOB**

9:00 a.m. Regular meeting.

MONDAY, MARCH 21

FINANCE, Rooms 210-211, LOB

9:00 a.m. Executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013 and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

HISTORICAL COMMITTEE (RSA 17-I), Room 208, LOB

10:00 a.m. Rescheduled organizational meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

9:00 a.m. Regular meeting.

TUESDAY, MARCH 22

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. Executive session on **HCR 19**, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire, **HB 590**, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013 and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

3:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Continued public hearing on **HB 25-FN-A**, making appropriations for capital improvements, if needed.
Executive session on **HB 25-FN-A**, making appropriations for capital improvements.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **SB 18**, deleting a function of the central tax services unit.
10:30 a.m. **SB 42**, relative to the declaration of consideration for purposes of the real estate transfer tax.
11:00 a.m. **SB 43**, making a technical correction to the tobacco tax laws.
11:30 a.m. **SB 97**, relative to the application of the community revitalization tax relief incentive.
Executive session may follow.
1:00 p.m. Executive session on **HB 83**, relative to vessel registration, **HB 468-FN**, relative to assessments for aquatic resource compensatory mitigation.

THURSDAY, MARCH 24

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13),
Rooms 205-207, LOB**

11:00 a.m. Education session: Value over volume in delivery of health care.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Executive session on **HB 25-FN-A**, making appropriations for capital improvements.

FRIDAY, MARCH 25

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB

9:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

10:00 a.m. Regular business.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 28

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation March meetings: **March 14:** 4:00-5:30 p.m. Gunstock Orientation at Gunstock; 6:15 p.m. County Attorney Appointment at County Complex; 7:00 p.m. Belknap County Budget Public Hearing and vote at County Complex; **March 21:** 7:00 p.m. Public Hearing on Gunstock Bond Issue; **March 28:** 7:00 p.m. Vote on Gunstock Bond Issue at County Complex.

Rep. Alida I. Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Delegation, pursuant to RSA 24:23, will hold a public hearing for Merrimack County at 6:00 p.m. on Monday, **March 21**, 2011 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is to consider 2011 Budget Appropriations for Merrimack County and to consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2011 budget as proposed by the Merrimack County Delegation Executive Committee.

Merrimack County Delegation, pursuant to RSA 24:9-c and RSA 24:14 II, will meet immediately following the public hearing to be held on Monday, **March 21**, 2011 at 6:00p.m., at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is approval of the 2011 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. David J. Palfrey, Chairman
Merrimack County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **March 25**, 2011 at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown, NH., also immediately following the Executive Committee meeting there will be a Budget Orientation that is open to all Hillsborough County Rep. Please RSVP to Mrs. Castonguay at 627-5631 or email marciar233@aol.com, lunch will be provided

Rep. Carl Seidel Chairman
Hillsborough Executive Committee

REVISED FISCAL NOTES

The following House Bills have a revised fiscal note: HBs 35, 37, 49, 131, 154, 222, 224, 225, 228, 229, 234, 238, 242, 256, 261, 262, 264, 265, 266, 268, 270, 274, 276, 277, 284, 288, 292, 293, 299, 302, 303, 309, 310, 311, 325, 329, 330, 332, 333, 335, 337, 340, 343, 345, 353, 356, 365, 368, 369, 377, 388, 418, 419, 420, 439, 440, 441, 444, 448, 451, 452, 453, 454, 456, 459, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 477, 479, 480, 481, 482, 484, 485, 486, 487, 488, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 502, 504, 505, 506, 507, 509, 515, 517, 518, 519, 522, 523, 529, 537, 539, 542, 569, 601, 602, 619, 621, 626, 627, 628, 629, 634, 636, 637, 638, 639, 640, 641, 642. SB 1

Karen O. Wadsworth, Clerk of the House

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. Ronald J. Belanger, PO Box 415, Salem, New Hampshire 03079-0415

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

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 components of the NH Dental Society will be inviting legislators to events in their area in order to share information regarding oral health issues in New Hampshire. Please watch for invitations in the mail.

Reps. D.J. Bettencourt and Terie Norelli

All Representatives wishing to support the Knights of Columbus with a listing in the Annual Meeting Book please contact Rep. Jordan Ulery via email at jordanulery@myfairpoint.net.

