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New Hampshire

HOUSE RECORD

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Friday, March 4, 2016

No. 14

Contains: House Deadlines; Bills Laid on Table; Committee Reports; Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House session will be **Wednesday, March 9, 2016, at 9:00 a.m.** The House will also meet on Thursday, March 10th at 9:00 a.m., which is the deadline for action on House bills not in a second committee. It is imperative that members make every effort to be present and in your seats at these upcoming sessions so we can move forward in a timely manner while maintaining the required attendance to complete our work.

Please note that there will be no legislative business scheduled for Town Meeting Day, March 8th.

As many of you know, our friend and former colleague Linda Foster passed away on February 26th. Having been a member of the House for a total of eight terms, Linda also served as Deputy Speaker between 2006 and 2010. Those of us who served with Linda during part or all of her tenure in the House will remember her positive and upbeat manner, as well as her fair and collaborative approach in reaching consensus with others. In Linda's beloved town of Mont Vernon, she leaves a legacy of public service, kindness and community spirit. We send our deepest condolences, thoughts and prayers to Linda's husband and their three sons.

Shawn N. Jasper, Speaker

NOTICE

The next meeting of chairs and vice chairs will be **Tuesday, March 15th at 9:00 a.m.** in Rooms 305-307 of the Legislative Office Building.

Shawn N. Jasper, Speaker

NOTICE

There will be a **Q&A Session on HB 1696-FN**, requesting a modification of the New Hampshire health protection program, on **Monday, March 7, 2016, in Representatives Hall from 1:00 p.m. to 2:30 p.m.**

Shawn N. Jasper, Speaker

NOTICE

There will be a Democratic caucus on **Monday, March 7th at 11:00 a.m.** in LOB 210-211.

Rep. Stephen Shurtleff

NOTICE

There will be a Republican caucus on **Wednesday, March 9th at 8:30 a.m.** in Representatives Hall.

Rep. Dick Hinch

NOTICE

There will be a Republican caucus on **Thursday, March 11th at 8:30 a.m.** in Representatives Hall.

Rep. Dick Hinch

NOTICE

The House Calendar closes at **3:00 p.m. on Wednesdays for scheduling and notices.** It will close at **10 a.m. on Thursdays for Committee Reports.** Please be sure to do your scheduling in order to meet that deadline.

CLOSES AT NOON ON THURSDAY:

Thursday, March 10, 2016
Thursday, March 17, 2016
Thursday, March 24, 2016

AVAILABLE FRIDAY:

Friday, March 11, 2016
Friday, March 18, 2016
Friday, March 25, 2016

Paul C. Smith, Clerk of the House

2016 HOUSE DEADLINES

Thursday, March 10, 2016
Thursday, March 17, 2016
Thursday, March 24, 2016
Thursday, April 14, 2016
Thursday, April 21, 2016
Thursday, May 5, 2016
Thursday, May 12, 2016
Thursday, May 19, 2016
Thursday, May 26, 2016
Thursday, June 2, 2016

Last day to act on House Bills not in a second committee
Last day to report all House Bills
CROSSOVER Last day to act on all House Bills
Last day to report Senate Bills going to a second committee
Last day to act on Senate Bills going to a second committee
Last day to report all remaining Senate Bills
Last day to act on all remaining Senate Bills
Last day to form Committees of Conference
Last day to sign Committee of Conference reports
Last day to act on Committee of Conference reports

BILLS LAID ON TABLE

CACR 5, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. (Pending question: Inexpedient To Legislate)

HB 240, prohibiting law enforcement agencies from using a drone to collect evidence. (Pending question: Adopt committee amendment 2015-2499h)

HB 297, protecting individual customer data from disclosure by a public utility. (Pending question: Inexpedient To Legislate)

HB 475, prohibiting the state from engaging in acts of civil forfeiture. (Pending question: Adopt committee amendment 2015-2517h)

HB 1402, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market. (Pending question: Inexpedient To Legislate)

HB 1557-FN, relative to alcohol and drug treatment programs. (Pending question: Ought To Pass)

HB 1621-FN-L, relative to sanctuary cities. (Pending question: Inexpedient to Legislate)

HB 1673-FN-LOCAL, establishing a cash balance plan within the state retirement system. (Pending question: Adopt majority amendment 2016-0223h)

SB 219-FN, relative to breastfeeding. (Pending question: Adopt committee amendment 2015-2499h)

WEDNESDAY, MARCH 9

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1118, relative to the determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Edelblut for Children and Family Law. This bill establishes as the starting point in a custody proceeding that it is in the best interest of the child, barring extenuating circumstances such as abuse or neglect, that both parents have continuing substantive involvement in the child's life. A large body of research in this area establishes that shared parenting arrangements result in lower risks of fear, aggression or depression, behavioral problems and risky behaviors. **Vote 14-0.**

HB 1165, changing "incapacitated" to "vulnerable" in the adult protective services laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Debra DeSimone for Children and Family Law. This bill and amendment simply changes the word "incapacitated" to "vulnerable. It was the testimony heard from a multitude of departments and councils that this change would be a less disagreeable term to those who are "vulnerable." **Vote 13-0.**

HB 1237, establishing a committee to study the establishment of a default conflict management and resolution system for parents and children. **OUGHT TO PASS.**

Rep. Jeffrey Oigny for Children and Family Law. Despite many attempts by the court to help resolve family conflict over many years, the committee still hears many complaints about high conflict in family court. The majority believe enough evidence exists to support the bill and potential enhanced default systems which may better serve New Hampshire families. **Vote 10-2.**

HB 1279, relative to grounds for termination of parental rights. **OUGHT TO PASS.**

Rep. Skip Berrien for Children and Family Law. This bill terminates the parental rights of a parent convicted of murder or manslaughter of the other parent or the child's sibling when the child was born after the parent's conviction. **Vote 11-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1111, relative to securities advisory councils and committees. **INEXPEDIENT TO LEGISLATE.**

Rep. Harold French for Commerce and Consumer Affairs. After deliberations, the majority of the committee determined, that creating an entire new state entity under the Secretary of State was not the best nor most effective way to handle complaints of possible fraud in the sale of securities. **Vote 19-0.**

HB 1150, relative to the penalty for failure to deliver goods under the Uniform Commercial Code. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. This bill is an attempt to add a new section to RSA 382-A:1-311, creating a penalty of negligence with liability for damages equal to triple the value of the contract as defined in the Uniform Commercial Code (UCC), if there is failure to deliver any part of the property included in a contract to any purchaser. The committee feels that there are many remedies available in law that address a breach of contract relative to goods purchased and the UCC is not the appropriate place to add this provision since the Consumer Protection Act already has triple damages. **Vote 20-0.**

HB 1160-FN, relative to licensing spas and salons to serve alcoholic beverages. **INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. This bill establishes a license for spas and salons to serve alcoholic beverages. The committee was concerned about who should be included in the bill since many businesses, not just spas, might give away free alcohol to their customers. Defining and ultimately enforcing this license seems to be problematic so the committee decided to not pass this bill. **Vote 17-0.**

HB 1169, prohibiting bank fees for on-line accounts. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. This bill is an attempt to prohibit in-state banks from charging fees for an accessible on-line account. This bill is not necessary as most banks that provide on-line banking do not charge any transaction fees. **Vote 20-0.**

HB 1194, relative to medical benefits under motor vehicle insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. The intent of this bill was to clarify the process for billing for ambulance services. However, this legislature looked at this issue a few years ago and made the necessary changes. The Insurance Department provided the necessary information and assistance to the constituent. Therefore this bill is not needed. **Vote 19-0.**

HB 1195, relative to prepayment contracts for petroleum products. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. Under a recently adopted law, oil and propane companies are barred from soliciting pre-pay contracts for the next heating season until after May of that year. Given that some municipalities and school districts can't wait until May, this bill removes this restriction and permits fuel companies to sign contracts, as long as the initial contact is from the customer and not the fuel dealer. **Vote 18-1.**

HB 1206, relative to limited credits. **REFER FOR INTERIM STUDY.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. This bill updates RSA 179:13, by requiring wine manufacturers as well as wholesale distributors, brew pubs, nano breweries, beverage vendors and beverage manufacturers to report to the Liquor Commission when a payment to them from another licensee is delinquent. The Liquor Commission then informs all holders of these licenses of the delinquent licensees, thereby restricting any delivery of beverages to these licensees until payments are made. These payments must also be reported to the Liquor Commission, who will again inform all. The Liquor Commission states that this information aids them in identifying those licensees who may be under financial stress. Because of the complex nature of RSA 179:13, and to ensure all licensees, manufacturers, distributors and retailers are considered for equal treatment, as well as the timely nature of all reporting, the committee agreed unanimously to refer this bill for Interim Study. **Vote 19-0.**

HB 1211, relative to requirements for certain alcoholic beverage licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill, as amended, allows former felons who have served their time for crimes committed, to access employment opportunities at restaurants and other

liquor serving establishments without the approval of the Liquor Commission. Under current law, everyone from the bartender, to the doorman, to the dishwasher must seek approval from the Liquor Commission if they have a previous felony on their record. The majority of the committee felt that this requirement was not only unnecessary but also counter to state policy of promoting access to gainful employment for all Granite Staters. **Vote 19-1.**

HB 1264, relative to carnival or amusement ride inspections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harold French for Commerce and Consumer Affairs. The majority of the committee felt that this legislation brings uniformity to inspection forms to be used in the amusement ride industry. This uniformity will make it easier for operators to remain in compliance with filing such forms with the state as required. In addition, this bill increases the insurance coverage amounts to a level more in line with today's requirements. **Vote 19-1.**

HB 1307, relative to the procedure for amendment of condominium instruments. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. When a condominium community votes to change its bylaws or other legal instruments, they are sometimes required to request approval from the mortgage holders for individual units in the development. When the mortgage holder was the bank downtown, this process was easy, but today mortgages are bought and sold on a daily basis and mortgage holders are often huge financial firms who have little interest in the affairs of a New Hampshire condominium association. This bill gives the mortgage holder a reasonable 60 days to respond to the request, after which the request is deemed approved. **Vote 18-2.**

HB 1316, relative to hospital rates for self-pay patients. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. Under current law, self-pay patients at a hospital can get the same discounts as someone who has health insurance. This bill clarifies who is a self-pay - which means a patient seeking care at a hospital who does not have any form of insurance, including, but not limited to, health insurance, Med Pay coverage, or any other liability coverage. **Vote 20-0.**

HB 1329, relative to prohibited sales of alcoholic beverages. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. The original purpose of this bill to redefine the meaning of "intoxication," while the committee thought this was a substantive issue, the majority decided it would not pursue this matter at this time. However, the drafters of this bill did bring to the committee's attention two other issues that were ripe for addressing and were relative to the same statute. 1) An issue relative to the shipping companies for the direct shipping law and 2) when an administrative hearing is required of an licensee that the licensee should know what exactly they are being charged with violating. The amendment, which replaces the original bill, clarifies that the NH Liquor Commission shall notify licensed common carriers who bring alcohol into the State of NH (such as UPS and Fed Ex) on a monthly basis of the identity of unauthorized shippers. The licensed carrier shall not transport any liquor, wine, or beverage within a 90-day period once such notification has been published. On the second issue, the Liquor Commission agreed to promulgate rules regarding the specificity of its charging documents under RSA 179:5 Prohibited Sales, to specifically identify the violation as either being because the individual served was "visibly intoxicated," OR the individual was "someone who a reasonable and prudent person would know is intoxicated." **Vote 18-0.**

HB 1410, relative to motor vehicle coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. At the request of the Insurance Department, this bill makes technical corrections to the auto insurance statutes, such as corrections to statutory references. The amendment addresses who is included under coverage for a vehicle not-owned by the insured by clarifying that coverage includes certain relatives who reside in the same household. **Vote 19-0.**

HB 1579, relative to regulation of the practice of out-of-state brokers by the real estate commission. **OUGHT TO PASS.**

Rep. Harold French for Commerce and Consumer Affairs. After careful consideration of this legislation, the committee recommended that the House adopt it. This bill assists real estate brokers licensed in NH by codifying what is the practical and existing practice in the sale and leasing of commercial real estate. It clears up, within existing statute, certain ambiguities that have been a hindrance to the industry in the past. **Vote 17-0.**

HB 1601, relative to certain continuing care communities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill directs that the Commissioner of Insurance shall not prescribe by rule or otherwise require submission of an actuarial report from any facility which does not offer a contract in which all or part of the risk of uncertain future health care costs is borne by the facility and not the resident. The amendment clarifies the language in the original bill. **Vote 17-0.**

HB 1617, relative to funding for housing projects by the New Hampshire housing finance authority. **INEX-PEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill requires that the NH Housing Authority to conduct a market study prior to authorizing a proposed housing development. It was reinforced for the

committee that such studies are always done for proposed new developments. In the specific situation that engendered this bill, a total of 4 studies were done in an effort to answer questions raised by interested parties. Therefore, the committee believes that this bill is not needed. **Vote 15-1.**

HB 1700-FN, relative to abuse-deterrent opioid drug products. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill requires insurers to include in their formulary an abuse-deterrent alternative for each opiate on the formulary, where one is available. Considering that the committee has endorsed HB 1608 the Prior Authorization form legislation and the fact that health plans have some of these already on their formularies, the committee accepted the sponsor's recommendation that the legislation was no longer necessary. **Vote 17-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1113, requiring a performance audit of the sex offender treatment program in the department of corrections. **OUGHT TO PASS.**

Rep. Geoffrey Hirsch for Criminal Justice and Public Safety. This bill requires an audit of the sex offender treatment program in the Department of Corrections. Testimony revealed that the sex offender treatment program has both laudable results as well as areas of concern. All the testimony was in favor of this bill, from the Department of Corrections to former inmates. The audit will be conducted by the Audit Division of the Legislation Budget Assistant office, which will submit its findings within nine months of the bill's effective date. **Vote 11-0.**

HB 1135, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.**

Rep. Len DiSesa for Criminal Justice and Public Safety. The Attorney General's Office and the NH Department of Safety strongly opposed this bill. It would make substantial changes to the law regarding deadly force and it would greatly expand the conditions when deadly force was to be used. As the statute stands now, one can only use deadly force against another person in self-defense if he or she reasonably believes that the other person is about to use unlawful deadly force against him or her (or another person). This bill expands that by making it legal to use deadly force against another person who he or she – or some other reasonable person – would reasonably believe is about to commit a felony against him/herself or another person. There are many felony-level crimes in the New Hampshire statutes that are not personal injury crimes, such as fraud, or crimes against property. Under the language changes in this bill, it would be legal for a person to use deadly force against another if one believed that person was about to commit fraud, or a computer crime, or any of the many other non-violent felonies covered under the statute. Further, this bill deletes and repeals a section of the deadly force law that allows for the use of deadly force to stop a kidnapping or forcible rape. Why would we want to do that? It also deletes a current provision that says that a private citizen who is assisting a law enforcement officer at the officer's request and direction and acting within the same laws that the officer must abide by, need not retreat from an encounter but may continue to assist the officer. That person is currently covered under these conditions under the "color of law." Removing this language would remove the protection for a citizen who assists a police officer in a dangerous situation. This bill also expands the current definition of the word "dwelling" and instead defines a dwelling to include a shed, barn, outhouse, attached porch, conveyance of any kind which has a roof over it (including a tent). The definition in current law is broad enough to incorporate most of these because it means any building, structure, boat or other place adapted for overnight accommodation of persons. **Vote 17-0.**

HB 1153, prohibiting a political subdivision from adopting residency restrictions on sex offenders. **OUGHT TO PASS.**

Rep. Geoffrey Hirsch for Criminal Justice and Public Safety. This bill prohibits any political subdivision of the state from adopting an ordinance or bylaw that restricts the residence of a sexual offender or an offender against children. When released, sex offenders tend to want to live in the community they came from to get back on their feet with the assistance of family. Local residency restrictions could defeat the purpose of the registration process, producing conditions that hamper efforts to monitor and supervise offenders. Worse, some offenders will simply go "underground" where they become impossible to track. Residency restrictions may in fact be unconstitutional beyond being a threat to public safety. This bill is supported by NH law enforcement as well as the New Hampshire Coalition Against Domestic and Sexual Violence. **Vote 15-1.**

HB 1261, relative to multiple indictments in criminal prosecutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. This bill would have prevented a grand jury from issuing more than one indictment per criminal act. Current practice allows the grand jury to return an indictment for the crime and an additional indictment for a lesser included offense, thus allowing the jury at the time of trial the option of finding the suspect guilty of the lesser crime rather than the major crime. The committee felt that removing that option would eliminate the ability of the jury to reach a just verdict and is not in accordance with the intent of the justice system. **Vote 16-1.**

HB 1266, legalizing firecrackers and smoke bombs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill as amended legalizes the sale of firecrackers. The statute which prohibits the retail sale of firecrackers (RSA 160-B:16-b) was last revisited in 2004. Since that time the size and quantity of gunpowder contained therein has been reduced. Based upon the documented testimony provided, the committee determined that the explosive power of mortar firecrackers does not present the level of danger they once did. **Vote 9-3.**

HB 1287, repealing a provision of the harassment statute. **OUGHT TO PASS.**

Rep. John Burt for Criminal Justice and Public Safety. This bill repeals a section of the harassment statute, RSA 644:4 l(f), that was struck down as unconstitutional by the New Hampshire Supreme Court in the case of *State v. Pierce*, 152 N.H. 790 (2005). The Supreme Court struck the law down on free speech grounds, holding that it violated Part I, Article 15 of the New Hampshire Constitution. **Vote 17-0.**

HB 1305, relative to the use of an ignition interlock device after a license suspension. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill was discussed at length by the committee regarding the benefits to the safety of New Hampshire drivers. The bill as amended provides that a person requesting a restricted license shall have an enhanced technology interlock device installed for a period of one year, thus providing the ability of the driver to work and support the family while modifying the driver's behavior involving drinking and driving. **Vote 12-1.**

HB 1311, relative to solitary confinement. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill does not address issues or conditions that arise in New Hampshire state or county prisons. The anecdotal evidence presented in testimony to the committee referred to practices in other states. Solitary confinement, as described in the bill, is not a condition of confinement used by the New Hampshire Department of Corrections or the various counties. This bill is a solution searching for a problem that does not exist in NH prisons or in complaints from inmates. **Vote 11-0.**

HB 1318, relative to sex offender registration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill changes the circumstances and criteria under which certain sex offenders may petition to have their name removed from the sex offender registry public list and be relieved from the requirement of continued registration. The bill attempts to correct the constitutional violations brought to light in the New Hampshire Supreme Court opinion of *John Doe v. State of New Hampshire* issued February 12, 2015. In 1987, John Doe pleaded guilty to two counts of aggravated felonious sexual assault. He was sentenced to two and a half to five years' imprisonment, which was deferred for two years. He was placed on probation for four years. As part of his sentence, he was required to attend sex counseling, which he did weekly for two years. In August 1990, his probation was terminated. On January 1, 1993, he became subject to registration as a sex offender. Sometime after 2006 he sought a declaratory judgment in superior court that RSA chapter 651-B is unconstitutional as applied to him because it violates the prohibition against retrospective laws and the Due Process Clause of the New Hampshire Constitution. The trial court ruled the act did not violate the Ex Post Facto Clause because the legislature intended the act to be regulatory, and any punitive effects of the act did not override this regulatory purpose by the clearest proof. The court also stated that it could not find the act had a punitive effect because the state's laws are presumed constitutional. This led to an appeal to the New Hampshire Supreme Court. Quoting from the judgment: "In summary, our analysis leads us to conclude that RSA chapter 651-B has a punitive effect as applied to the petitioner. We recognize the important interests that the legislature seeks to further with this statute, but in our view, the punitive effect of the current act is enough to overcome any non-punitive legislative intent as to this petitioner. Absent the lifetime-registration-without-review provision, we would not find the other effects of the act sufficiently punitive to overcome the presumption of its constitutionality. Accordingly, to prevent an untoward result that would substantially undermine the act's public protection goals, we conclude that the act can be enforced against the petitioner consistently with the constitutional prohibition against retrospective laws only if he is promptly given an opportunity for either a court hearing, or an administrative hearing subject to judicial review, at which he is permitted to demonstrate that he no longer poses a risk sufficient to justify continued registration. If the hearing results in a finding that he has made the required showing that he is not a danger to the public, he must be relieved from the requirements of registration. If after such a hearing, it is determined that he has not made the required showing, he must continue to comply with the act, but thereafter he must be afforded periodic opportunities for further hearings, at reasonable intervals, to revisit whether registration continues to be necessary." This bill seeks to resolve the constitutional issues with the law. **Vote 13-2.**