Rep. Jordan G. Ulery

The Strafford County Republican Committee Lincoln Reagan Dinner will be held Friday, **March 11** at 7:00 p.m. at the Three Chimneys Inn, Durham. Rick Santorum will be the featured speaker. Tickets available at www.santorum.eventbrite.com or call Tess Conroy at 337-5706.

Rep. Bill O'Connor

The Nashua Area Federated Republican Women will meet on Monday, **March 14th**, 6:30 p.m., at the Crowne Plaza, Exit 8, in Nashua. Speaker O'Brien will be our special guest. Join us for corned beef and cabbage. See award-winning Irish dancers. Raffles, dessert, and we will observe the wearing of the green. \$20 RSVP to Rep. Jeanine Notter.

Rep. Jeanine Notter

All legislators and staff are invited to the 9th Annual NH Capital St. Patrick's Day Corned Beef & Cabbage Lunch and Roast at noon on Tuesday, **March 15th** at the Courtyard-Marriott - Grappone Center, Concord with guest roasters Governor John Lynch and the legislative leadership. Please RSVP for your complementary reservation at James.Demers@TheDemersGroup.com

Rep. D.J. Bettencourt

The NH Banking Department has organized several seminars to help residents struggling to pay their mortgage. The seminars are scheduled for **March 15th** in Manchester, **March 16th** in Keene, and **March 24th** in Concord. The seminars are free but registration is required. Please visit www.homehelpnh.org for more information or call the NH Banking Department at 271-3561 to register.

William L. O'Brien, Speaker

The Granite State Airport Managers Association (GSAMA) will have its third "GSAMA at

the Capital” event in State House Room 100 on Wednesday, **March 16th** from 10:00 a.m. to 1:00 p.m. Take a few moments out of your day to visit and meet with your local airport representative and learn why, with only two NH airports with airline service, Business and General Aviation are essential to those communities without such service. For additional information feel free to contact Rep. Chris Nevins at 926-3736.

Rep. Chris Nevins

UNH Legislative Luncheon: Members of the General Court and staff are invited to join President Mark W. Huddleston on Wednesday, **March 16th** from Noon – 1:00 p.m. at St. Paul’s Church, 21 Centre Street to learn how your support for the University of New Hampshire is promoting research and partnerships that are critical to the state’s economy.

Rep. Terie Norelli

The New Hampshire Order of Women Legislators (OWLs) will meet during the lunch break from session on Wednesday, **March 16**. Room 204, LOB to be announced. Everyone welcome.

Rep. Laura C. Pantelakos

There will be a meeting of General Court Lodge No. 1784, Free & Accepted Masons on Thursday **March 17**. Dinner will be served at 5:30 p.m. and the meeting will start at 6:30 p.m. All Masons are welcome to attend!

Rep. Shawn N. Jasper

The 2011 New Hampshire Poetry Out Loud (POL) program will hold a statewide Championship Competition in Representatives Hall, at the State House on Thursday, **March 17** at 7:00 p.m. (snow date March 18). Twelve New Hampshire high school poetry champions will recite great poetry and compete for the opportunity to represent NH at the National Poetry Out Loud Championship in Washington, DC in April. The 12 students are the winning competitors, coming out of four semi-finals. Close to 10,000 NH high school students participated. All legislators and their families are invited. This event, sponsored by the NH State Council on the Arts, is free and open to the public. To see a listing of high schools or for information contact Catherine O’Brian, Arts Education Coordinator, NH State Council on the Arts, 271-0795 or go to: www.nh.gov/nharts.

William L. O’Brien, Speaker

The American Red Cross cordially invites all legislative members and staff to the Annual State House Complex Blood Drive. The blood drive will take place on Tuesday, **March 22nd** from 9:00 a.m. to 3:00 p.m. The American Red Cross state of the art self-contained coach will be parked in front of the State House for this event. Appointments are strongly encouraged. To schedule an appointment, please call the State House Health Services at 271-2757. In the past the Blood Drive has had overwhelming support. Please help to make this year the best ever. Later that afternoon, all legislative members are invited to meet volunteers and staff from throughout the state at a reception to highlight the important role at the American Red Cross plays in NH and your community. Heavy appetizers and beverages will be

available from 4:00 p.m. to 6:00 p.m. at the Red Cross Headquarters located at 2 Maitland Avenue in Concord. Hope to see you there.