HB 1327, relative to the statute of limitations for continuing violations of trespass. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. This bill excepts continuing violations of trespass from the 3-year statute of limitations for personal actions. No one spoke in favor of the bill, so the committee voted to dispense with the bill accordingly. **Vote 13-1.**

HB 1343, prohibiting the retroactive application of the sex offender registry. **INEXPEDIENT TO LEGISLATE.** Rep. John Martin for Criminal Justice and Public Safety. Although this bill was very brief, it garnered a lot of testimony, both for and against. Much of the testimony centered on Doe v. State of NH which was decided by the New Hampshire Supreme Court on February 12, 2015. This decision weighed the punitive nature of the sex offender registry versus its regulatory nature. While the decision partially upheld and partially struck down a lower court decision, the court did not expressly forbid the retroactive use of the sex offender registry, as it was originally held to be regulatory in nature and not ex post facto punishment. Many of the problems argued arise from subsequent changes to RSA 651-B. As written, this bill does not meet any need relative to correcting any ex post facto issues. Other testimony, from the Department of Safety and from domestic violence groups also opposed this bill, and the Department of Safety advised this bill has the potential of removing 900 offenders from the registry without any further review. Additionally, other bills may deal with the issues raised in Doe, but this one does not. **Vote 11-5.**

HB 1344, prohibiting the sale or possession of sky lanterns. **INEXPEDIENT TO LEGISLATE.** Rep. David Welch for Criminal Justice and Public Safety. Sky lanterns are devices sold in many retail outlets that are powered by heat from a combustible source. The bag-shaped lantern rises as the heat builds up within the bag and when the heat source is extinguished the bag floats down. There is no flame when the combustible material is consumed. The state fire marshal has ruled these sky lanterns as “recreational fire” and suggests that they be tethered by a string so that they are attended. The committee saw no need to prohibit their sale or possession. **Vote 12-0.**

HB 1353, relative to the notice required of a law enforcement officer prior to making an audio recording of a routine stop. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill amends the statute that provides that a uniformed law enforcement officer during a routine stop must notify the party of the fact that he or she is being recorded. The added language states it must be done “where it is reasonable or practicable under the circumstances.” This is because there are times when it may not be reasonable, such as when the party is intoxicated or under duress or when the situation makes notification difficult or impossible, such as during a confrontation or an accident. The amendment changes the effective date to upon passage. **Vote 14-0.**

HB 1369, requiring judges to grant earned time credits when a prisoner has substantially reduced the threat he or she poses to the public. **INEXPEDIENT TO LEGISLATE.**

Rep. John Martin for Criminal Justice and Public Safety. This bill requires the sentencing court to grant a prisoner’s petition for earned time credits whenever the prisoner has substantially reduced, through self-improvement efforts, the threat he or she poses to the public. This legislation mixes the person’s behavior with these efforts and that is not the intent. The bill also does not define any methodology or risk assessment procedure to determine whether the prisoner no longer poses a threat to the public. In addition, we have not had enough time under the existing law to determine any correlation between granting earned time credit with reduction in recidivism, including the possibility of reduction of threat or risk. This bill also requires judges to grant petitions for earned time credits from prisoners. The use of the word “shall” removes the discretion from the judge. It sets a bad precedent for a judge’s decisions to be dictated by the legislature and is a blurring of the principle of separation of powers. **Vote 16-1.**

HB 1381-FN, legalizing the sale of smoke bombs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill as introduced would have repealed the prohibition on the sale or use of smoke bombs. If that had happened military canisters of smoke would have been allowed. The amendment amends the statute which allows small smoke devices sold as permissible fireworks and limits the sale to those 21 and older. The devices have been illegally sold in other retail outlets but now are only available from licensed fireworks dealers. **Vote 12-1.**

HB 1415, relative to escape from official custody. **OUGHT TO PASS.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill clarifies current law so that if a person escapes from official custody, confinement pursuant to a court order, from a jail, prison, house of correction or juvenile custody they are guilty of a class B felony. This bill corrects a prior omission from the statute from several years ago where those persons released from a correctional institution pursuant to administrative home confinement or any treatment program or other place as directed by the commissioner or sentencing court were inadvertently left out of the statute. **Vote 13-0.**

HB 1426-FN, relative to earned time credits for prisoners participating in rehabilitative or educational programming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill expands a program initiated in 2014 which allows prisoners who earn degrees to be granted time off their minimum and maximum sentences. The bill adds masters degree and doctorate degree to the list of programs. The Department of Corrections agrees with the amended bill. The costs for these programs are borne by the prisoner or the prisoner’s family and participation is determined by the prisoner’s behavior. **Vote 17-0.**

HB 1492, regarding individual privacy when law enforcement agencies use body-worn cameras. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. The subject matter contained in this bill is already covered in a previous bill which has passed the House (HB 617). The sponsor requested that the committee find this bill Inexpedient to Legislate. **Vote 11-0.**

HB 1506, establishing a committee to study the use of solitary confinement in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. The bill is unnecessary as it does not address issues or conditions in New Hampshire. The anecdotal evidence presented in testimony to the committee referred to practices in other states. Solitary confinement is not a condition of confinement used by the NH Department of Corrections (DOC) or the various counties, as was presented in extensive testimony by the Assistant Commissioner of the Department of Corrections, Helen Hanks. It appears that prior to the introduction of this legislation not enough research was done or attempts made to reach out to DOC or the counties to review facilities or processes. Additionally, the committee felt there is insufficient time for a study committee. **Vote 11-0.**

HB 1507, amending the procedures for the use of solitary confinement and establishing a committee to study the use and effectiveness of solitary confinement in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. John Martin for Criminal Justice and Public Safety. This bill is unnecessary as it does not address issues or conditions that arise in New Hampshire. Solitary confinement, as repeatedly described, is not a condition of confinement used in the New Hampshire Department of Corrections (DOC) or the various counties. The anecdotal evidence presented in testimony to the committee referred to practices in other states. The Laaman consent decree, DOC policy and procedures, and standards from the American Correctional Association all address conditions of confinement. Further, prior to the introduction of the legislation, none of the sponsors had researched or reached out to the DOC or counties to review facilities or processes. One of the prison housing units mentioned in the bill did not even have the segregated space targeted by the bill. Enactment of this bill would be a solution searching for a problem and would squander precious time and resources. If there is a question relative to the county jails, the county delegations are able to arrange tours and inspect every area behind the walls. The DOC has been forthcoming with information and accessibility. The committee has had opportunities to tour the Men's Prison in Concord and meet with inmates unsupervised. Every area and housing unit was available for inspection and no areas exist that fit the description in the proposed legislation. The facility in Berlin has made it a practice, since it opened, to return problematic inmates to Concord, and they are not equipped with an area to totally segregate an inmate. **Vote 9-2.**

HB 1525-FN, relative to the circumstances that constitute indecent exposure and lewdness. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. This bill expands the indecent exposure law to include the anus (regardless of gender) as well as the nipple and areola (only if female). The committee heard testimony from many who warned that, due to likely acts of civil disobedience, the state would face expensive court fees should this become law. The NH Civil Liberties Union testified that violation of such a law could be considered protected political speech, indicating that the state would be unsuccessful in litigation. The committee sees no sense in passing a law that cannot be enforced. The committee also believes that this bill violates Part I, Article 2 of the State Constitution, which states that "Equality of rights under the law shall not be denied or abridged on account of race, creed, color, sex or national origin." This bill attempts to apply a law to women only. This bill would also place police officers in the uncomfortable position of having to determine the gender of a potential offender. Lastly, an offender (if convicted) would be listed in the state's sex offender registry after a second conviction, which many considered to be an excessive punishment. In a state with an average temperature of only 46 degrees, the risk of rampant nudity seems rather low. The committee considers this legislation Inexpedient to Legislate for these reasons. **Vote 19-0.**

HB 1586-FN, prohibiting the impersonation of an emergency medical technician or firefighter. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill as amended will provide that all first responders, not just police, cannot be impersonated without penalty of law. First responders are granted access to emergency scenes or critical infrastructure not granted to untrained and unauthorized persons. Individuals with malicious intent target these roles for impersonation because of the unrestricted access they may obtain. This puts the private citizens at a great risk in many various ways. The committee, with a near unanimous vote, is seeking to plug up this loophole in our laws. **Vote 16-1.**

HB 1598-FN, relative to the penalty for driving while intoxicated, third or subsequent offense. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill would require the indefinite revocation of the driver's license of any person convicted of a third driving while intoxicated offense. There was no testimony in favor of the bill and two witnesses testified against the bill. Additionally, the Department of Safety took no position. The committee believes that changes to current law are unnecessary. **Vote 13-0.**

HB 1606-FN, relative to unlawful sale or possession of alcoholic beverages. **INEXPEDIENT TO LEGISLATE.** Rep. John Martin for Criminal Justice and Public Safety. This bill would have allowed the consumption of beer and wine by 18 to 20 year olds while under the supervision of a “responsible” adult over the age of 21. While its stated intent is to facilitate the introduction of alcohol to 18 to 20 year olds in a responsible, supervised manner, it does nothing of the kind. There is no way to quantify what a “responsible” adult is, let alone a 21 year old. There was very little support for this bill. The scenario of 18 to 20 year olds drinking beer and wine under the supervision of a 21 year old would be a fair description of a fraternity party or an underage home drinking party. This bill would only serve to encourage underage drinking and essentially legalize irresponsible behavior. **Vote 9-2.**

HB 1610-FN, legalizing the possession and cultivation of marijuana for personal use. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill is nearly identical to HB 1694. The bill would have legalized possession of marijuana for persons over the age of 21, legalized the cultivation of up to 6 plants by individuals, of which 3 could be adult plants which could produce up to 3 pounds. The bill would also have established retail sales, cultivation, testing and taxation. After hearing testimony on the practices in other states, the sponsors indicated that it would be a much needed source of revenue for the State of New Hampshire. There was also testimony from many sources, including the proponents of legalization, that marijuana is not a harmless drug. The majority of the committee felt that legalizing marijuana and allowing the cultivation of up to 6 plants would not prevent persons under the age of 21 in obtaining the drug from either legal or illicit means. The committee felt that in light of the ongoing opioid crisis and the information given to the task force about how a young man went from marijuana use to prescription drugs and on to heroin addiction, that now is not the time to legalize a drug that is illegal under federal statutes. The committee further believes that relying on the sale and taxation of a federally illegal drug is not the NH way to address the state's fiscal needs. **Vote 9-4.**

HB 1613-FN, relative to criminal prosecution for those charged with prostitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Geoffrey Hirsch for Criminal Justice and Public Safety. This bill attempts to adjust criminal penalties for clients of prostitution, while ignoring the other party to the activity. This one-sided approach is not an appropriate way to address any changes in NH prostitution laws. **Vote 15-1.**

HB 1628-FN, relative to human trafficking involving persons under 18 years of age. **OUGHT TO PASS.**

Rep. David Welch for Criminal Justice and Public Safety. This bill makes it a crime for a person to pay to engage in sexual contact with a person under the age of 18. It also makes it illegal to observe a sexually explicit performance involving a person under the age of 18. The committee unanimously supported passage of the bill. **Vote 12-0.**

HB 1654-FN, relative to flying drones near correctional facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Martin for Criminal Justice and Public Safety. This bill, as amended, prohibits, with certain exceptions, the flying of a drone over or close to the environs of a jail or prison under penalty of a class A misdemeanor. This bill was at the request of the Department of Corrections after several intrusions by drones over Department facilities. Such intrusions could facilitate an avenue for the introduction of contraband and this bill becomes another tool in assuring security. It also allows for the proper authorities to operate a drone over the facility for security purposes or authorize the operation by other parties under certain conditions. **Vote 11-2.**

EDUCATION

HB 1121, relative to the academic areas that comprise the statewide assessment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. The annual statewide assessment is currently administered to students in grades 3-8 and grade 11 in the academic areas of reading and language arts, mathematics and science. The statewide assessment program also requires the state to assess: history, geography, civics and economics; however, these academic areas have never been tested by the state either in the old NECAP or the current Smarter Balanced systems. This bill directs statutory responsibility for assessment of history, geography, civics and economics to the local level. It is the recommendation of the education committee, although equally important, that assessment in these critical areas of study is best provided and should appropriately remain within the purview of the local school board. **Vote 16-1.**

HB 1137, relative to the adoption of school administrative unit budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for Education. This bill amends the alternative budget procedure in a school administrative unit and requires that the warrant article for the school administrative unit budget state the cost per pupil per fiscal year under the proposed budget. School districts currently are able to state the cost per pupil per year in a budget proposal. This bill is not necessary. **Vote 20-0.**

HB 1145, establishing a committee to study suspensions and expulsions in licensed preschools and in kindergarten through grade 3. **OUGHT TO PASS.**

Rep. Ralph Boehm for Education. This bill is to establish a committee to look into why students in K through 3 are being suspended from school. Last year there were 101 kindergarten students suspended. A total of 523 students in K through 3. We need to find out why. Is it because of the schools zero tolerance policies? We even heard of kindergarten student suspended for sexual harassment – for tickling another student. School policies on this matter need attention. **Vote 20-0.**

HB 1201, relative to withdrawal from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. Breakup of, or withdrawal from a cooperative school district presents challenging financial and educational issues. The intent of this bill will be addressed in an amended version of HB 1303. HB 1303 has been amended to a study commission and will address multiple aspects of withdrawal from a cooperative school district. **Vote 20-0.**

HB 1205, including libraries that provide children's programming in the definition of drug-free school zone. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Shaw for Education. "This bill includes libraries with children's programming in the definition of "drug-free school zones." The committee believes this bill is not necessary because the language of existing law allows for the designation of drug-free zones through policy established by local government and law enforcement agencies. **Vote 18-0.**

HB 1239, relative to certain terminology in the education statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill as amended cleans up statutory language in regard to difficult to understand terminology in RSA 186:8, 193-C, and 193-E. Amending language states that it is the responsibility of the local level to identify and implement skills and knowledge included in curriculum. Academic standards mean what a student should know and be able to do at each grade level. Curriculum means the lessons and academic content taught in school or in a specific course or program. Past statute has unclearly referenced educational and curriculum standards. This bill uses common terminology throughout statute when referencing standards, and the terms used are "academic standard or minimum standards." All other references to "standards" have been removed with all references to curriculum assigned to schools or school districts. **Vote 19-0.**

HB 1240, relative to alternatives to the statewide assessment. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. The intent of this bill is to reduce the number of times a statewide assessment would be administered in grades 3-8 at NH public schools. Additionally, the bill allows a locally developed assessment for those years when a statewide assessment is not required. While there is broad consensus that statewide assessment should not be administered in each of grades 3-8 the uncertainty of the impact of new federal legislation, Every Student Succeeds Act, (ESSA) precludes the possibility of pursuing the intent of this bill. **Vote 17-0.**

HB 1283, relative to school notification of a change in placement. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill requires the New Hampshire Department of Health and Human Services or any other state department to notify a school as soon as possible when initiating or placing a child in an out-of-home placement that results in attendance at another school. Transitions such as this should be accomplished in accordance with a developed transition plan that reduces emotional and mental impact to the child. **Vote 18-0.**

HB 1303, relative to withdrawal from a cooperative school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher Adams for Education. There are over 50 cooperative districts comprised of almost 250 individual towns in New Hampshire. Each cooperative district has a unique set of "Articles of Agreement" that describe the conditions and circumstances under which they will operate their cooperative. These agreements were entered into under the statute applicable at the time of the agreements. Changes to current statutes without full consideration to the multitude of complex circumstances would be injudicious at this time. Therefore, the committee has agreed to form a comprehensive commission to help recommend potential legislation. **Vote 20-0.**

HB 1323, relative to nonrenewal of a teacher's contract. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. This bill would amend RSA 189:14-a (Failure to be Renominated or Re-elected) to eliminate the condition that a person "have taught one or more years in the same school district." This change was contrary to the "intent" of the bill, "to require justification for not renominating a non-tenured teacher." The actual "intent" of the bill was addressed. After such testimony, there was not sufficient evidence to justify a change of existing statute. **Vote 19-0.**

HB 1364, relative to the membership of the cooperative school district budget committee. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. A study commission for withdrawal from a cooperative school district has been established in a related amended bill. The membership of the cooperative school district budget committee will be addressed by that commission. **Vote 20-0.**

HB 1366, relative to the definition of educational competencies. **INEXPEDIENT TO LEGISLATE.**

Rep. James Verschueren for Education. The bill proposes to limit student assessment, whether standard assessment or competency-based assessment to a single content domain. As written the bill is internally inconsistent as it includes "science" as a single domain which it clearly is not. In addition, the bill proposes to further limit assessment by removing assessment of a student's ability to apply key concepts across academic content domains. Testimony before the committee characterized the changes as fundamentally changing competency-based education and removing local control by restricting what a school board may wish to assess. The committee found no positive purpose to support this bill. **Vote 18-1.**

HB 1372, permitting a child with a disability to use audio or video recording devices in the classroom. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. Last year HB 507 (Chapter 71, Laws of 2015) regarding teacher protections and privacy was passed and signed. A portion of the bill dealt with recordings in the classroom and it had unintended consequences. This bill clarifies that special needs students may use recording devices, if needed, and that recording for instructional purpose is also acceptable. As amended, it also allows recording of student teachers after notification to classroom parents. **Vote 20-0.**

HB 1379, amending the requirement to use English in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. This bill would allow a private school to educate a student exclusive of English. A student might then transfer to a public school with no knowledge of English and would then be a financial burden to the public school district. **Vote 19-1.**

HB 1408-FN, relative to a school building inventory. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill requires the New Hampshire Department of Education (DOE) to conduct a statewide school building inventory to gather basic data and information on the condition of public school buildings. In July 2000, the DOE released the Turner Report related to the condition and adequacy of school facilities. Although the survey had limitations, it did contain useful information covering the condition of 391 school buildings throughout NH. In an effort to obtain needed data to better understand our current situation, this bill enables the department to acquire data and information that includes, but is not limited to: demographic shifts, structural condition, fire and life safety code compliance, building operational costs, HVAC systems, suitability of instructional space and equipment to prepare students for later careers and more. The survey will cost no money as information can be gathered and assessed using online technology and staff in place at the department and schools. **Vote 19-1.**

HB 1411, making civics mandatory in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Christopher Adams for Education. This bill provides that a half-year course in civics shall be required for high school graduation. It was determined by the committee that this bill, while laudable in intention, was duplicative of current statute and Ed 306 rules and therefore unnecessary. **Vote 19-1.**

HB 1414, repealing the home education advisory council. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill repeals the Home Education Advisory Council (HEAC). This Council is needed and wanted by the majority of home school parents. It is the buffer between the State Board of Education and home schoolers. A statement from some home school parents made several years ago when another bill tried to do the same thing indicated that the HEAC is the only protection they have. The council also exists to advise parents who wish to home school as to the state laws, and if needed, recommend laws. There are two Representatives and one Senator on the HEAC as non-voting members. The HEAC also gives feedback to the State Board of Education on any proposed rules dealing with home education. This bill, if passed, will seriously affect home schooling in New Hampshire. **Vote 19-1.**

HB 1431, relative to academic freedom and whistleblower protection. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. It is the committee's position and that of the Community College System and the University System that this bill is not needed because: 1) NH Law already has a whistleblower protection act, 2) academic freedom is protected in the constitution, and 3) those protections are reflected in contracts. **Vote 18-2.**

HB 1456, relative to chartered public school boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Victoria Sullivan for Education. This bill requires the members of a chartered public school board of trustees to be appointed by the Governor with the advice and consent of the council. Appointment and membership of Charter School Boards of trustees is already referenced in existing law. Charter schools have unique mission statements that are reflected in the make-up of their boards. Present law is working and should not be changed to a more complicated process. **Vote 17-0.**

HB 1457, establishing a code of professional ethics for New Hampshire teachers. **REFER FOR INTERIM STUDY.**

Rep. Robert Elliott for Education. This bill establishes a code of professional ethical standards and practices for teachers. The committee feels very strongly that we need a code of ethics for all NH teachers. Regardless, 16 members felt there are some issues in this legislation that need further clarification, especially in the

area of new technology and electronics. Smart phones, computers, which are personal electronic devices have raised new social, political and religious issues which need careful consideration. Interim Study provides the committee members the opportunity to review and identify professional responsibilities for the teaching profession as it relates to communities, students, parents, the profession and public. **Vote 19-1.**

HB 1458, relative to social media policies for educational institutions. **INEXPEDIENT TO LEGISLATE.** Rep. Ralph Boehm for Education. This bill amends legislation passed into law last year, HB 142, (Chapter 270, Laws of 2015) Educational Institution Policies in Social Media. The bill makes reference to Home Education, but this section of law based upon HB 142 was not intended to affect Home Education students. Current law provides all the protection necessary for students and the NH School Board Association developed needed policies for the law. **Vote 18-0.**

HB 1497, relative to the limits on disclosure of information used on college entrance exams. **OUGHT TO PASS.** Rep. Glenn Cordelli for Education. The Education Committee finds unanimously that this bill needs further research, reviews and development. The committee recognizes the difficulty in securing qualified mathematics' educators and that the NH Department of Education lists "Mathematics Educator" on the critical shortage list and has done so for over ten years. The committee also recognizes the need to fully engage the NH University System Teacher Preparation Programs in the design of a plan to increase the numbers of qualified math educators in our schools. Furthermore, after a review of student math scores over the last ten years and the impetus to improve such scores, the committee requests Interim Study with regard to the most effective ways to recruit and attract mathematic teachers and to explore a variety of options from scholarships to loan forgiveness to increase the number of math educators. **Vote 19-0.**

HB 1558-FN, requiring the university system of New Hampshire to examine the disposition of children in state custody. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill requires the University System of New Hampshire (USNH) to conduct a child welfare study, the objective of which shall be to analyze the disposition of children in state custody. This is not the job of USNH. The Executive Branch of government is responsible for overseeing its own agencies. This kind of study will only cause financial distress on the already burdened University System. Also, the time limit placed in the bill is not reasonable for any such study. If a study is needed, it needs to be done by the Governor's office and not the University System. **Vote 20-0.**

ELECTION LAW

HB 1114, relative to the number of inspectors of election. **OUGHT TO PASS.**

Rep. James Gray for Election Law. This bill would limit the number of inspectors of election appointed by the political parties to 2 per party at each polling place regardless of the number of voters. Statute provides that the moderator may appoint additional workers. **Vote 17-0.**

HB 1143, relative to showing a ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. William Gannon for Election Law. This bill would repeal the prohibition on a voter taking a digital image of his or her marked ballot. A US District Court order on this issue is currently being appealed. The majority believes that this legislation should not be adopted. We believe in the sanctity of the secret ballot. In early NH history, there was often coercion at the voting booth. We want the voter to feel free from all intimidation and outside pressures when casting a ballot. Voting is one of the most fundamental rights and its sanctity should be defended at all costs. **Vote 17-0.**

HB 1144-LOCAL, relative to notice for sessions of correction of the check list. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen Souza for Election Law. This bill, as amended, removes an obsolete notice requirement for meetings of Supervisors of the Checklist to register voters and makes the notice language consistent with RSA 91-A, the Right to Know law. This bill changes the newspaper notification from mandatory to optional. Testimony showed that citizens do not rely on small notices in the newspaper, that the meetings are well noticed by other means, and that recent changes in the law allow citizens to register to vote, make changes, etc., with the town or city clerk at any time throughout the year, at their convenience. This bill provides for notice to be given on the town or city's website, if such exists, or in a newspaper, plus at least one other appropriate location. **Vote 19-0.**

HB 1183, relative to election result recounts. **INEXPEDIENT TO LEGISLATE.**

Rep. Adam Schroadter for Election Law. This bill seeks to improve the recount process for close elections by requiring that all candidates involved in the election and present agree to end the recount. However, the committee became concerned about unintended consequences and costs associated with high-number candidate elections such as state representative elections for large districts. **Vote 17-0.**

HB 1220, relative to disqualification of election officers. **OUGHT TO PASS.**

Rep. James Gray for Election Law. This bill would clarify the statute which states election officials whose names are on the ballot for another position may perform their duties within the restrictions specified. **Vote 17-0.**

HB 1223, relative to changes of address on election day. **OUGHT TO PASS.**

Rep. James Gray for Election Law. This bill clarifies the wording of RSA 659:13 I (a) with regard to a change of address identified to the ballot clerks on election day. It requires that a change of address be recorded rather than corrected. **Vote 19-0.**

HB 1265, permitting municipalities to adopt a system of approval voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. This bill significantly changes our current electoral process by permitting towns to change to a method called approval voting for a primary election. Approval voting would allow voters to vote for multiple candidates for one office instead of only one candidate. If this is allowed, some towns would then be using different voting methods which would cause significant confusion. This would greatly change our method of electing candidates and the committee saw no pressing reason to allow municipalities to make this change. **Vote 18-0.**

HB 1377, relative to receipt of absentee ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen Souza for Election Law. This bill facilitates the delivery of absentee ballots to the polls by adding "ward clerk" to those officials able to accept them. It also provides that absentee ballots delivered by a voter's spouse, parent, sibling, or child must be received by the town, city, or ward clerk by 5:00 p.m. on election day. **Vote 18-0.**

HB 1378, relative to disabled voters requiring assistance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Election Law. Absentee ballots are currently used prior to election day to assist voters who can not access the polling place due to a physical disability. As amended, this bill codifies the absentee ballot process to be used on election day for voters who are physically unable to access the polling place. The committee unanimously recommends approval. **Vote 17-0.**

HB 1387, relative to vacancies in county offices. **INEXPEDIENT TO LEGISLATE.**

Rep. James Gray for Election Law. The committee believes that vacancies in county offices should not be filled by a secret ballot at the county convention. Since the county delegation represents the citizens, the voters have a right to know how their representatives vote. **Vote 15-0.**

HB 1467, relative to notice of village district elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Griffin for Election Law. This bill provides minimum time periods for village districts to notify the supervisors of the checklist when they are having elections. There are a number of village districts in the state and this will eliminate local issues regarding adequacy of notice. **Vote 19-0.**

HB 1468, relative to sessions for correction of the checklist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Election Law. Currently RSA 654:27 and 654:28 require multiple meetings of the supervisors of the checklist when elections are held in close proximity. Often no voter's changes are identified during these meetings. This bill allows one meeting to serve to fulfill the requirements within a 21-day period. Additionally, it provides greater flexibility in regard to the scheduling of that meeting. **Vote 13-6.**

HB 1503, relative to distributing campaign materials at the polling place. **OUGHT TO PASS.**

Rep. Duane Brown for Election Law. This bill helps to clarify, for the moderator and the general public, items that are deemed as electioneering and may not be distributed or posted within the building where an election is being held. It also prohibits any person from distributing such materials. **Vote 15-2.**

HB 1511-FN-LOCAL, relative to hours of polling. **INEXPEDIENT TO LEGISLATE.**

Rep. William Gannon for Election Law. The majority opposed this bill as it is a 'one size fits all' approach. The needs of a small northern town differ greatly from the needs of a city. Forcing a town to stay open beyond their needs would be wrong. This bill would be more palatable if it had permissive language such as "may". This way a municipality could opt in or out to earlier or later hours as best fits the individual, city or town needs. **Vote 17-0.**

HB 1515, requiring persons sending absentee ballot applications to comply with identification requirements for political advertising. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Election Law. The bill, with the amendment, requires anyone who distributes absentee ballot applications to voters to identify who is responsible for distributing the applications. **Vote 15-0.**

HB 1521, allowing voters to vote for multiple candidates for an office. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. This bill significantly changes our current electoral process to the method of approval voting. Approval voting would allow voters to vote for multiple candidates for one office instead of only one. This would greatly change our method of electing candidates and the committee saw no pressing reason to make this change. **Vote 18-0.**

HB 1534, relative to reports of death of voters. **OUGHT TO PASS.**

Rep. Robert Luther for Election Law. This bill provides that deaths recorded in the statewide voter registration database can be the basis for the town or city clerk to notify the supervisors of the checklist of the change in a voter's status. **Vote 17-0.**

HB 1539-FN, relative to procedures for resolving ties in legislative races. **INEXPEDIENT TO LEGISLATE.** Rep. James Gray for Election Law. This bill establishes a process for run-off elections in the event of a tie in a state legislative race. The committee believes that existing state law should not be changed. **Vote 17-0.**

HB 1624-FN, relative to electioneering by public employees. **OUGHT TO PASS.**

Rep. Barbara Griffin for Election Law. This bill modifies the applicability of the prohibition on electioneering by public employees by clarifying that the prohibition applies to equipment. Currently, the statute prohibits the use of government property which raises issues as to areas of public access such as the grounds of the State House or the lobby room of a public building. **Vote 16-1.**

HB 1642-FN-LOCAL, relative to persons executing election affidavits. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Election Law. This bill, as proposed, addressed the verification of the identity of individuals who sign an election affidavit in the process of registering to vote on Election Day and do not provide photo identification. The committee understood that the state is currently responsible for verification after the election, and they do not have enough resources to do so. This bill required that the individual would be responsible for verifying his or her qualifications to vote within ten days after registering. Concerns were raised regarding the notice and process for the individual as provided in the bill as presented. **Vote 14-3.**

HB 1646, relative to the disclosure of felony convictions by individuals seeking an elected office. **INEXPEDIENT TO LEGISLATE.**

Rep. Adam Schroadter for Election Law. This bill introduced new language to the Declaration of Candidacy form in reaction to a well-publicized concern regarding felons and elections in Nashua. However, the form already requires candidates who have previously been convicted of a felony to declare that their sentence has been completed as required by RSA 607-A:2. The committee did not feel that the Declaration of Candidacy form was the correct place to address additional qualifications for candidacy. **Vote 16-0.**

HB 1679-FN, relative to electioneering by a public official. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Election Law. The bill, as presented, was an attempt to prevent elected or constitutional officials from using government property or funding for electioneering. While the committee discussed that the intent of the proponents to ensure appropriate conduct was a legitimate issue, the bill, as worded, was inconsistent with wording in similar statutes. Further, concern was expressed that the determination of what conduct was covered would be subjective. **Vote 17-0.**

HB 1682-FN, relative to electioneering by public servants and relative to warrant articles. **INEXPEDIENT TO LEGISLATE.**

Rep. James Gray for Election Law. The committee believes that the current law addressing electioneering by public employees does not need to be expanded. It further believes that the current laws relative to recommendations for special warrant articles provide useful information and should be retained. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 1141, defining "agritourism." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Darrow for Environment and Agriculture. This bill is in response to a NH Supreme Court decision that said that agritourism is not part of the definition of agriculture in NH law. That decision has far-reaching implications for our farmers statewide. Agritourism is necessary to keep our farms viable by attracting customers to the farm to buy their products. It includes things like pick-your-own, hayrides, farm stays, and farm to plate meals. This bill with amendment puts the definition of agritourism into the definition of agriculture in RSA 21:34-a, II, thereby addressing the concerns of the court. **Vote 17-0.**

HB 1171, relative to appeals heard by the waste management council. **OUGHT TO PASS.**

Rep. John O'Connor for Environment and Agriculture. This bill makes corrections to which council hears appeals of decisions of the Department of Environmental Services regarding oil discharges to surface and ground waters and from underground storage facilities. RSA 146-A and 146-C are amended to direct such appeals to the Waste Management Council instead of the Water Council, or the Water Supply and Pollution Control Council which no longer exists. **Vote 18-0.**

HB 1354, establishing a committee to study livestock and meat inspection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill establishes a study committee to review RSA 427, LiveStock and Meat Inspection. Parts of this chapter are inactive; other parts are unclearly written or outdated. The committee will review the chapter, consult stakeholders, remove unnecessary statutes, and rewrite others as needed in clear, concise language. The amendment reduces the number of senators to one. **Vote 16-0.**

HB 1355, relative to poultry producers exempted from meat inspection requirements. **OUGHT TO PASS.**

Rep. Peter Bixby for Environment and Agriculture. This bill raises the limit for on-farm poultry slaughter for sale to restaurants from the 1,000 birds in the existing statute to the federal limit of 20,000 birds. Farmers

who slaughter under this exemption must first take a safe-slaughter workshop, and the slaughter facilities are subject to inspection by the United States Department of Agriculture (USDA), Food Safety Inspection Service. **Vote 15-0.**

HB 1398, establishing a commission to study septic sludge spreading. **INEXPEDIENT TO LEGISLATE.** Rep. Christy Bartlett for Environment and Agriculture. This bill would establish a commission to study septic sludge spreading. The testimony, both oral and written, was overwhelmingly opposed to another study commission. The Department of Environmental Services is opposed to the bill and told us there were comprehensive studies done in 2003 and 2007. There is a great deal of awareness among those in the industry of what is contained in the septage and the rules and compliance needs are in place. The tanks are treated to kill pathogens and the liquids are filtered. Our committee did not hear that there was a problem that needed to be studied further at this time. **Vote 18-0.**

HB 1466, relative to labeling requirements for certain homestead food operations. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Environment and Agriculture. This bill would no longer require that homestead food producers attach labels to their products. This includes the homestead food producers who are not subject to inspection by the Department of Health and Human Services and are unlicensed. The bill would have allowed a producer to use a sign and business card to identify the ingredients and producer information for these products at point of sale. The majority of the committee felt that the minimal requirement of having a label that listed the ingredients was not a burden and we heard no testimony from any producer who felt this caused a hardship. Many people have allergies and must be aware of what they eat. Some foods, such as jams and jellies, might be given as a gift and the end user might not be able to obtain information about the ingredients. From a food safety stand point, it could be very difficult to track a product that did not contain identifying information in the event of a contamination event. For these and other reasons, the committee does not recommend this bill. **Vote 15-1.**

HB 1514, relative to the application of nitrogen and phosphorus content fertilizers. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Environment and Agriculture. This bill would exempt the sale of certain fertilizers sold in bulk from limitations of nitrogen and phosphorus content. We worked with the Department of Agriculture, Markets and Food to try to address concerns regarding inappropriate application of fertilizers that are affecting waterways and lakes. The bill is quite specific about the allowances and content and it would be difficult for manufacturers to meet only NH requirements. In addition, it does not appear that there is a lawful way to separate commercial applicators from homeowner consumers in retail sales. Finally, there is no enforcement mechanism to be used by the department. The committee has agreed to continue to work on the problem and address some of the concerns through public education. **Vote 16-0.**

HB 1571-FN, prohibiting the possession, purchase, or sale of equipment used for animal fighting. **INEXPEDIENT TO LEGISLATE.**

Rep. John O'Connor for Environment and Agriculture. The committee overwhelmingly agrees that animal fighting is inhumane. This bill attempts to use various types of paraphernalia found in the possession of a person, even without the evidence of any animal being present, as a basis for finding the person guilty of animal fighting and subject to a class B felony. Many legitimate animal handlers could be subject to this vague interpretation of law. This bill would presume that they are guilty and now are required to prove their innocence with no recourse. Currently, there are sufficient laws in statute to regulate any animal fighting that may occur. There have not been any instances of animal fighting in NH for many years. **Vote 20-0.**

HB 1615-FN, regulating the transfer of dogs from out of state. **REFER FOR INTERIM STUDY.**

Rep. Robert Haefner for Environment and Agriculture. This bill licenses and regulates out of state transporters of dogs and cats who deliver pets for transfer into New Hampshire from out of state. Some of these transfers are under the radar such that the state does not know how many animals are delivered to New Hampshire, where they go, their health or behavior. Those transfers that are done following the rules are known about, whereas others are not, such as the dogs sold in parking lots in our state. We are hearing of health and behavioral problems that may not be reported. While the committee believes we need to get a better handle on out of state transporters as some of neighboring states have done, we do not think the bill is ready for passage. We also have a problem with the fiscal note that says a new hire is needed, which the bill does not fund. The committee recommends unanimously that the bill be studied further to better prepare legislation for passage next term. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1128, proclaiming the second week in September as Patriot Week. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill requires the Governor to declare the second week of September of every year as Patriot Week. The sponsors anticipate that this will encourage appropriate activities to be included in all schools. While the committee recognizes the good

intentions of the bill's sponsors, it does not see any significant need for, or benefit from, statutory intervention in this regard. We believe NH schools, students and citizens are already imbued with love for their state and country; and our towns and cities are, and should continue to be, the focal points of citizenship activities. **Vote 14-2.**

HB 1142, relative to employee compensation at certain hospitals. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. The bill sought to limit the compensation of non-profit hospital CEOs to 100 times that of the lowest paid full-time employee. The testimony was about a prior non-profit hospital executive receiving over \$1 million, but that employee is no longer there and this is no longer the case. Concerns were raised by opponents of the bill that included that there were no appropriations for enforcement of the provision and that the definition sections was overly broad and even included "loans to be repaid". During the executive session, the committee felt that the government did not have any business regulating how much non-profits pay their employees. Furthermore, in 2012 the NH Attorney General's office funded a study on this particular issue: "Executive Compensation at New Hampshire's Non-Profit Hospitals." The New Hampshire Center for Public Policy Studies reviewed the New Hampshire's health care system and the finances of the state's hospitals and concluded "The majority of non-profit hospitals in New Hampshire meet the IRS standards for executive compensation practices, .. Moreover, New Hampshire CEO compensation levels, on average, are roughly in line with those in other New England states". **Vote 13-0.**

HB 1167-FN, repealing the administrative procedure act. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would repeal the Administrative Procedure Act (RSA 541-A). At present, RSA 541-A specifies the process by which state agencies make rules that follow from and implement legislation. These rules are reviewed by the Joint Legislative Committee on Administrative Rules (JLCAR). JLCAR serves as a check and balance on executive actions, i.e. the agencies. Without RSA 541-A, there would not be guidance, restraint, or oversight on agency rulemaking. The consequence of such a repeal would have a devastating effect on the ability of state agencies to carry out the will of the legislature in rulemaking. **Vote 12-0.**

HB 1213-FN, repealing athletic trainer license requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. This bill would have repealed the licensing for athletic trainers. In order to be licensed, athletic trainers must have a four year degree with a concentration in athletic training. The committee, with the agreement of the sponsor, determined that licensure should remain in place for these professionals. **Vote 14-0.**

HB 1226, relative to administration of pharmaceutical agents by optometrists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. Currently optometrists are the only independently practicing licensed health professionals whose regulatory board does not fully control the list of medications they are allowed to prescribe. This bill completes the effort, started a number of years ago, of moving formulary decisions from a Joint Pharmaceutical Formulary and Credentialing Committee to the Board of Optometry. Because the Board of Optometry meets more often, it can make formulary decisions regarding new medications faster than current practice. The medicines that are involved are typically schedule III and schedule IV medications. The ophthalmologists objected to the bill as filed and worked with the optometrists on language upon which both parties agree. **Vote 15-0.**