Rep. D.J. Bettencourt

Please plan to attend the Legislative Mental Health Coalition luncheon meeting on Tuesday, **March 22** from 12:00 to 1:00 p.m. at the Upham Walker House – lunch provided. Speakers: Greg Burdwood, Payment Reform Project Manager, Institute on Disability, UNH, Erik Riera, Director, Bureau of Behavioral Health, Department of Health and Human Services. There is considerable concern about the sustainability of the existing community mental health system. Come to hear about the new plans for a Medicaid waiver that will impact your Regional Community Mental Health Centers.

Rep. James R. MacKay

The members of the Coalition of Insurance and Financial Producers cordially invite all House members and staff to a reception in the State House Cafeteria on Wednesday, **March 23** from 7:30 to 9:30 a.m. where a breakfast will be served. Look forward to seeing you there.

Reps. D.J. Bettencourt and Terie Norelli

Please plan to attend the Legislative Mental Health Coalition luncheon meeting on Tuesday, **March 29** from 12:00 to 1:00 p.m. at the Upham Walker House – lunch provided. Speakers: Students from the Rockefeller Center of Dartmouth College, supervised by Professor David Glick. They will speak about their study on the impact of fiscal support over the past 10 years for the New Hampshire Community Mental Health System. Previous student presentations have been well received. There will be time for discussion about the role of the Legislative Mental Health Coalition and suggestions for future meetings. The sessions are co-sponsored by NAMI-NH, New Futures and NH Mental Health Council.

Rep. James R. MacKay

The Main Street Republicans meet on Tuesdays at 8:30 a.m. in Room 104, LOB. All Republican House members are welcome.

Rep. Kenneth H. Gould

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet Tuesdays at 8:00 a.m. in Rooms 306-308, LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

The Natural Rights Council will hold its weekly meeting at 8:00 a.m. Wednesday at Caffenio, 84 North Main Street. All House members are welcome. NRC is a bi-partisan group dedicated to upholding principles outlined in Article 2, Part I of the NH Constitution.

Reps. Mark Warden, Andrew Manuse and Seth Cohn

STATE HOUSE VISITATION SCHEDULE

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 **2011**. 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 school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information.

Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
March 14	9:30/11:00 SH/SC	Lincoln St. School –Exeter	80/4
March 14	10:15/12:00	Walpole School	90/4&5
March 14	1:30	World Affairs Council International Visitors – Middle East & Iraq	24
March 15	8:45	Bow Elementary School	40/4
March 15	10:15	Lamprey River Elementary School – Raymond	60/4
March 16	9:45/11:00 SH/HM	Derry Village School	82/4
March 16	8:45	Bow Elementary School	20/4
March 16	10:00/11:30 SH/Planet	Cutler Elementary School – Swanzey	80/4
March 16	12:30	Sant Bani School – Sanbornton	16/4
March 17	8:45	Bow Elementary School	40/4
March 17	10:30	Barnstead Elementary School	44/4
March 17	11:45	ELS Language Center – Plymouth	25
March 18	9:30	Kimball Walker School	23/4
March 18	11:00	Trinity Christian School – Keene	13/4
March 18	1:00	Kimball School- Concord	45/4
March 21	9:30	World Affairs Council International Visitors – Moldova	8
March 21	10:00/11:30 SH/HM	Newmarket Elementary School	80/4
March 21	2:00	Villa Crest Nursing Home –Manchester	14/Srs
March 22	9:00	Dover High School Alternative Program	10/HS
March 22	10:00	East Kingston Elementary School	40/4
March 22	11:30	New Franklin School – Portsmouth	50/4
March 23	9:30	Greenland Central School	40/4
March 23	11:00	Presentation of Mary School-Hudson	32/4
March 24	9:30	Pennichuck Middle School – Nashua	40/6-8
March 24	10:15/11:30 SH/HM	Charlotte Ave. School – Nashua	95/4
March 25	9:30/11:00 SH/SC	Symonds School – Keene	60/4
March 28	9:30/11:00 SH/HM	Webster Elementary School – Manchester	80/4
March 29	10:15	Lamprey River Elementary School- Raymond	60/4
March 29	11:15	Elm St. School – Laconia	35/4
March 30	9:30/11:00	Beaver Meadow School – Concord	74/4
March 30	11:30	Pleasant St. School – Laconia	57/4

March 31	9:00	UNH – Public Community Health Nursing students	31/Col
March 31	10:00	New Castle Elementary School	15/4
March 31	11:00	World Elementary School – Nashua	14/3
April 1	9:30/11:00 SH/HM	Jaffrey Grade School	80/4