HB 1245-FN, relative to petitions for adoption of rules under the administrative procedures act and incorporation of documents by reference. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill is offered by the leadership of the Joint Legislative Committee on Administrative Rules (JLCAR) to address some procedural glitches in current regulatory language. As such, it is a housekeeping bill for the JLCAR to facilitate better communications between stakeholders and oversight boards. **Vote 14-0.**

HB 1246-FN, relative to speech-language assistants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Christie for Executive Departments and Administration. This bill was requested by the Board of Speech Language Pathologists and has the full support of both the board and the Department of Education. The bill, with the amendment, exempts individuals employed in public and private schools from licensure if they work under the direction and supervision of a licensed speech-language pathologist or a certified speech-language specialist. **Vote 14-0.**

HB 1255, designating May 19 as a Day of Compassion. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Hansen for Executive Departments and Administration. This bill would amend state law to require the Governor to proclaim May 19 as a Day of Compassion on an annual basis. The bill was intended to encourage teachers in the state to cultivate compassionate thinking and actions through programs such as assemblies, classroom exercises, or other age appropriate means. The committee was deeply impressed by the

sponsor's concern for the well being of our young people, her sincere intentions, and informative delivery of the potential affects passage of the bill would yield. The majority of the committee felt that while the merits of the idea were worthy, the subject matter could be best taught on a continuing basis by parents and through existing educational programs. **Vote 13-1.**

HB 1294, relative to exemptions from licensure as a massage therapist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. Bowen Therapy uses very light touch to align the autonomous nervous system to allow the body to heal itself. The current statutes currently exempt polarity therapy and therapeutic touch from regulation under the massage theory statutes. This bill would just add this one additional therapeutic treatment to the list of exempt practices. No one showed up in opposition to the bill and the practitioners spoke about national standards that were already in place to oversee this technique. The committee saw no harm in removing this technique from regulation under the massage therapy practice act. **Vote 16-0.**

HB 1357, relative to the duties of the department of cultural resources. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill, with the amendment, establishes the Division of Film and Digital Media within the Department of Cultural Resources. The mission of this division is to market and promote film, video and digital media production for the purpose of strengthening the cultural, educational and economic impact of media production in New Hampshire. The Committee heard testimony that these media forms are becoming a more vibrant part of our economy and as such require resources dedicated to amplifying and enhancing the contributions of this sector. Support for this legislation is intended to recognize an important part of our economy. **Vote 13-1.**

HB 1424-FN, establishing an office of program evaluation and government accountability. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Beaudoin for Executive Departments and Administration. This bill establishes a new state office under the direction of a joint legislative committee. The office would be responsible for evaluating state agencies and programs and, if the committee deemed necessary, local and county agencies and programs. In addition, the office would ensure that public funds provided to local county governments, and many other non-profits and quasi-municipal organizations, is spent for the designated purpose. The committee was unanimous in its feeling that, though well-intentioned, the bill was too broad in scope and lacked a funding source. Further, the Audit Division of the Legislative Budget Assistant's Office is already set up to conduct performance audits and financial audits of state agencies and programs. Therefore, the committee felt that this bill was not necessary. **Vote 16-0.**

HB 1580-FN, removing the real estate commission from the office of professional licensure and certification. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration. In the last legislative session, the boards that regulate the various professions licensed by the state of NH were brought under the Office of Professional Licensing and Certification (OPLC). The Real Estate Commission was one of the agencies included in this consolidation. There was a great deal of conflicting testimony on this bill. Some boards, previously under the Joint Board (the immediate predecessor the OPLC), were satisfied with the new arrangement. The Real Estate Commission, not so much. Were we witnessing growing pains or a fundamental incompatibility? A performance audit of the Real Estate Commission has been scheduled. The committee decided to wait for the results of the audit and is recommending Refer for Interim Study as a means for the committee to monitor the situation. **Vote 16-0.**

HB 1588, relative to employment restrictions on former executive branch commissioners, and repealing certain prohibitions on employment of state employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. The bill, with the amendment, removes two current prohibitions that are in statute regarding employment after working as a state employee. These prohibitions apply to certain employees in two state agencies. The current statutes are overly restrictive and would prohibit a large office supply firm, [hypothetically Staples] from selling paper to the state if any "commissioner, deputy commissioner, financial data manager, accounting director, or director of procurement and support services of the department" decided to even work in one of their retail locations as a clerk. The penalties for the firms that hire these higher level employees is loss of business for 5 years with the state. Testimony was given that positions were hard to fill given these "non-compete" requirements, even if the new job had no conflict of interest. The committee was very sensitive to the public perception of a revolving door policy and the Chairman has called for a study of the current prohibitions regarding future employment after working for the state. That study will take place over the summer. There is already another general prohibition in place in regarding future employment under RSA 21-G:26 that prohibits for a period of 6 months any executive branch official from directly lobbying the state on behalf of a client. The bill leaves this general prohibition untouched. **Vote 13-0.**

HCR 11, encouraging and commending the governor and council to open meetings of the council with an opening prayer. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This House Concurrent Resolution seeks to encourage an opening prayer at Governor and Council meetings. It elicited articulate and principled testimony in opposition as to its basis, purpose, premise and language. The committee believes the Governor and Council need no guidance from the House as to its practices, nor would they likely welcome our oversight. **Vote 14-1.**

FINANCE

HB 218-FN, (New Title) relative to third grade proficiency in mathematics. **INEXPEDIENT TO LEGISLATE.** Rep. Joseph Pitre for Finance. This bill would amend RSA 198:40-a, II-a for an additional \$675 (adjusted to the consumer price index in subsequent years, \$710.71 for FY2018) for each third grade pupil in the public school's ADMA in the determination year who has not tested at the proficient level or above in the mathematics component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year. This would increase FY 2018 Adequate Education Grants based on FY 2017 preliminary data to an estimated additional cost of \$309,471. The committee felt that this affected only a small part of the student population at each school within districts and could be corrected with targeted differentiated instruction. The number of students in this category was distributed quite evenly with zero to ten affected students in each district with a comparable distribution among larger school populations. The committee believes the additional benefit from this formula change was not worth the cost. **Vote 24-1.**

HB 231, (New Title) relative to the criteria for evaluating school building aid applications. **OUGHT TO PASS.** Rep. Kenneth Weyler for Finance. This bill adds to the criteria for scoring requests for school building aid. In response to the present circumstances of declining enrollments, some districts are consolidating their buildings. This creates savings for operations and hopefully lower property taxes. It also credits any safety projects that the district already paid for with some points. The bill came to the Finance Committee to ensure that passing the bill did not reopen the budget, or obligate money in violation of the moratorium on building aid. With that reassurance we are in favor of the bill. **Vote 25-0.**

HB 549-FN-A-LOCAL, (New Title) relative to school building aid grants. **INEXPEDIENT TO LEGISLATE.** Rep. Kenneth Weyler for Finance. The concept of school building aid was vital to our state in past decades when growing student populations put great pressure on communities to add new school buildings. Most of this past decade has seen significant declines in enrollment. Therefore, the legislature saw less urgency in this part of the budget versus some others. We have had a moratorium on school building aid. Since the state is paying portions of school building bonds that were passed with 20-year payments, we are still obligated well into the future. These collective shares peaked at \$50 million in our budget and then began to decline as older bonds were paid off. In the present budget, the House position was to sustain the level at \$50 million, but with bond maturities, we would have had \$8 million to spare in FY16, and \$13 million in FY17. This scheme did not survive the Committee of Conference, where money was reduced to bond payments only. This bill proposes to restore the House position but reduces all the previously agreed state portions, which ranged from 30% to 60%, to 25% to 55%, so each of the five categories is reduced by 5%. Although the committee appreciates the effort, the changing priorities in our budgeting have brought competing issues to more prominence, and we are not ready to bring school building aid back. **Vote 25-0.**

HB 585-FN-A, (New Title) relative to penalty assessments. **INEXPEDIENT TO LEGISLATE.** Rep. Peter Leishman for Finance. The bill provides a funding source for several very worthy programs. However, the majority could not support placing penalty assessments on administrative fines imposed by the NH Liquor Commission on license holders as a source of funding. The bill contains no appeal process to challenge the proposed 24 percent penalty assessment or the fiscal impact to collect the proposed penalty assessment. Allowing the Liquor Commission or any other state agency or commission to assess penalties without a right of judicial oversight is inequitable. **Vote 25-0.**

HB 1215-FN-A, changing the allocation of penalty assessment funds, establishing a compensation fund for victims of crimes against the person, and continually appropriating a percentage of penalty assessments to such fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Eaton for Finance. While well intended, HB 1215 would have significant unintended consequences. The bill would reallocate the part of the penalty assessment fund that supports the Police Standards and Training Council. NH law requires all law enforcement to attend the academy and be certified. Without the penalty assessment money, the academy would cease to exist, placing officers and their communities in violation of state law. The sponsor wanted the money to fund victims of crime. If police have no ability to meet the state training mandate, there would be no one to certify that a crime had occurred thereby leaving victims doubly victimized. **Vote 25-0.**

HB 1228-FN-A, requiring the payment of an amount paid to redeem real property and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Walsh for Finance. The members of the committee felt that the Legislature was not the agency for appealing for the recovery of monies or property taken in 1993. Rather, it should have been handled as a legal matter requiring the services of an attorney and seeking remedies through the judicial system. This bill requires that the monies be paid from performance bonds held by the state, which is not allowed under state law. **Vote 24-0.**

HB 1447-FN, relative to child support paid through the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for Finance. This was a bill that addressed a citizen's request for better information regarding support payments. However, the Department of Health and Human Services has already taken steps to fix the problem and will have a new system in July that should be up, running and available for use by August or September making this bill unnecessary. **Vote 25-0.**

HB 1592-FN, relative to the health care premium contribution for retired state employees who are over 65 years of age, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne Ober for Finance. This bill was a companion bill that was intended to introduce additional options for the Department of Administrative Services in the management of the NH state retirement health benefits. After exploring the details of the option and the insufficient time for implementation, the prime sponsor requested the bill be voted Inexpedient to Legislate. **Vote 25-0.**

HJR 4-FN-A, recognizing the failure of the clerk of the supreme court to process a notice of errors and requiring payment of certain money to Joseph Haas. **INEXPEDIENT TO LEGISLATE.**

Rep. David Danielson for Finance. Citing RSA 93-B this resolution seeks a payment of \$42,500 plus 5% annual interest to Mr. Joseph Haas for a reported loss attributed to non-performance of a supreme court clerk's performance in FY 1994. After hearing testimony and considering the response of the Judicial Branch, citing RSA 93-B:1-a, that the bond coverage provided by the Department of Administrative Services provides coverage to the state and not individuals, and learning that a suit would have to be brought against the state for recovery, and learning that since the loss is over 20 years old, it would be time barred, the committee voted Inexpedient to Legislate. **Vote 24-0.**

HJR 5-FN-A, making a payment to Joseph Haas for compensation for unlawful incarceration. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Spanos for Finance. This bill was filed on behalf of one individual for an action that occurred in Grafton County jail in 1984. The bill requests monetary damages to be paid from the performance bond of the superior court judge and clerk. State law prohibits paying damages from any performance bond to any individual, making it impossible to implement this bill. **Vote 24-0.**

HJR 6-FN-A, making a payment to compensate Edward Brown for an illegal action. **INEXPEDIENT TO LEGISLATE.**

Rep. David Danielson for Finance. Citing RSA 93-B this resolution seeks a payment of \$150 to Mr. Edward Brown for a claim of alleged theft of filing fee. This payment would come from a performance bond maintained by the Department of Administrative Services. After considering testimony and comments from the Judicial Branch, it was determined that the bond is maintained by the Department of Administrative Services and that the coverage is for losses to the state, not to individual citizens. Therefore, the bond is not available for payment to any individual or entity other than the state. The individual would have to bring suit against the state for recovery of the alleged loss. Without such a suit, the Judicial Branch stated, there could be no fiscal resolution to this claim. **Vote 24-0.**

SB 155-FN-A, (New Title) establishing the Financial Resources Mortgage (FRM) victims' contribution recovery fund for victims of the FRM fraud and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Spanos for Finance. This bill establishes a process for restitution assistance for victims of the Financial Resources Mortgage (FRM) fraud. The committee amendment will set up a fund for the first six years for donations for the victims of the FRM scandal and the bankruptcy. After six years this fund will be sunset, but if future donations are received, they will be added to the Victims Assistance Fund and distributed to FRM victims who have applied. This requires no state dollars, as a private administrator will administer and distribute funds according to the provisions of this bill. The private administrator will receive no more than 10 percent of the private donations as remuneration. **Vote 23-2.**

FISH AND GAME AND MARINE RESOURCES

HB 1100, relative to licensure of guides by the fish and game department. **INEXPEDIENT TO LEGISLATE.** Rep. Douglas Long for Fish and Game and Marine Resources. After testimony, the committee felt that licensed guides need to be held to a higher standard of safety and responsibility, with appropriate repercussions for failing in this regard. This bill would weaken this standard. The Department of Fish and Game opposes the bill. **Vote 13-0.**

HB 1106, relative to days on which fishing is permitted without a license. **INEXPEDIENT TO LEGISLATE.** Rep. Ivy Vann for Fish and Game and Marine Resources. The committee is in favor of another bill (HB 1286) that it has heard on the same subject, which the committee believes is more effective. **Vote 11-0.**

HB 1136, authorizing the fish and game department to grant awards for solutions to reducing the Asian shore crab and European green crab populations. **INEXPEDIENT TO LEGISLATE.**

Rep. Ivy Vann for Fish and Game and Marine Resources. The committee voted to oppose the bill because no mechanism for raising the money for the awards was provided. Additionally, the Department of Fish and Game can already entertain proposed solutions for crab control from citizens. **Vote 13-0.**

HB 1176, relative to nomination and qualification of fish and game commissioners. **REFER FOR INTERIM STUDY.**

Rep. Jonathan Manley for Fish and Game and Marine Resources. This bill needs more study and is not yet ready to become a law. **Vote 12-0.**

HB 1177, relative to permission required for baiting for game on the property of another. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Manley for Fish and Game and Marine Resources. This bill removes the requirement that a person, before baiting for game on the property of another, must first file with the local conservation officer the written permission granted by the property owner and a map showing the bait site. All testimony received by the committee on this bill was in opposition, including that of the sponsor. **Vote 13-0.**

HB 1191, establishing an exotic game license for hunting in a game preserve. **INEXPEDIENT TO LEGISLATE.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill was targeting one specific organization in the state, and the exotic animals are private property exactly like farm animals. Asking someone to pay the state for a license to kill private property is a violation of private property rights. **Vote 11-2.**

HB 1267, relative to the family hike safe card for fish and game search and recovery expenses. **OUGHT TO PASS.**

Rep. Ivy Vann for Fish and Game and Marine Resources. This bill changes the definition of family to include dependent adults for the purpose of coverage under a family hike safe card. Such individuals should enjoy the benefits of a hike safe card since they are members of the family. **Vote 11-0.**

HB 1268, relative to liability for payment of expenses of search and rescue recovery by the fish and game department. **OUGHT TO PASS.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill gives further clarification to the situations in which the Department of Fish and Game can recover expenses from individuals for rescue operations by strengthening the ability to seek restitution in the courts from those who acted recklessly. **Vote 11-0.**

HB 1286, relative to days when fishing without a license is permitted. **OUGHT TO PASS.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill allows the Department of Fish and Game to add an extra promotional day of fishing in a calendar year when no license is required. The extra day chosen may be in the winter so people would get a chance to experience ice fishing. Hopefully, this will get more people interested in fishing. **Vote 11-0.**

HB 1383, repealing the penalty for carrying away seaweed at night. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Manley for Fish and Game and Marine Resources. The law that this bill seeks to repeal is a needed protection for live seaweed. With words such as "below high water mark" and "harvest," it is clear the law covers live plants that should have this restriction. With only 18 miles of shoreline, New Hampshire could quickly be depleted of this natural resource by unregulated activity. **Vote 13-0.**

HB 1388-FN, expanding crossbow use into muzzleloader season. **OUGHT TO PASS.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill allows a person who has purchased a muzzleloader license to hunt deer with a crossbow. This will generate revenue for the Department of Fish and Game and also allow for better deer management in the troubled compact areas where muzzleloaders cannot be discharged. **Vote 12-1.**

HB 1519, relative to the season for taking bear using dogs set by the executive director of fish and game. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Long for Fish and Game and Marine Resources. The sponsor was able to work out a resolution with the Department of Fish and Game concerning the issue addressed by the bill, and so the bill is no longer necessary in the opinion of the sponsor and the committee. **Vote 13-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1124, relative to the membership of the occupational therapy governing board and relative to equipment used in respiratory care practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill originally had two parts; the first part made a change in the membership of the occupational therapy governing board and the second part addressed requirements surrounding the delivery and installation of respiratory care equipment. The testimony on the second part of the bill raised more questions than it answered, so the amendment removed the second part of the bill. As amended, the bill simply omits the requirement of a physician on the board governing occupational therapy, and adds one more occupational therapist to the board. The physician member is not needed because occupational therapists are not supervised by physicians, and it has been difficult to fill this position. **Vote 17-0.**

HB 1138, relative to access to investigational drugs, biological products, and devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill establishes the Terminal Patient's Right to Try Act which allows a patient with a terminal illness access to investigational drugs, biological products and devices. The committee felt strongly that terminal patients deserve this option. The bill protects the rights of all involved. Similar bills have been enacted in other states. **Vote 15-0.**

HB 1209, relative to consultations under the telemedicine law. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Freitas for Health, Human Services and Elderly Affairs. The law currently requires a face to face connection between practitioners and patient in telemedicine. This bill would remove the face to face requirement, services being provided via telephone only. The committee believes that current practices already provide a telephone level of service to patients. **Vote 18-0.**

HB 1210, relative to prescriptions for controlled drugs by telemedicine. **OUGHT TO PASS.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This legislation extends the use of telemedicine care. It provides for a prescriber to continue the treatment of an established patient after the patient moves, for example, telemedicine allows the provider to monitor, prescribe and plan for follow-up care. For example, an established patient who moves to attend college can continue their care with their provider. This includes individuals who are receiving care at a community mental health center, or those in an opioid treatment center. **Vote 18-0.**

HB 1256, requiring the attorney general to prepare an inventory of all untested rape kits. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill would require the NH Attorney General's office to inventory all collected, but untested rape kits. Extensive testimony revealed that the state forensic lab does a great job with processing rape kits and has no significant backlog. It was also pointed out that the New Hampshire Coalition Against Domestic and Sexual Violence monitors all collected rape test kits and, therefore, the bill is not needed. **Vote 15-0.**

HB 1269, extending the New Hampshire health care quality assurance commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill, as amended, adds a second public member to the commission, and extends the term of the commission to 2021. The commission performs a vital function, as it provides a forum for health care institutions to discuss and share information about safety issues and best practices. This contribution to patient safety and quality of care is valuable and should be extended. **Vote 17-0.**

HB 1273, requiring a medical care provider to inform a woman who is discovered to have dense breast tissue. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill requires health care providers performing mammography testing to send a notice to women who have dense breast tissue containing information about breast density. The committee heard from a Radiologist explaining the reports presently being provided to every person who has a mammogram. These reports were found to be detailed and adding further requirements unnecessary. **Vote 18-0.**

HB 1285, relative to the donation of food that has passed its expiration date. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill extends the hold harmless protection for donors of food products from criminal penalties and civil damages to include food used for animal feed, or composting unless damage is caused by gross negligence, recklessness, or intentional misconduct. **Vote 15-2.**

HB 1309, adding post-traumatic stress disorder to qualifying medical conditions under therapeutic use of cannabis. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill adds post-traumatic stress disorder to the qualifying medical conditions under therapeutic use of cannabis. The committee believes that changes should not be made prior to the implementation of the medical marijuana law prior to its complete roll-out. This is not to disagree that our veterans suffering from posttraumatic stress disorder would benefit from this inclusion. However, it was also believed that many with substance abuse coexisting conditions may not benefit. The committee believes that it is too soon to be making any changes. **Vote 16-0.**

HB 1324, relative to membership of the oversight committee on health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. The Oversight Committee on Health and Human Services is a long standing joint committee of the House and Senate. The House and Senate members are appointed from the health policy committees. In addition, the committee membership was extended to include a member of the House Finance Committee as significant health legislation is often referred to the Finance Committee. The committee feels the present membership is appropriate to carry out the responsibilities assigned to the committee. **Vote 18-0.**

HB 1394, requiring the department of health and human services to report on the effectiveness of mental health treatment programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill requires the department of health and human services to make an annual report on the effectiveness of mental health treatment programs. As amended, this bill prevents funds for services from lapsing and thus being unused from year to year. This will allow the appropriation to proceed forward for Developmental Services. The bill extends the non lapsing of appropriations through June 30, 2017, thus providing time to effectively analyze effectiveness of the programs. **Vote 15-0.**

HB 1406, establishing a commission to study the termination of Medicaid benefits when a person enters certain state institutions or county correctional facilities. **REFER FOR INTERIM STUDY.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. The committee supports the sponsor's concerns about their complex issue. We are assured by the NH Department of Health and Human Services that conversion from termination of benefits to suspension of benefits with incarceration is progressing well towards resolution. **Vote 17-0.**

HB 1423-FN, relative to rulemaking for prescribing controlled drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The bill, as amended, sets out a timetable for rulemaking about the prescription of controlled drugs and sets out detailed requirements as to the many issues that the proposed rules must address. The major provisions of the bill apply to six boards: medicine, dental exams, nursing, optometry, podiatry and naturopathy. The intent is to specify what issues each board must address, but to let each board adopt standards which are appropriate to their areas of practice. Areas to be included in rulemaking are the taking of medical history, patient examiners, risk assessment documentation of treatment plans, querying the prescription and drug monitoring program data base. The requirements recognize the differing approaches needed for treatment of acute pain and chronic pain. Specific attention is given to requirements for prescription in emergency rooms, urgent care settings and walk in clinics. A separate section of the bill requires the board of veterinary medicine to propose rules for the prescription of opioids for use of treatment of pain in animals, and measures to be taken to ensure medicine prescribed is not being diverted. **Vote 16-0.**

HB 1425-FN, restricting the use of food stamps in convenience stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill sought to limit "food stamp" purchases to only milk at convenience stores. Strict guidelines are issued from the USDA, which administers the program on what categories of items a store has to sell in order to be qualified to accept the Supplemental Nutrition Assistance Program (SNAP) benefits. The sponsor believed that recipients could purchase food at grocery stores to get a better price for food. The committee believed that this bill is discriminatory and not within the ability of the state to implement. **Vote 15-0.**

HB 1429, relative to the use of microbeads in personal care products and over-the-counter drugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. Microbeads used in beauty products can cause problems with water treatment facilities. They do not disintegrate and can cause problems for wildlife. This bill is no longer needed because a federal law has been passed which regulates use. **Vote 13-0.**

HB 1464-FN, relative to monitoring visits to child day care agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. The committee understood the sponsor's view for only announced inspections for day care. The Department of Health and Human Services testified that the funding the state receives for day care is in the form of a block grant and it mandates that the de-

partment conduct unannounced inspections. The department also testified that if they arrive at a center or day care and it was inconvenient or an activity was happening, that the department would be flexible and conduct the inspection on another day. **Vote 18-0.**

HB 1490, relative to collaborative practice between pharmacists and health care practitioners. **OUGHT TO PASS.** Rep. James MacKay for Health, Human Services and Elderly Affairs. This legislation upgrades the qualifications, standards and supervision of collaborative pharmacy agreements between pharmacists and health care practitioners. Health care systems are undergoing significant changes nationally and in New Hampshire. Pharmacists occupy a significant place in the delivery of healthy services. Specifically, pharmacists have expertise in dealing with people who have multiple chronic conditions and the increased use of more complex medication. This legislation was the unanimous product of the Commission to Study the Standards for Collaborative Practice. **Vote 13-0.**

HB 1501, relative to qualifying medical conditions for the use of cannabis. **INEXPEDIENT TO LEGISLATE.** Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill, having been fully vetted by the committee and being determined to be Inexpedient to Legislate, is felt it is not an addition that needs to be adopted at this time. It is the finding of the committee that the current law has not been fully implemented and we should allow time for it to go into effect as originally passed before making changes or additions. **Vote 15-0.**

HB 1537-FN, relative to testing for Lyme disease. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. This bill requires health care providers to send certain information to persons being tested for Lyme disease. While expressing concerns for issues raised by the sponsors and receiving assurances from the appropriate society that they would work with the sponsor to address these concerns, the committee reaffirmed a strong reluctance to commit medical information, or recommendations to statute. **Vote 18-0.**

HB 1541-FN, prohibiting placement of certain persons with a mental illness in the secure psychiatric unit, and authorizing the commissioner of the department of corrections to seek therapeutic alternatives. **REFER FOR INTERIM STUDY.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. There has been considerable discussion over the past several years about the location and operation of the Secure Psychiatric Unit (SPU) presently operated by the NH Department of Corrections. Thoughtful studies were conducted in 2006 and 2010. This present legislation provoked considerable concern about the present location of the SPU. However, there was considerable concern about potential unintended consequences from passage of this legislation. It is the hope of the committee that a robust Interim Study committee can move this serious issue forward. **Vote 17-0.**

HB 1542-FN, requiring drug testing of public assistance recipients. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The bill requires an invasive and suspicious drug test of all public assistance recipients. Recipients of public assistance do not surrender their constitutional rights. Courts have already held that the state may not deny an individual benefits because the individual has exercised his or her constitutional rights. Nor may an entire class of citizens be denied their constitutional rights. There is no documentation that drug use in this population is any greater than that of the general population. In addition, the program would likely cost more to administer than it would save in benefit costs. **Vote 18-0.**

HB 1634-FN, relative to the penalty for possession, use, or sale of fentanyl. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Schmidt for Health, Human Services and Elderly Affairs. This bill was found inexpedient to legislate as the penalty for fentanyl use, or sale, was addressed previously in Senate Bill 576 which has already been signed into law. The bill sponsor agreed that this bill was no longer necessary. **Vote 18-0.**

HB 1648-FN, relative to sales by pharmacists under the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill authorizes pharmacists to fill a prescription for certain controlled drugs for a 34-day supply or 100 dosage units, whichever is less. This bill is similar to HB 1423-FN, relative to rulemaking for prescribing controlled drugs which was recommended ought to pass as amended by the committee. Therefore this bill is deemed to be unnecessary. **Vote 16-0.**

HB 1661-FN, relative to conversion therapy seeking to change a person's sexual orientation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill as amended prohibits licensed counselors to engage in conversion therapy with a person under 18 years of age. It also allows unlicensed counselors to be sued over conversion therapy. The committee heard overwhelming testimony as to the harms of conversion therapy and no evidence that it is even effective. **Vote 17-0.**

HB 1662-FN, relative to abortion-inducing drugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. Without demonstrating a compelling need, this bill would set several precedents in addressing abortion including requiring use of FDA guidelines

rather than the medical standard of practice, requiring admitting privileges for an outpatient procedure and requiring a contract with her physician to handle procedure complications. Furthermore, it would apply criminal penalties for activities under the jurisdiction of the Board of Medicine. **Vote 16-1.**

HB 1664-FN, relative to pharmacy benefit managers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill requires certain provisions to be included in contracts between carriers or pharmacy benefit managers and pharmacies. The committee heard concerns from pharmacists relative to maximum allowable cost pricing ("MAC"), which is a tool used by pharmacy benefit managers to control prescription drug costs. The bill establishes requirements that pharmacy benefit managers provide certain information relative to "MAC" pricing to pharmacists and include a process to appeal, investigate and resolve disputes. All stakeholders, including the pharmacists, the pharmacy benefit managers, and the department of insurance agreed to the bill as amended. **Vote 16-0.**

HB 1665-FN, adopting the interstate medical licensure compact. **OUGHT TO PASS.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill allows the State of New Hampshire to join with other states in the formation of a medical licensure compact. Committee support for the concept was unanimous. Being a member of the compact will allow a licensed physician in one state that wishes to practice in another state, to not have to duplicate all of the history that is required for an initial license. Each state the physician holds a license in will have the renewal requirements and the licensee needs to satisfy each license. This does not lower any requirements. **Vote 18-0.**

HB 1680-FN, extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill, as amended, extends for one year to June 30, 2017 the suspension of prior authorization requirements for a community mental health program for drugs used to treat mental illness. The committee is persuaded that this moratorium should not be lifted without having additional safeguards in place to protect both patients and public safety. **Vote 16-0.**

HB 1681-FN, relative to hypodermic syringes and needles containing trace amounts of controlled drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. The bill is relative to hypodermic syringes and needles containing residual amounts of controlled drugs. Exchanging needles with residual amounts of controlled drugs is not illegal. Needle exchange programs will provide a point of access for reaching AD-DICTED people. This access has been shown to improve the health of addicts. More importantly this bill will help protect the wider public from impending outbreaks of Hepatitis C and HIV. **Vote 15-0.**

HB 1698-FN, relative to an integrative approach to substance abuse disorders. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill requires treatment and recovery programs for substance abuse disorders to use an integrative approach, including homeopathic remedies, when treating patients. All boards such as medical and nursing will be releasing new rules asking for consideration of all modalities available when treating substance abuse. The committee felt these new rules would be adequate. **Vote 18-0.**

HB 1701-FN, relative to specialty care in drop-in or walk-in clinics. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill clarifies licensure for facilities offering specialty care for drop-in or walk-in patients.

This bill presented extensive controversy in the committee debate that it was decided the best course of action was to ITL the bill rather than possibly do unexpected harm. **Vote 16-1.**

JUDICIARY

HB 1109, relative to notice of offer for property in eminent domain cases and making the condemning entity liable for reasonable attorney's fees in certain cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would make the taking entity in an eminent domain case liable for attorney's fees if the property were undervalued by 20% and, in all eminent domain cases, offer at least 300% of the fair market value of the property. The majority recognized that in some cases the appraisal might undervalue the property, but extending the 300% benchmark to all cases would be unfair to the taker and, in many (perhaps most) cases unnecessarily burden taxpayers. **Vote 17-1.**

HB 1115, relative to the laws governing the citizens of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary. Although some members regret the extent of regulations, rules, local ordinances and the like which have the force of law, a strong majority recognized the chaos which would ensue if this bill became law. The intention of this bill is to make this legislature, and the United States Congress, the sole source of law in this state. It would be physically impossible to place this burden on this body and the result, if enacted, would be unfortunate. **Vote 13-1.**

HB 1166-FN, appointing personal representatives for persons who had founded petitions before the house committee on redress of grievances. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would have the Attorney General appoint a personal representative to pursue the legislative remedies in reports from the now disbanded Committee on Redress of Grievances. The committee believes these remedies either have been or could be pursued through the normal legislative process making this bill unnecessary. **Vote 14-1.**

HB 1196, relative to the amount of a money judgment for unpaid rent. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill sought to increase the maximum money judgment order in an eviction case from \$1,500 to \$5,000. The committee believes that this would cause many more evictions to move to Superior Court, defeating the purpose of the increase. **Vote 14-0.**

HB 1204, relative to payment of rent pending the stay of an eviction proceeding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for Judiciary. This bill as amended allows a tenant and a landlord to negotiate and enter into an agreement to pay past due rent, which includes an agreement of the tenant to waive any right to appeal. This agreement allows the tenant to remain in their home if timely payment of arrearage and future rents are made. **Vote 18-0.**

HB 1216-FN, requiring public bodies and agencies to provide information which is not regularly kept or reported upon payment by the requestor. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for Judiciary. RSA 91-A:4 grants all citizens the right to inspect governmental records. However, the statute explicitly states that public bodies or agencies are not required to compile, cross reference, or assemble information into a form in which it is not already kept. This bill would reenact that portion of the law to require public bodies and agencies to compile and report information that is not normally kept after receiving payment by the requestor. The supporters of this bill testified that repeated Right to Know requests were refused on the grounds that the data requested was scattered and would require compiling. They believed that this bill would address the issue by mandating the compilation. The committee unanimously agreed that while there were some cases where compilation could be easily achieved, there were many more cases where this would not be so, and that the bill was so broadly written that it would have the impact of turning agencies into data researchers. Public bodies and agencies do not have the resources to execute this kind of work on a large scale. The current Right to Know statute grants anyone the right to inspect any document for free, and it has no restrictions on how the requestor may choose to compile or tabulate that data after it has been received. The committee therefore felt that this bill was unnecessary and burdensome. **Vote 12-0.**

HB 1218, relative to levy of executions on shares in any corporation. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This bill attempts to add a criminal penalty to civil litigation. The language of the bill is directed to "officers" of a corporation who fail to give appropriate notice of the sale in two adjoining towns, 30 days prior to the sale. Failure to provide this notice would result in a "penalty" and find an "officer" guilty of a "violation" and subject to a "fine" equal to the value of such shares or interest. This is inconsistent and contrary to the civil law in New Hampshire. **Vote 15-0.**

HB 1276, relative to a taxpayer's application for a property tax abatement. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill seeks to allow a taxpayer to raise constitutional issues when seeking a tax abatement. The committee believes that tax abatement boards should not be asked to rule on such issues. **Vote 17-1.**

HB 1306, allowing periodic payments of judgments to include assignment of wages. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for Judiciary. This bill would allow the court to order judgment in some circumstances to be deducted from wages by employers. The sponsor agreed that the bill needs substantial additional work. **Vote 16-0.**

HB 1333, requiring that courts provide jurors with information regarding the authority of the position of juror. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for Judiciary. This bill seeks to educate jurors as to their authority by requiring that courts provide educational information to prospective jurors with their juror qualification forms. The bill also specifies the language of the information to be provided. While some members of the committee felt that there might be value to an educational brochure or pamphlet, the bill as written takes language directly from literature generated by the Fully Informed Jury Association and mandates its use. The committee unanimously found the proposed language to be unnecessarily harsh and combative and believed it would inevitably create an adversarial relationship between the jury and the judge. **Vote 16-0.**

HB 1370, relative to termination of tenancy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Horrigan for Judiciary. This bill, as amended, represents a compromise between landlord and tenant advocates. Landlords would benefit because 7-day evictions could be carried out when tenants fail to

establish utility service, or when unauthorized persons stay on the premises for extended periods. Tenants would benefit because evictions (either 7-day or 30-day) would require a writ of summons, which must be filed in the district court for the municipality where the property is located. **Vote 10-1.**

HB 1413, establishing a commission to study processes to resolve right-to-know complaints. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill would establish a commission to study processes to resolve Right to Know complaints. The bill as written would create a narrow and unbalanced commission membership. It includes a Right-to-Know New Hampshire lobbyist and fails to include other significant stakeholders. Suggestions for a more balanced membership were discussed at the hearing on this bill, however, no amendment was offered. In addition, the focus of study by the commission is about creating an ongoing board or commission to adjudicate citizen Right-to-Know complaints. The committee did not support this concept. **Vote 11-3.**

HB 1418-LOCAL, relative to the minutes of nonpublic sessions of public bodies. **OUGHT TO PASS.**

Rep. Mark McLean for Judiciary. This bill addresses the type of information that is to be included in the minutes of nonpublic sessions under the Right to Know law. Testimony revealed that there is confusion as to what should be in the contents of nonpublic minutes and this has led to a wide variation in the application of the law in cities and towns throughout the state. The bill creates consistency by clarifying that the same content that is contained in public minutes must also be contained in nonpublic minutes. In addition to this, the nonpublic provisions that allow for the sealing of minutes containing sensitive information are untouched by this bill. Thus, the right to keep sensitive information confidential is preserved. This bill had broad support from both Right to Know activists and the New Hampshire Municipal Association. **Vote 18-0.**

HB 1419, relative to voting records in nonpublic sessions of public bodies. **OUGHT TO PASS.**

Rep. Michael Sylvia for Judiciary. This bill makes a slight change to our Right to Know statute as it applies to the minutes of nonpublic sessions under RSA 91-A:3, III. The minutes of nonpublic sessions with this change will require that the vote of each member may be ascertained. This can be accomplished by noting a unanimous decision, those dissenting, or a roll call. The committee believes this is a simple rule which will enhance transparency as required under our Constitution's Part I, Article 8. **Vote 18-0.**

HB 1510, relative to the review of minutes of nonpublic sessions. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill requires public bodies to properly notify persons who are the subject of certain nonpublic sessions. This bill also requires public bodies to review minutes of nonpublic sessions every three years and after review such records may be sealed. This bill relates to nonpublic meetings having to do with employee dismissal, promotion, compensation, discipline, or investigations of charges against him or her. This blanket requirement of the public body to review such records every three years, by calling another nonpublic meeting to determine if the record should remain sealed, is not practical. There are decades of such records. To carry this out would result in untold financial costs, as well as time and resources. The bill lacks a fiscal note to address the financial costs. **Vote 16-2.**

HB 1569-FN, relative to volunteers under the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Woodbury for Judiciary. Under present law, volunteers performing duties at a state park, forest, reservation, trail or historic site will be defended and indemnified, in case of a lawsuit, by the Attorney General's Office and State Treasury. Umbrella organizations, corporate or non-profit do the same work, but do not have the same protection. This bill, as amended, brings both the persons and the organizations into line with one another giving both an identical level of protection. This allows the organization to function and perform valuable services to the state with confidence they will be defended and indemnified. **Vote 17-1.**

HB 1577-FN, relative to alternatives to incarceration as a criminal penalty. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. The sponsor favored alternatives to incarceration for non-violent offenders. While the committee agrees with reducing the number of incarcerations, this bill does not achieve this goal. The bill adds an unnecessary layer for prosecutors by requiring them to submit a written statement to the court, duplicating what is currently done at oral argument in court and which is recorded. Further, this bill would add additional work for the clerk of court and additional time for the judge to review the written statement. The Judicial Branch estimates the fiscal impact of this bill to exceed at least \$10,000 annually and the counties assume an unspecified cost for attorney and staff time. **Vote 16-0.**

HB 1582-FN, relative to judicial salaries. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill would eliminate the weighted caseload method of compensation for part-time district and probate court judges and require them to be paid the same salaries as full-time judges. The sponsor of the bill testified that he opposes his bill due to the prohibitive cost to the state. **Vote 15-0.**

HB 1596-FN-LOCAL, changing the marriage license requirement to a requirement that couples obtain a certificate of notice of intent to marry and a certificate of marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Judiciary. This bill proposed totally revising the law related to marriage licenses, apparently by rolling back many provisions of vital records law and marriage law to how the laws were at some point in the distant past. This bill, if passed, would severely disrupt the keeping of vital records, would delay and complicate couples' wedding plans, and would totally disregard changes to marriage law made in recent decades. **Vote 16-0.**

HB 1607-FN, relative to entering dismissals of cases by nolle prosequi. **INEXPEDIENT TO LEGISLATE.** Rep. Mark McLean for Judiciary. This bill requires that a state or county attorney seeking to dismiss a case by nolle prosequi must have the attorney general issue a written report evaluating the evidence to the parties to the case a minimum of five business days before the dismissal is sought. The sponsors of the bill felt it was necessary to prevent termination of prosecution without advance notification to the involved parties. However, this bill would create a need for the Attorney General to oversee all county attorneys and their prosecutorial decisions. This would have a substantial fiscal impact on the Department of Justice. The bill would also inhibit the discretion and flexibility of the county attorney. In many cases, the need to nol pros is immediate and the five day notification would not be able to be met. If, for example, a witness were absent or reluctant, this bill would force the county attorney to go forward with the case even though it was not ready, potentially resulting in an undesirable verdict that would prevent future prosecution. **Vote 15-1.**

HR 17, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of Governor Maggie Hassan. **INEXPEDIENT TO LEGISLATE.** Rep. Kurt Wuelper for Judiciary. This bill sought to investigate whether cause exists for impeachment of Governor Maggie Hassan. The committee could find no basis in the text of the bill or in the testimony presented. **Vote 15-0.**

HR 18, directing the house judiciary committee to investigate former superior court justices Robert Morrill and James O'Neill and retired Grafton county superior court clerk Robert Muh for violations of law and constitutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill sought to direct the Judiciary Committee to investigate several justices and clerks of court based on the assertion that they made decisions that were not constitutional and were a violation of laws. The committee found no basis in the text of the bill or in the testimony presented. **Vote 14-1.**

HR 19, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of the 5 executive councilors. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hagan for Judiciary. This bill sought to direct the Judiciary Committee to investigate whether cause exists for impeachment of all the executive councilors. This is a constituent bill to address lingering grievances against the Judiciary. No evidence was presented by the sponsor or the constituent that merited further action. **Vote 15-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1108, relative to inquiries by employers into the criminal history of applicants for employment. **REFER FOR INTERIM STUDY.**

Rep. Andrew White for Labor, Industrial and Rehabilitative Services. The bill presented to the committee would have banned employers from asking potential employees if they had been convicted of a crime on an employment application. The committee agreed the bill as presented had some technical problems on which consensus could not be gained. The committee did however support the concept of giving those convicted of a crime a second chance. The Refer for Interim Study motion will allow the committee to continue to look at all options to carry out this concept. **Vote 22-0.**

HB 1278, requiring payment of lawful money to employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew White for Labor, Industrial and Rehabilitative Services. The bill sought to punish banks and credit unions with the crime of theft by extortion for charging a non-member a fee for cashing a payroll check. Current law RSA 275:43 addresses the issue adequately making this legislation unnecessary. **Vote 13-0.**

HB 1331, relative to the membership of the compensation appeals board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew White for Labor, Industrial and Rehabilitative Services. The bill as amended makes clear the experience requirements a person must have to be appointed to the Compensations Appeals Board, which hears appeals on Workers Compensation claims. The bill came to us because the Department of Labor was having difficulty finding interested parties with the experience required under the current statute which requires at least five years of workers' compensation experience. The original bill added equivalent experience in the field of employment. The amendment requires at least five years of experience in workers' compensation law, human resources, or administrative law. **Vote 18-0.**

HB 1341, relative to employee payments to unions. **REFER FOR INTERIM STUDY.**

Rep. Tammy Simmons for Labor, Industrial and Rehabilitative Services. While the committee felt the premise of this bill deserves consideration, as written, the bill needs further study. **Vote 18-0.**

HB 1463, relative to mandatory vaccines. **REFER FOR INTERIM STUDY.**

Rep. Tammy Simmons for Labor, Industrial and Rehabilitative Services. The original bill dealt with mandatory vaccines and potential resulting workers' compensation claims from adverse effects of the vaccines. The sponsor's proposed amendment, while still dealing with vaccinations provided by employers, no longer pertained to a labor statute but to RSA 151, which the committee unanimously agreed would fall under the purview of the Health, Human Services and Elderly Affairs Committee. While both the original bill and the suggested amendment had some merit, neither, as written or suggested, has the support of the committee. **Vote 20-0.**

HB 1476, relative to prohibitions on the employment of youth. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The committee heard two bills regarding the same issue. The parties agreed to kill this bill and to amend the remaining bill (HB 1301) to deal with one combined piece of legislation. **Vote 13-0.**

HB 1512, relative to the definition of "employee" for the purposes of workers' compensation and unemployment compensation. **REFER FOR INTERIM STUDY.**

Rep. Keith Murphy for Labor, Industrial and Rehabilitative Services. This bill is intended to address the unfortunate fact that the Department of Labor and the Department of Employment Security use different definitions for the terms "employee" and "independent contractor." In some cases employers have followed the definition provided by one agency only to face penalties and interest from another agency. The sentiment of the committee was that this inconsistency is unfair and confusing to both employers and employees. However, providing a common definition proved to be a very complicated task raising issues of possible worker misclassification, and the committee was unable to achieve a solution in the short time window prior to crossover. Rather than possibly cause harm through unintended consequences, the committee felt it best to take the time to solve this problem after due consideration and input from all stakeholders. **Vote 22-0.**

HB 1523, relative to government construction contracts. **REFER FOR INTERIM STUDY.**

Rep. Jack Flanagan for Labor, Industrial and Rehabilitative Services. Although the bill was well received and has merit, it failed to address two areas of concern. First, it restricts controls set at the local level. Second, it was best suited for contracts under \$25 million dollars. **Vote 19-1.**

HB 1535-FN, relative to liability for payment of criminal record background checks and drug tests. **INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for Labor, Industrial and Rehabilitative Services. If passed, this bill would have prevented an employer from recovering the costs of both criminal background checks and drug testing. The majority believes that the employer/employee contractual relationship should not be interfered with by further legislative actions. During the hiring process, an employer will determine who is responsible for the costs of background checks and drug testing. Once employed, the employer will have already made known to the employee which party is responsible for those costs going forward. The employee, as a condition of employment, must then accept those conditions. An employee paying costs associated with employment is not uncommon. Employees in many job classifications are personally responsible for the costs of maintaining their health, expertise, licenses and training to acceptable/adequate levels. Finally, current statutes authorize municipalities to require job applicants to pay the costs of background checks. This bill would therefore set up a situation where private employers would be subject to laws that public employers would not have to adhere to. Fiscal note information provided by the New Hampshire Municipal Association also point to multiple ambiguities as to the bill's application. **Vote 16-1.**

LEGISLATIVE ADMINISTRATION

CACR 14, relating to government of right. Providing that the people of New Hampshire have the right of local community self government. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. Members of the committee agree with the concerns expressed by the supporters of this proposed constitutional amendment. Local control over local land use is very important. However, committee members were concerned about the possible effects of the proposed language, which is very broad. The committee could not see any language which limited local power to issues of land use. Concern was expressed that the language could be used to allow a local community unfettered taxing authority. Concern was expressed that a community desiring, with the support of a large vote of its' residents, to authorize the building of a large gambling casino by an out of state corporation, might be able to use this language as way to circumvent state law and do just that. We were told that the proposed amendment would not completely override state or federal law, but the argument was not clear as to how. Opposing opinions were expressed as to whether adoption of the amendment would make New Hampshire a home rule

state. A further concern is the expenditure of public funds which would inevitably occur when some entity challenged the new provision of the state constitution on the grounds of federal preemption, and the state would be forced to defend one or more costly lawsuits. With all these concerns and questions unresolved, the committee thought that a vote of Inexpedient to Legislate was the only option at this time. **Vote 6-0.**

CACR 18, relating to compensation of legislators. Providing that members of the general court shall receive \$2,500 per year. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This proposed amendment to the state constitution would increase the compensation of state legislators from \$100 to \$2,500 per year. We have many times over the years turned down raises for ourselves and we should continue to do so. **Vote 8-0.**

CACR 19, relating to the taking of human life. Providing that the general court shall not appropriate nor authorize any expenditure to benefit any corporation having as its object the taking of innocent human life. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Ober for Legislative Administration. This proposal to amend the state constitution would prevent any state expenditures for any corporation which has the object of taking innocent human life at any stage of development. The wording of the amendment is very vague. It also lacks definitions. It appears that the functions of the New Hampshire National Guard would be constrained. The committee believes that some important medical interventions in hospitals in New Hampshire could be curtailed. And, finally, many unintended consequences were foreseen. **Vote 8-0.**

CACR 20, relating to the veto of bills. Providing that a three-fifths vote of both houses of the general court be required to override a veto. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony Pellegrino for Legislative Administration. This proposal to amend the state constitution would change the vote required to override a governor's veto from two-thirds of those present and voting to three-fifths. The current Article 44 has worked fine since 1792. A majority of the committee felt that it was not necessary to change it at this time. Two-thirds is a standard super majority for many other procedures and states, and we saw no reason to change it just for veto overrides. **Vote 7-1.**

CACR 25, relating to legislation. Providing that bills dealing with assessments, rates, and taxes shall originate in the house of representatives. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. Part 2, Article 18 of the NH Constitution has been in existence since June 2, 1784. This article requires all money bills to originate in the House. When something has worked successfully for that long the committee felt there was no reason to change it. The current language allows the proper amount of discretion for us to deal effectively with bills relative to assessments rates and taxes. **Vote 7-1.**

HB 1103, requiring a report on the avails and income of a tract of land granted by the state to Dartmouth College. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Ober for Legislative Administration. This bill required an annual report from the trustees of Dartmouth College pertaining to income and expenses for a certain tract of land that had been granted to the college in 1807. Discussion of the bill revealed that this report had been initiated by the college and that this bill was premature. **Vote 6-0.**

HB 1163, relative to lobbying, campaign contributions, and political advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This bill contains a number of provisions designed to enhance transparency in the political process. The committee feels that the goals of this legislation are laudable but that further work should be done to ensure that the proposed changes to the legislative ethics, lobbyist registration and campaign finance laws don't lead to unintended consequences and that they address problems that exist at the state level. **Vote 6-0.**

HB 1126, limiting the authority of delegates to Article V conventions. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Ober for Legislative Administration. This bill establishes a procedure for the selection of delegates to an Article V Convention. An Article V Convention is a convention called by the states for the purpose of proposing amendments to the US Constitution. The bill is premature and unnecessary. There would be adequate time, if an Article V Convention were called, for determining the authority of delegates. The language of the bill places restrictions on delegates that may or may not be appropriate at that time. We should not be forcing our representatives into positions which could change if, or when, such a convention is called. **Vote 7-1.**

HB 1233, relative to the right of attendance by general court members at legislative proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. The committee discussed the existing provision addressing the ability of legislators to attend legislative proceedings and whether it presented any problems. The committee members felt that the current law covers travel to and from the State House for legislative business effectively. **Vote 7-0.**

HB 1234, relative to the seal of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for Legislative Administration. This bill would adopt the first state seal, the fish, tree, and bundle of arrows, as the seal of the General Court. The bill would also restrict the use of this seal to current and former members of the New Hampshire House and Senate and legislative staff. Committee members believe the first state seal belongs to the people of New Hampshire, and it should not be so restricted. **Vote 7-0.**

HB 1319, relative to seating assignments of members of the house of representatives. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony Pellegrino for Legislative Administration. This bill would require the Speaker to consider a member's physical disability when making seating assignments in the House chamber. This is already the practice in the House and legislation in this area is not needed. **Vote 7-0.**

HB 1325, relative to the election of chairs of house standing policy committees. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. RSA 14-A:1 currently outlines the process for filling a vacancy when the position of chairman of a legislative committee becomes vacant for any reason. This law permits the Speaker or the Senate President to appoint another member of the committee to fill the vacancy. The committee feels that this process is appropriate and should not be changed. Therefore, this bill is unnecessary. **Vote 8-0.**

HB 1326, prohibiting the general court from filing legislation in the second year of the session. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This bill would prohibit the filing of bills in the second year of the session. Many on the committee believe there should be a way of limiting excessive filing of bills. However, the adoption of this bill would restrict a member's ability to help a citizen address a problem through the legislative process. **Vote 8-0.**

HB 1386-FN, establishing a process for petitions for redress of grievance. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for Legislative Administration. This bill would establish by statute a permanent Legislative Committee for Redress of Grievances, with broad authority, among other things, to overturn actions taken by the executive branch, award sums of money to petitioners, remove judges, and issue directives to state agencies. We were also asked to ensure the committee would have the power to overturn judicial decisions. Members of the committee were concerned that efforts by one legislature to fix the rules of future legislative bodies by statute would be ineffective, as one legislature cannot bind the next. Members of the committee were also concerned about unconstitutional intrusion into the realms of the other two branches of government, and were persuaded by a legal opinion issued by House Counsel that any effort on the part of the legislature to overturn judicial decisions is also unconstitutional. With respect to the workings of the executive branch, the legislature may change those at any time by the usual passage of a bill into law. **Vote 9-0.**

HB 1432-FN, including the legislature as a public employer under the public employee labor relations act. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Tucker for Legislative Administration. This bill attempts to solve a problem that has yet to be revealed. The bill would require collective bargaining (union representation) for all of the employees of the Legislature. The employees in the legislative branch would lose their individual negotiating power to their wages. Individuals with exemplary service could not receive raises based upon their stellar performance, but would be tied to a negotiated pay raise for all. This does not promote efficiency in our government. During the hearing, there was no demonstrated need brought forth for this bill. In the words, of FDR, "The Government does not engage -- of course, the words "collective bargaining" were unheard of in those days -- the Government does not make contracts with any Government employee." The application of FDR's statement to all branches of government should be considered instead of this bill. **Vote 7-1.**

HB 1441-FN, requiring business impact notes for proposed legislation. **REFER FOR INTERIM STUDY.**

Rep. Sherman Packard for Legislative Administration. This bill requires the Department of Resources and Economic Development to prepare 'business impact notes' for bills. These notes would be written in addition to the 'fiscal notes' already required and before the introduction of a bill. They would involve an extensive analysis of the proposed legislation including comparisons to other state and federal laws. The committee believes that this is an idea ahead of its time, but feels that more work should be done to ensure that any new process can realistically be completed within the constraints of our current bill drafting and introduction deadlines. By sending this bill to study, we will have more time to examine all of the implications of the bill. The Clerk of the House has offered to assist the committee in making the bill more workable. **Vote 6-0.**

HB 1454, establishing a committee to determine a process for inhabitants of the state to effectuate the protections of Article 14. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman Packard for Legislative Administration. This bill would establish a legislative committee to study and develop a process for inhabitants of the state to effectuate their rights under Part 1, Article 14 of

the state constitution. This article entitles subjects of the state to free and prompt access to legal remedies for all injuries they may receive. The committee does not feel that a study committee is the best approach for addressing the concerns of the sponsor. **Vote 8-0.**

HB 1465, relative to recording of roll calls of legislative committees. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Legislative Administration. The central focus of this legislation is to make available to the public the results of roll call votes and other pertinent data in as timely a manner as possible. The Office of the House Clerk is already taking responsibility to satisfy the interest of this legislation. The important goals of this bill are in the process of being reviewed and achieved and therefore the legislation is not needed. **Vote 7-0.**

HB 1486, relative to membership of the state house bicentennial commission. **OUGHT TO PASS.**

Rep. Lucy Weber for Legislative Administration. The bill adds four people to the State House Bicentennial Commission: the clerks of the House and Senate, and the chiefs of staff of the House and the Senate. Committee members believe this is a necessary and important addition for planning, scheduling and general liaison purposes as we prepare for the bicentennial celebration in 2019. **Vote 6-0.**

HB 1653-FN, establishing a citizen complaint and grievance website. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Legislative Administration. This bill is an attempt to provide another avenue to service a focus on citizen complaints and grievances. It is clear the House has no authority to overturn a court ruling. In fact, it is deemed to be unconstitutional. Thus, it is clear that the office of the House Clerk has no legal authority to establish and maintain an internet website for receiving and reviewing citizens' complaints and grievances. House Legal Counsel has written a 'Redress of Grievances Analysis as of 2015' which is pertinent to the legal questions raised by the proposed legislation. **Vote 9-0.**

HB 1669-FN, establishing a state procedure for conventions to ratify proposed amendments to the United States Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Tucker for Legislative Administration. This bill establishes a procedure for the ratification or rejection of a proposed amendment to the US Constitution. This procedure would only take effect in the event that Congress proposes an amendment and has not specified that it must be addressed by the state legislatures and the manner in which constitutional conventions must be constituted. The committee feels that it is unnecessary to adopt the procedure proposed by this bill at this time. **Vote 8-0.**

HCR 12, urging support of the 65/25 initiative in New Hampshire. **OUGHT TO PASS.**

Rep. Lucy Weber for Legislative Administration. The 65/25 initiative is a workforce enhancement goal created by a coalition of business interests and educational institutions. The goal is to ensure that 65 percent of the New Hampshire workforce has a postsecondary educational qualification by the year 2025. Meeting this goal will help ensure that New Hampshire has a workforce that will be qualified for the jobs that will be needed in the future. The New Hampshire Coalition for Business and Education requested the endorsement of the legislature on this important goal. **Vote 7-0.**

HR 16, calling on the United States Senate and House of Representatives to consider a constitutional amendment prohibiting campaign contributions unless the donor is eligible to vote in that election. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Ober for Legislative Administration. This resolution is in support of the concept of prohibiting a campaign contribution in any national election by any person or entity who was not eligible to vote in that election locally. This would mean that a citizen of New Hampshire would not be allowed to contribute to a candidate running for office in the state of Massachusetts. **Vote 6-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1164, relative to contributions by a city to the county or state. **OUGHT TO PASS.**

Rep. Marjorie Porter for Municipal and County Government. This bill amends RSA 44:1 by allowing cities, upon approval by the city council, to make voluntary contributions of funds or resources to county or state projects. **Vote 15-0.**

HB 1179-LOCAL, relative to the taxation of manufactured housing on the land of another. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill would shift the liability for back property taxes on a manufactured home from the home owner to the land owner upon which the home was located. The land owner has no authority to collect taxes and has no leverage to force compliance from the delinquent tax payer. **Vote 16-0.**

HB 1181, relative to designating an alternate cemetery trustee. **OUGHT TO PASS.**

Rep. Benjamin Tilton for Municipal and County Government. This bill allows the governing body (select board) to appoint alternates to serve as a cemetery trustee. Alternate trustees would serve for a one year term and

could support the elected trustees as well as act in the absence of an elected trustee to conduct the business of the board. There are times when a three member board has a member that is absent which provides the possibility of a tie vote and an alternate member could solve that problem. The language in this bill is the same as provided for library trustees and trust fund trustees. The committee felt bringing this in line with other elected bodies was beneficial. **Vote 15-0.**

HB 1190, relative to a grant of land to Dartmouth College. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Peterson for Municipal and County Government. This bill would have prohibited the sale of certain land granted by the General Court to Dartmouth College in 1807. It would have repealed an act approved July 10, 1846, in the Laws of New Hampshire permitting sale of this land. The committee believes the bill is unconstitutional because it seeks to repeal the 1846 Act. Part I, Art. 23 of the New Hampshire Constitution, entitled "Retrospective Laws Prohibited" applies. The right to sell property is a vested property right. The legislature may not revoke that right or condition it after the fact. The bill is no different from a private landowner who sells property, later seeking to prevent the sale of that land, despite having no ownership right in it. **Vote 16-0.**

HB 1202, relative to applications submitted to a planning board. **OUGHT TO PASS.**

Rep. James Belanger for Municipal and County Government. This bill deals with time lines for planning board applications. Current law states: The applicant shall file the application with the board or its agent at least 15 days prior to the meeting at which the application will be accepted. Many planning boards find that time period too short to deal with incomplete applications, publishing notices, notifying abutters, etc. This bill increases that time to 21 days which would allow sufficient time for processing applications. There were no objections to this bill presented in the public hearing. **Vote 17-0.**

HB 1203, relative to voting on variances. **OUGHT TO PASS.**

Rep. James Belanger for Municipal and County Government. Most New Hampshire municipalities have enacted zoning ordinances to control how their community controls and manages growth and development among other things. The legislative body votes to approve these stipulations on how their community will be governed and this becomes their zoning ordinance. Varying from the established ordinance should not be treated lightly as any change in the written ordinance modifies what the community has decided will be the ground rules, so to speak. Five members of a zoning board are allowed to vary the stipulations in the adopted ordinance if the applicant meets five criteria set in NH law. A vote of three of the five voting members is all that is required to grant a variance from the adopted ordinance. In order to ensure that each of those five criteria are taken individually and seriously, this bill requires each of the five criteria be treated individually to ensure the provisions of the laws set down in our statutes are met. It was the intent of the sponsor and co-sponsor of this bill, as evidenced by testimony, that the same three members of the board vote in the affirmative on all five criteria. However, during the deliberation in executive session, it was not clear to all committee members that the same three members needed to vote in the affirmative on all five criteria. In order to make that clear, the sponsor had an amendment drafted that specifically said the same three members had to approve each of the five criteria. When that amendment was presented to the committee during executive session, it was defeated by a vote of eight in the affirmative and nine in the negative. Then the original wording of the bill was presented and was approved on a vote of fourteen to three. It was then clear that the intent of the Municipal and County Government Committee that a vote in the affirmative on each criteria by any three members was sufficient to approve but that all five criteria be voted on individually. Therefore, an affirmative vote by any three members of the zoning board on each of the five criteria is needed to vary the provisions of the municipality's zoning ordinance. **Vote 14-3.**

HB 1222, relative to procedures for appraisals by assessing officials. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill requires assessing officials to make three attempts for an in-person inspection of property before applying a statistical update to an appraisal for property tax purposes. This bill would place restrictions on assessing officials while in the performance of their duties with respect to viewing properties for purposes of re-assessments. The Department of Revenue Administration (DRA) testified that this would place an added burden on a community as well as significantly increase costs. Assessors testified in opposition with the Manchester assessor indicating this would increase costs to the city by three times. The current system of gaining access to property is working well. **Vote 15-0.**

HB 1244-LOCAL, relative to municipal cemeteries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Bickford for Municipal and County Government. If a municipality has a problem providing a cemetery within its boundaries this bill will allow it to enter into agreements with adjacent municipalities to provide space. The original bill allowed agreements with "for profit" cemeteries which are illegal in NH. The amendment removed the "for profit cemetery" option. **Vote 14-1.**

HB 1253-LOCAL, relative to the removal of land use board members and municipal officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill modifies the provisions for removing land use board members and repeals the provision for removing certain municipal officers. The bill goes into great detail in listing the reasons and justifications for removing appointed or elected members with explanations of such reasons as incompetency and malfeasance. The existing statutes are rather clear and appear to include all the contents of this new bill. The bill provides for appeals from dismissal to the Superior Court and holds the governing body responsible for legal and other fees in the event the court determines the dismissal was not justified. The final portion of the bill removes insanity and incapacitated to discharge the duties of the office as reasons for removal. This could create an involved legal battle if an insane or incapacitated person were removed from office. The committee felt existing statutes already cover what this bill attempts to adopt and this bill is unnecessary. **Vote 14-1.**

HB 1259, relative to liability for third party review of site plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Cheney for Municipal and County Government. The intent of the bill was to solve a problem of unreasonable requests for third-party review of projects by planning boards. Citizens desiring to improve their lots bring in the appropriate engineered plans and planning boards can ask for another engineered plan or review by another firm. Contrary to the expectations of fairness from all planning boards, abuse has been known to occur as a result of nepotism and preference given to firms with whom members of the board have favor, either as friends or relatives of the engineer. The committee felt the bill using the term "one lot" was not specific enough because a large project could be situated on one lot and other reviews may be prudent for the larger project albeit on a single lot. Further study of this situation and preventive measures to protect citizens need to be put in place. Last year we passed SB 98 (Ch. 126, Laws of 2015) to have planning boards and the applicant compose a list of three firms for third-party reviews from which a second firm was to be chosen by mutual agreement. However an unforeseen consequence of this bill is that some planning boards select firms a long distance away and the person seeking the permit pays for travel time. This bill corrects unforeseen circumstances resulting after the passage of last year's bill. **Vote 17-0.**

HB 1260, repealing the authority of assessing officials to obtain administrative inspection warrants to complete property appraisals. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill removes the authority of assessing officials to obtain an administrative inspection warrant to inspect property to complete an inventory or appraisal for purposes of property taxation. This would hinder the ability for assessing officials to perform their duties and possibly end up costing the community in legal fees. Assessors need a mechanism to view the interior of a property to assess value and ensure that the tax levied on the property is fair. This is a last ditch effort for assessors and is a valuable tool which should not be eliminated. When access to a property is refused, officials should be able to continue to get a warrant even if it means going before a justice with probable cause. The committee felt this bill tied the hands of assessing officials and could allow lower assessments than what is fair. Upon passage of this bill, refusals to allow entry would increase dramatically. For that reason, and others, the committee recommends this bill be Inexpedient to Legislate. **Vote 15-0.**

HB 1262, relative to the application of zoning ordinances to home-based businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for Municipal and County Government. This bill applies to unincorporated places which are governed by county government. The counties showed no interest in the state limiting home based business to gross business receipts of \$200,000 or less. The committee felt this bill was not needed. **Vote 13-1.**

HB 1263, authorizing municipalities to use form-based codes as an alternative zoning regulation. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. This bill attempts to provide boilerplate zoning codes that would fit all communities from Vallejo, California, to Hollis, New Hampshire. Although the codes can be modified to fit local needs and desires, they are simply suggestions and communities in New Hampshire are already using them as suggested wording for their zoning regulations. If this bill passed and was adopted into our statutes, it would send a message to communities that this was the preferred method of adopting zoning which would conflict with their local authority. The committee felt there was no need to send suggestive language to communities who are very capable of developing their own language and are able to use the suggested codes without language from the state. **Vote 14-0.**

HB 1277, establishing a homestead act. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill would allow any property owner of a primary residence not to pay taxes and continue to occupy at least half the property under the homestead statutes. The bill says an indebted person claiming a homestead right may assert a common law right to moiety, or up to half of the freehold/estate, and the other half temporarily subject to be occupied and used by the creditor until the claimed debt shall be either extinguished by a court action or paid in full. The committee felt this provided a loophole to allow a property owner to avoid paying taxes indefinitely. **Vote 15-0.**

HB 1284, relative to highway agents. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for Municipal and County Government. The committee felt this bill contradicts RSA 231:65 which holds a road agent accountable when the circumstances require it. Governing bodies already have statutory authority to remove certain employees and this should not be treated any differently. Examples of reasons for removal would be offenses involving corruption, sexual assault on an employee, violations of administrative policies and ordinances of the municipality. The authority of the governing body to manage a community and do those things they were elected to do should not be undermined. **Vote 15-0.**

HB 1293, relative to the procedure for charter amendments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Catherine Cheney for Municipal and County Government. This bill clarified some of the provisions for municipal officers and citizens regarding charter amendments. In 2014, HB 422 (Ch. 292, Laws of 2014) changed many aspects of RSA 49-B:4 and 5. Application of the law (RSA 49-B:5) in practice revealed a few things: it made sense to move text from one paragraph to another in a couple of instances, the bar for the number of signatures was too high, the process was confusing depending on which approach was taken, municipal or petition, and the process ended up in one comingled and confusing paragraph. There was not a need for an attorney's opinion of the charter amendment before sending to the state agencies (Secretary of State, Attorney General, and Department of Revenue Administration). Testimony showed that even with an attorney's opinion the state agencies might deem the language to be noncompliant with state law. The process of sending the charter amendment to the state agencies and applying their input to the amendment prevents confusion and works best. The Secretary of State, an attorney, and others familiar with charter amendments all testified that a redundant legal opinion is unnecessary. The requirement for the number of registered voters that voted in the last municipal election was lowered by the bill from 20% to 10%. Tables showing the numbers of the change revealed this was a very high bar to meet in both cases. In all cases, there are about 20 signatures in 100 that cannot be counted. The name may be unreadable, the person signing is not a registered voter of the community, the address does not match the voter checklist, a false name is given or for another reason the clerk is unable to deem the signature "sufficient." The amendment changed the number of signatures needed of registered voters in the community for a petition from 20% in current law and 10% as proposed in the bill, to 15%. The amendment changed the reference for those authorized by the petition committee to gather signatures from "persons" to "voters of the municipality," it separated out the processes for a charter amendment coming from the municipal officers versus by a petitioners' committee, and moved a few sentences around between paragraphs, which made more sense. **Vote 17-0.**

HB 1296, requiring the legislative body to approve the appointment of town managers and prohibiting town managers from hiring contractors to perform the duties of town managers. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. The committee felt this bill was unnecessary. The bill would require a vote of the legislative body (town meeting in the case of towns) to approve the appointment of a town manager. Legislative bodies mostly meet only once a year at the annual meeting and mandating that they approve employee appointments like a town manager would not be workable. The bill also states: "No town manager shall hire any contractor to perform the duties he or she is required to perform." The committee felt this language might prohibit hiring an assistant and would undermine the authority and responsibilities of the governing body (selectmen in the case of towns). **Vote 16-0.**

HB 1304, relative to town maintenance of a road designated as a highway to summer cottages. **INEXPEDIENT TO LEGISLATE.**

Rep. Francis Chase for Municipal and County Government. This bill would mandate the town to plow a road designated as a "summer cottage road" by the legislative body if a summer resident decided to live there year round. The committee felt that the residence was purchased with the knowledge of the extent of maintenance on the road and that this was a self-created hardship. It should be no different than a residence on a Class VI road or a private road if the resident decided to change the conditions of his or her residency. The cure would be to petition the legislative body to change the class of the road and treat it like any other Class V road in town. **Vote 13-2.**

HB 1315, adding mixed-use development to the definition of business and industrial facility. **OUGHT TO PASS.**

Rep. Catherine Cheney for Municipal and County Government. The intent of the bill is to add the term "mixed-use development" to the definition of types of development that business development authorities facilitate with communities. Though RSA 162-G:16, IV states: "The provisions of this chapter shall be liberally construed in order to effect its purposes." Adding the term to the existing definition in RSA 162-G:3, IV: "...commercial, business service, *mixed-use development*, manufacturing,..." clarifies this. This update to the definition has clear support from agencies and communities supporting walk-able communities, clean air and economic development. Even though some communities do allow this, making it clear will avoid any unnecessary court cases. **Vote 12-2.**

HB 1336-FN-LOCAL, relative to interest on abatements of taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. When a taxpayer is granted a refund on paid property taxes, the municipality pays 6% interest on the amount. This bill proposes to increase that interest paid by the municipality from 6% to 12%. This appears to mimic the 12% interest penalty paid for late payment of taxes, which is also intended to be a deterrent for taxpayers from using their city or town as a short term bank. An increase in the amount of interest being paid to the taxpayer when an abatement is granted would increase local government expenses, and in the instance of a large utility, commercial enterprise or industrial development, this could be significant. **Vote 11-3.**

HB 1359, relative to the tax credit for service-connected disability. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. The intent of this bill is something most would support as it recognizes the sacrifice our veterans have made for our freedom. But the bill ignores the financial status of veterans who qualify. It allows surviving spouses to be tax exempt if they enter into a civil union with a partner. It does not allow for veterans who are terminally ill from Agent Orange. The committee awaits the arrival of SB 348 on the same subject which addresses concerns over this House bill. **Vote 16-0.**

HB 1363, relative to filling of vacancies in town offices. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill requires towns to provide notice of vacancies in town offices. More specifically, it states that the authorized body or person shall post notice of the vacancy to be filled in two appropriate places, one of which may be the town's Internet website, if such exists, or in a newspaper of general circulation in the town. The notice shall include a solicitation for letters of interest and only those persons who submit such a letter shall be considered. This limits the ability of the appointing authority to an unreasonable degree. The committee felt existing hiring practices differ in different municipalities and local control should prevail. **Vote 14-0.**

HB 1380, relative to duties of police commissions. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Treleaven for Municipal and County Government. This bill attempts to limit the power of police commissions with regard to setting budgets. It states that the police commission cannot set compensation to exceed the police department budget as established by the governing body. Statutes already control spending within the budget of any municipality. The committee recognizes that police commissions have authority over supervisory and advisory duties while the governing body and/or legislative body of the municipality already has control over the budgets set. Although money can be moved within line items in a budget by the governing body, the bottom line approved by the legislative body cannot be exceeded without strict adherence to statutes already in effect. After careful consideration, the committee felt that the police commission's spending is already limited by the police department budget and this bill is unnecessary. **Vote 15-0.**

HB 1384, clarifying powers of commissioners of deeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Municipal and County Government. This bill attempts to clarify the power of a Commissioner of Deeds. Commissioners of Deeds are officers appointed by the Governor and Executive Council to a term of five years. They are authorized to administer oaths, take depositions and affidavits, and acknowledge instruments of writing intended to be used or recorded in the State of New Hampshire. They may or may not be residents of New Hampshire and are currently authorized to act both within and without the state. Importantly, this bill removed the authority of the Commissioner of Deeds to operate outside of the state of New Hampshire. It was due to this reduction in authority, and the unknown consequences that could result, that the committee voted to recommend Inexpedient to Legislate. **Vote 15-0.**

HB 1390, relative to municipal authority to restrict where registered sex offenders live. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Municipal and County Government. The original version of this bill had two parts. 1) It would have allowed towns to make bylaws prohibiting registered sex offenders from residing within a certain distance from a school, daycare center, or another place where children regularly congregate. 2) It would also have allowed a sex offender who was convicted after a guilty plea without a trial, before the establishment of the sex offender registry, to petition the court to have his or her name removed from the registry. The bill came before the Municipal and County Government Committee due to the first part of the bill. The prime sponsor submitted an amendment to the committee that would have removed the first part and requested that the amended bill be sent to the Criminal Justice and Public Safety Committee. Since there are already two other bills with similar subject matter as the proposed amended version (HB 1318 and HB 1343) before the proper committee and have yet to be heard before the public, our committee decided to recommend Inexpedient to Legislate for this bill and allow the other bills to address the issue at hand. **Vote 15-0.**

HB 1392-LOCAL, relative to notice of land use violations and court costs in cases brought by a municipality. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill would prohibit a building inspector, or other municipal official, from visiting a location where no building permit has been issued, unless the owner

is notified and written consent is obtained. It also seeks to allow for the recovery of costs, including loss of income and attorney fees, against any planning board, zoning board of adjustment or building code board of appeals, or as a result of any other administrative action, when a person who is charged with a violation of the New Hampshire Building Code is found to be not guilty of such violation. The proposed bill states that a court shall award fees if the municipality's legal action was in bad faith, frivolous, or not well-grounded in fact. This bill attempts to make the award of costs mandatory for the court by the use of the word "shall." It sets criteria that are not well defined such as "well-grounded," which would further add confusion. This proposal is unnecessary since courts already award costs to persons or businesses affected by improper action by a municipality. This bill is unnecessary and will lead to higher local costs and to making the job of our local officials more difficult. **Vote 16-0.**

HB 1395, relative to municipal electronic records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Bickford for Municipal and County Government. The bill allowed municipalities to store records in a portable document format (PDF) as well as paper and microfilm. The amendment allows such storage in PDF format on a medium from which it is readily accessible, as well as paper and microfilm. PDF documents can be stored at significantly less cost compared to the physical space for paper. **Vote 15-2.**

HB 1407, establishing a property tax credit for persons providing certain home health care services for a family member. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill proposed that a tax credit of \$750 be given to a family member who provided "continuing health care, nursing care or other rehabilitative care" to another family member in the provider's primary residence. The committee was concerned that the tax credit was a mandate and not optional for a municipality to adopt and that the definition of what type of care would be provided was not defined. The application form that would be filed with the town was not specific enough for the assessing body to make a determination as to eligibility. **Vote 17-0.**

HB 1439-LOCAL, requiring regional planning commissions to file an annual report. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill modifies RSA 36:49 to require that all regional planning commissions shall make an annual report to include a summary of the activities of the agency and an audited financial statement. All regional planning commissions already require audits which are available. A publication of all of the past year's activities into a single report would be an added expense which will be passed on to the participating municipalities. Some planning commissions do prepare an annual summary of highlights and others send out frequent monthly updates of current work activity. This bill is unnecessary and will only serve to provide a coffee table book few will read. **Vote 12-3.**

HB 1460, relative to perambulation of town boundaries. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Peterson for Municipal and County Government. This bill removes the requirement that a municipality verify their town lines and bounds once every seven years. The reason given for changing the word "shall" to "may" and making the perambulation voluntary was that most towns don't do this now. This requirement was adopted for a reason and the fact that it is an old law does not make it obsolete. Physical verification that industrial and residential developments have not crossed over into an adjacent community is still needed. Examples of these instances happening do not support the assertion that GPS abilities of today render such verification unnecessary. Missing town bound markers and monuments cannot be detected by GPS. Finding that a building is not located in the community it was intended to be is always a surprise, and is something that GPS could not have detected. Bounds need to be inspected and property lines need to be verified, especially when the abutting property is in another state. The committee found a similar bill Inexpedient to Legislate last year and has not changed positions with this bill. **Vote 14-1.**

HB 1504-FN-LOCAL, relative to the execution of a real estate tax lien on a primary residence. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. This bill would prevent a community from executing a tax lien on property that was in arrears for non-payment of taxes in the community as long as that property was occupied by the owner as their primary residence. This would promote non-payment of taxes in periods where the stock market was yielding high returns with no incentive for the property owner to pay taxes. If this became widespread, the community could not meet its obligations without going out for tax anticipation notes and place the community in a financial crisis. Every property, no matter who occupies it, should be treated equally unless some of the existing statutes are used for deferred or abated taxes. **Vote 15-0.**

HB 1513, relative to the duties of registers of probate. **REFER FOR INTERIM STUDY.**

Rep. James Coffey for Municipal and County Government. This legislation attempts to reinstate the duties of the Register of Probate which was removed in 2011. The committee felt that this bill was incomplete and left too many open issues and requires additional study. **Vote 15-0.**

HB 1518, relative to village district members of budget committees. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for Municipal and County Government. This bill would remove the requirement that a member from a village district be appointed as a member of the municipal budget committee, thus denying the district of representation. The committee felt if a district is to be taxed the district needs a representative on the committee. **Vote 14-1.**

HB 1533, relative to noise level limitations for permanent machinery. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. The purpose of this bill was to give cities and towns the authority to create noise ordinances. That ability already exists in RSA 31:39(n). At the request of the prime sponsor the committee voted Inexpedient to Legislate. **Vote 16-0.**

HB 1559-FN, relative to property taxes paid by education facilities leasing property. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. Current statutes provide for tax considerations for educational institutions using property that is normally taxable. Assessing standards provide for these situations and are handled locally without state intervention. This bill would expand the tax exemptions provided to charter schools and other similar facilities to include any property used for educational purposes. However, the word educational can be interpreted in many ways and could include facilities that educate but are not in use for schooling like K-12 or community colleges, etc. The brush is much too broad and the committee felt its intent should be left to the community. **Vote 15-0.**

HB 1585-FN, relative to competitive bidding in Carroll county. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. The intent of this bill is to place into statute language similar to RSA 28:8-e that mandates the competitive bidding process to be followed in Hillsborough County. The committee heard testimony from the prime sponsor as to why Carroll County's bidding process needs to be codified in a similar manner. The committee also heard from the Carroll County Administrator acknowledging that errors may have been made in the past but as he was newly appointed he asked that before the Legislature took the step of passing this bill that he, the county commissioners and the county delegation work toward a policy of their own. The committee agreed and therefore recommends Inexpedient to Legislate. **Vote 16-0.**

HB 1587, relative to limitations on capital reserve funds of counties. **OUGHT TO PASS.**

Rep. Franklin Sterling for Municipal and County Government. The intent of this bill is to raise the amount of funding that counties can place in capital reserve funds. Currently the cap on capital reserve funds is 1/100 of 1% of the last base valuation. This bill raises that to 1/50 of 1% of the last base valuation. The committee felt this increase was in keeping with inflation. **Vote 12-3.**

HB 1683-FN-LOCAL, relative to lowering the interest rate and costs for the redemption and repurchase of property subject to a tax lien or tax deed. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. This bill attempts to lower the interest charged on payments in the redemption or repurchase of property subject to a tax lien or tax deed. There have been times, in prior economies, when tax payers earned more money on investments than was charged for late payments of tax bills. This resulted in communities supporting investments of tax payers by delaying tax payments. Other bills, in prior years, attempted to reduce the interest rate charged on late tax payments and all of those failed. The seemingly high rate of interest is meant to be a deterrent to not paying taxes and should not be reduced. After three years, the municipality has the option of taking a deed on the property and, at that time, the interest rate increases, again as a deterrent to not paying taxes when due. The second part of the bill attempts to remove the fifteen percent penalty added to the cost to repurchase the tax deeded property. The committee felt this had some merit but was informed that there is another bill that addresses this issue and it does not need to be in this bill. The committee felt that the best course of action to leave interest rates as they are and to address the fifteen percent repurchase issue in the other bill could be best accomplished by a recommendation of Inexpedient to Legislate on this bill and allow the penalty section to be addressed by the other bill. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1200-LOCAL, relative to the use of recycled glass. **INEXPEDIENT TO LEGISLATE.**

Rep. Martin Jack for Public Works and Highways. This very well intentioned bill attempts to increase the market for recycled glass in paving materials. Allowable state road and bridge construction materials are detailed in NH Department of Transportation specifications that are harmonized with the national engineering standards for highway construction materials. Testing and field experience ensures that approved materials are safe, strong, and durable in their intended usages. These standards already allow for use of recycled glass where appropriate. For these reasons, the bill is unnecessary. **Vote 18-0.**

HB 1242, relative to rules of the department of transportation on driveway permits. **REFER FOR INTERIM STUDY.**

Rep. Mark McConkey for Public Works and Highways. Presently the Department of Transportation is exempt from rule making for driveway permits. The sponsor proposes to change RSA 236:13 to require DOT to go through the rule making process to adopt rules for driveway permits. While testimony spoke of a restrictive permit process, DOT testified that 98.6% of driveway permits are approved. DOT also highlighted that they have changed the appeal process so that all local district denials are now reviewed in Concord. The committee was indifferent on the rulemaking change, but agreed that the appeal process should be more clearly defined in the driveway permit application, and has tasked DOT to make these changes in the appeal notification process. If substantial changes are not made by the department, a new bill can be filed next session. Interim study will allow the committee to work on a better process with the department. **Vote 14-0.**

HB 1317, renaming the North Hampton state beach as the Robert Shaw Memorial state beach. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. United States Marine Corps Rifleman PFC Robert Ernest Shaw was the only North Hampton resident that died during the Vietnam War. Testimony revealed that PFC Shaw is presently memorialized in North Hampton on town property that was renamed the "Shaw Common." While it is the practice of the Public Works and Highways Committee to consider renaming state highways and bridges to honor fallen veterans, the renaming of state parks or state beaches has not happened previously and the committee is concerned with the precedent as it is more involved than just changing the name – maps, brochures and a number of other official documents would need to be changed and would, or at a minimum could, lead to confusion amongst the public. The committee applauds the students who took on this project and urges them to work on improvements and recognition of the current memorial at the Shaw Common in North Hampton. **Vote 14-0.**

HB 1397, establishing a committee to study improvements to the Hannah Duston Memorial. **OUGHT TO PASS.**

Rep. Virginia Irwin for Public Works and Highways. Hannah Duston was the first woman in United States history to have a monument erected in her name. In fact, there are two monuments, one of which is in Boscawen, NH. It is in a questionable location and in need of attention. There is joint ownership by the state and the town and the location is also a railroad right of way. We need to study improvements to this site and make appropriate recommendations for future preservation, considering all aspects of her story. **Vote 18-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1147, requiring a report on federal landholdings within the state and establishing a moratorium on federal land acquisitions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Resources, Recreation and Development. This bill, as amended, requires an annual report by the Department of Resources and Economic Development (DRED) on federal landholding in the state and every town. Recently, the US Fish and Wildlife Service announced their intention to expand the Silvio O. Conte National Fish and Wildlife Refuge to a large part of the Connecticut River watershed, so that the sponsors were concerned that these possible acquisitions would violate existing limits on federal landholding of 2% of the area of the state and 5% of the assessed value of any town, excluding the White Mountain National Forest. This limit, imposed by state law (RSA 121:6), is not widely known. A preliminary report from DRED showed that the actual percentage was 0.7%, but if the Silvio O. Conte Refuge and the proposed Great Thicket Refuge both reach the maximum contemplated, it will exceed 2%. Since land acquisitions are a slow process, the committee believed an annual report would be sufficient. **Vote 19-0.**

HB 1170, relative to special permits for OHRV operation in Jericho Mountain State Park. **OUGHT TO PASS.**

Rep. Yvonne Thomas for Resources, Recreation and Development. This bill would allow the Department of Resources and Economic Development (DRED) to continue to offer specialty trails for 4 x 4 off road vehicles at Jericho Mountain State Park. In 2013, HB 349 was passed which provided DRED with a three year opportunity to develop new recreational trails for such purposes. The trails opened last spring and have proven to be a successful venture. Formal authority to continue use of the trails expired on January first and this bill would reinstate that authority. **Vote 20-0.**

HB 1172, relative to corrective action implementation of audit findings concerning Cannon Mountain. **OUGHT TO PASS.**

Rep. Suzanne Gottling for Resources, Recreation and Development. A FY 2014 audit of Cannon Mountain operations resulted in several findings that require statutory changes. This bill implements the changes outlined in audit observation 25. These changes included removal of the position of Marketing and Ski Service Administrator, updated referrals to other statutes, removed references to Mount Sunapee, specified uniform reporting dates, changed the package plan description and authority so it accurately describes present practices, gives authority to the manager to grant special passes, and specifies the responsibilities of the Park Director and the Cannon Mountain Advisory Commission in relation to capital improvements. **Vote 20-0.**

HB 1299, relative to the frequency of background checks for camp employees. **INEXPEDIENT TO LEGISLATE.** Rep. Suzanne Smith for Resources, Recreation and Development. This bill would amend RSA 485-A:24 and loosen the requirement for annual criminal background checks for employees and volunteers who may be left alone with children at youth skill camps. Presently, criminal background checks are required annually. This bill would amend the law so that criminal background checks on these employees or volunteers would only be required every three years. Although the committee understands the desire to save municipalities and public/private entities the annual fee for the criminal background checks, the committee also believes that the safety of our children and grandchildren trumps the annual fee. **Vote 20-0.**

HB 1332, adding a member to the aquatic resources compensatory mitigation site selection committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith Spang for Resources, Recreation and Development. When wetlands will be impacted by a land development project, state and federal regulations require mitigation to be performed, whether by improvement of a wetland or through wetland conservation either on the same property or elsewhere. Particularly on a small property, it is not always possible for the developer to do meaningful mitigation. Alternative sites may not be available. Therefore, the Aquatic Resource Mitigation program was developed to allow developers to take the money they would have spent on their own mitigation project and place it in a large state fund. When funds are sufficient, a site selection committee evaluates potential wetland projects and disperses funds to them. This bill adds to that committee a member who is expert in stream restoration work for projects involving stream rehabilitation. The amendment just changes the name of the organization that will nominate that person. **Vote 18-0.**

HB 1461, relative to the definition of and criteria for protection instream flow. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Mullen for Resources, Recreation and Development. Prior to the implementation of the protected instream flow component of the Rivers Management and Protection Program, pilot studies on the Lamprey and Souhegan rivers were conducted. As a result, the amended bill makes changes to the statute which will support full implementation of instream flow protection on all designated rivers. The language modifications include a definition of instream flow that incorporates current scientific knowledge, as well as additional requirements for local, broad-based stakeholder input before and during the development of protected instream flows and water management plans. **Vote 19-0.**

HB 1589-FN, prohibiting the transportation of exotic aquatic weeds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick Rice for Resources, Recreation and Development. Invasive exotic aquatic plants have a substantial negative impact on the water bodies in which they occur. This bill, as amended, is designed to curb the spread of such plants by prohibiting the transport of such plants from one water body to another and requiring that all boats, vehicles and equipment be cleaned of attached plant material and drained of water according to specified procedures when exiting any water body. **Vote 20-0.**

HB 1595-FN, relative to the rivers management and protection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James McConnell for Resources, Recreation and Development. The Rivers Management and Protection Program (RMPP) was instituted in 1988 to provide for enhanced protection for certain rivers or watersheds which are documented as having outstanding characteristics. It is a ground-up program, with local citizens and groups nominating their river for designation into the program by the Legislature, then taking an on-going role in monitoring and promoting protection of the river's resources. In the intervening years, it has become apparent that refinements needed to be made in the statute's terminology as well as the composition and role of the local river management advisory committees. This bill, which emanated from the State Rivers Management Advisory Committee, makes those changes. It also makes it more apparent that designation of a river into the program means that the whole designated river, not just the most substantial parts of the stream, will be subject to the Comprehensive Shoreland Water Quality Protection Act. At the same time, it reduces the extent to which the Shoreland Act applies to smaller streams in the designated area. The amendment requires that shoreland property owners be notified when their river is being considered for designation into the RMPP. Notification of the State Rivers Coordinator and local advisory committees will no longer be required for minimum impact activities for timbering, recreational path maintenance, and agriculture. Only streams running year-round are eligible for inclusion. With these changes, the bill has the support of participating conservationists, agriculture and timber interests, and landowner rights advocates. **Vote 17-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1134, relative to open access to broadband infrastructure. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Vadney for Science, Technology and Energy. This bill posited that towns are blocking passage of high speed internet cables from passing through their towns and thereby hindering the expansion of broadband internet access to citizens. The promoters of the bill could not cite any actual cases of such hindrance, but were basing the need on what they had heard from other people. **Vote 20-0.**

HB 1155, relative to providing choice of meters to customers of utilities. **INEXPEDIENT TO LEGISLATE.** Rep. Douglas Thomas for Science, Technology and Energy. This bill would permit customers of utilities to choose whether to consent to the installation of smart meters and allow the utility to charge a surcharge to such customers at the completion of the installation period. This bill would produce confusion among customers as not all smart meters transmit using radio waves (the concern of some), but rather use the existing electric lines serving the customers' property, and it would only potentially benefit a few customers that have old meters. Affected utilities are currently working with customers who have concerns, so the committee felt this bill was not ready or needed. **Vote 20-0.**

HB 1275, relative to net energy metering capacity. **INEXPEDIENT TO LEGISLATE.** Rep. John Mann for Science, Technology and Energy. This bill is unnecessary as its content and purpose are contained within HB 1116 which the committee is bringing forward with a positive recommendation. **Vote 20-0.**

HB 1362, requiring telephone notice where an electrical outage is expected to exceed 4 hours. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Richardson for Science, Technology and Energy. Requiring telephone notice to customers when an electrical outage is expected to exceed four hours is not an appropriate standard or practical means of notice in all situations, nor does it encompass the systematic approach needed to inform customers about outages and emergencies. Utilities already have plans in place to accomplish this which may include, depending on the circumstances, the use of various media outlets, phone call notifications, and communications with state and local authorities. In addition, utilities are working on making further improvements to take advantage of changes in technology and how people communicate. **Vote 20-0.**

HB 1367, relative to the public utility commission's authority to implement measures to increase the reliability, cost effectiveness, efficiency, or resiliency of the electrical grid. **INEXPEDIENT TO LEGISLATE.** Rep. Robert Backus for Science, Technology and Energy. This bill would have waived any limitations under the Limited Electrical Energy Producers Act, RSA 362-A, regarding targeted net energy metering or to implement measures designed to increase grid reliability, efficiency, cost effectiveness, or overall resiliency of the electrical grid. Since the Public Utilities Commission currently has an open and active docket on grid modernization, the committee deemed this bill unnecessary. **Vote 20-0.**

HB 1472, relative to the siting of certain new pipelines and storage vessels. **INEXPEDIENT TO LEGISLATE.** Rep. Glen Aldrich for Science, Technology and Energy. This bill would make it more difficult for gas transmission lines to be put in place. There was no testimony of any problems with gas transmission lines being damaged by frost heaves. Considering both the standard way they are buried with substantial overburden and the heat generated from the gas being compressed, there seems to be no issues of failure due to freezing. Therefore, the majority felt this bill unnecessary. **Vote 17-1.**

HB 1483, relative to community renewable energy. **INEXPEDIENT TO LEGISLATE.** Rep. James Parison for Science, Technology and Energy. This bill would require electric utilities to sort out individual usage in a collective generation community (group net metering) and then bill each user separately. While this convenience may be a reasonable ask, the bill would also provide for reduced utility tariffs and create a targeted local tax exemption that would allow taking money from ratepayers and average town taxpayers and redistributing these funds to a list of special interests and projects the bill sponsors seem to think deserving. Since the local cash award decisions could be made by any two selectmen, the committee felt this bill if enacted would lead to favoritism and the corruption of an otherwise fair tax system. **Vote 20-0.**

HB 1502, establishing a committee to study odor emissions from landfills. **INEXPEDIENT TO LEGISLATE.** Rep. Glen Aldrich for Science, Technology and Energy. After hearing testimony on the bill, it appears that the annual testing already being done at landfills shows that odors are well within the limits set by the state. Even though many complaints have been filed, it seems that only a couple of property owners downwind of the landfill made a majority of the complaints. While the committee understands the frustration of the property owners, the committee feels that studying this further will not solve the problem of being downwind of a landfill. **Vote 20-1.**

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSION PLANS

HB 1449-FN, relative to additional temporary supplemental allowances for retired members of the retirement system. **REFER FOR INTERIM STUDY.**

Rep. Gary Azarian for Special Committee on Public Employee Pension Plans. The committee was unanimous in recommending this bill be Referred for Interim Study. The committee agreed that there are retired persons in the system that could benefit from a temporary supplemental allowance (TSA). The committee wants more time to consider the amount of the TSA, who would qualify, the funding mechanism, and the total amount to be appropriated. The committee also believed that any appropriations to fund a TSA should follow standard legislative procedure and be referred to the Finance Committee as a second committee if the House votes to adopt the underlying policy. **Vote 10-0.**

HB 1489, establishing a committee to study the rates of employer contributions in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Special Committee on Public Employee Pension Plans. Establishing a committee to study the rates of employer contributions to the NH retirement system is not necessary. The information that this committee would gather is readily available now from the NHRS and legislating yet another study committee is not needed. **Vote 9-0.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 10, requesting an investigation on whether benzodiazepines contribute to suicides by veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Peggy McCarthy for State-Federal Relations and Veterans Affairs. This resolution recommends a very small investigation limited to one segment of the population. Benzodiazepines are prescribed to more than veterans and any investigation should look at all who have taken the drug plus the variety of other drugs being taken at the same time by this population. Testimony given said this is not a problem in New Hampshire. The Veteran's Association both nationally and in New Hampshire is already taking proactive steps to address the issues of prescription drug use and suicides by veterans. The decision made about drugs should be between a doctor and his or her patient. **Vote 13-0.**

TRANSPORTATION

CACR 24, relating to the right to travel. Providing that all people have the right to travel within the state in their choice of privately owned conveyance. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris True for Transportation. This amendment would do away with most of the motor vehicle laws. The committee does not support cancelling the requirements of licensing and registering trucks and automobiles, which would cost the state over \$93 million in lost revenue. **Vote 18-0.**

HB 1102, relative to travel on ways with 3 or more lanes. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill attempts to exclude commercial vehicles from traveling in the extreme lane on certain highways with three or more lanes. There are unanswered questions about open road tolling areas and additional signage costs, among others. No amendments were offered to address the issues. **Vote 17-0.**

HB 1131, relative to vehicles formerly used as ambulances. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This committee passed HB 196 (Ch. 63, Laws of 2015, RSA 266:78-r) last session which says a vehicle formerly used as an ambulance must have identifying features removed such as red forward and side emergency lights, etc. The majority of the committee agreed to let the law have time to work. **Vote 15-2.**

HB 1151, relative to after market tinting on side windows. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. This bill seeks to allow tinting on side windows. Legislation to allow this, in the form of HB 1445, has already been recommended by this committee, making this bill unnecessary. **Vote 17-0.**

HB 1156, relative to interference with traffic devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill adds public transit bus operators to the list of exemptions from RSA 265:15, II(c) which prohibits using a device to change traffic signals. The amendment added a reference in subparagraph (d) as well. Repealing this prohibition allows stakeholders to study a system that could eventually be considered for future legislation and municipal approval. The bill and amendment do not create or even authorize implementation of such a system at this time. **Vote 16-0.**

HB 1157, relative to enforcement of the prohibition on the use of mobile electronic devices while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. RSA 265:79-c limits driving while using a mobile electronic device. Testimony by state police indicated that three years is an appropriate length of time to evaluate the impact on driver behavior. With RSA 265:79-c having only been implemented since July 2015, bills that modify the law without proper time to evaluate the impact on driver behavior hinder the effect of these laws. **Vote 15-2.**

HB 1158, relative to an exemption from the prohibition on the use of mobile electronic devices while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. RSA 265:79-c limits driving while using a mobile electronic device. Testimony by state police indicated that three years is an appropriate length of time to evaluate the impact on driver behavior. With RSA 265:79-c having only been implemented since July 2015, bills that modify the law without proper time to evaluate the impact on driver behavior hinder the effect of these laws. **Vote 15-2.**

HB 1161, relative to the traffic safety commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karel Crawford for Transportation. This bill reorganizes the Traffic Safety Commission and was requested by the Department of Safety. No one testified against this bill. The amendment changed the word "chairman" to "representative" and American Association of Retired Persons to "AARP." **Vote 17-0.**

HB 1162, relative to eligibility for utility dealer registration. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. This bill was well intended, but the stakeholders were unable to reach a consensus regarding collecting the fees from independent registration agents. **Vote 18-0.**

HB 1186, repealing the law prohibiting coasting of vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alan Cohen for Transportation. This law is unobservable by law enforcement and therefore unenforceable. It should be removed from the statutes. The amendment changes the effective date to date of bill passage. **Vote 16-2.**

HB 1271, making certain length and width exemptions concerning commercial vehicles. **OUGHT TO PASS.**

Rep. Larry Gagne for Transportation. This bill will establish additional length and width exemptions for commercial vehicles which will create parity between New Hampshire and neighboring states regarding commercial vehicle exceptions. Consistency among the states will help companies and others engaged in transportation to more efficiently and safely move goods between the states. This bill was requested by the Department of Safety. **Vote 16-0.**

HB 1302, relative to driver's license requirements for operation of a mixed use school bus. **OUGHT TO PASS.**

Rep. Gladys Johnsen for Transportation. This bill requires the operator of a commercial vehicle to hold a valid commercial driver's license. An operator of a mixed use school bus that qualifies as a commercial motor vehicle as defined in RSA 259:12-e shall hold a valid commercial driver's license pursuant to RSA 263:86 appropriate for the type and class of mixed use school vehicle being driven. This could be a coach or a choral director. Federal law requires a CDL when there are 15 or more passengers. The vehicle must be owned by the school or institution. Non-profit schools (i.e., charter) are exempt; they have different rules. This bill is supported by the Department of Safety. **Vote 15-1.**

HB 1308, allowing motorcycles to pass a vehicle in the same lane or travel between lanes of traffic in certain instances. **INEXPEDIENT TO LEGISLATE.**

Rep. Alan Cohen for Transportation. This bill allows motorcycles to pass vehicles in the same lane. This bill would also allow three-wheeled motorcycles to cut through slow traffic and create a huge logjam at red lights. The committee believes that this bill creates safety issues for motorcyclists and other drivers, and ignores the need to update right of way statutes. **Vote 19-0.**

HB 1347, establishing a committee to study sharing the road with bicycles and motorcycles. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Chirichiello for Transportation. This is a study bill in the second half of the session. While this topic may have merit, it would be best to bring this bill up in the new session which would provide a better chance for the committee to produce legislation. The committee also felt that the charge contained in the bill was too broad, and that the proposed study committee would lack focus. **Vote 18-1.**

HB 1396, relative to OHRV operation on certain highways in Grafton County. **OUGHT TO PASS.**

Rep. George Sykes for Transportation. This bill will extend the allowable practice of OHRV operation on highways, if designated by the Department of Resources and Economic Development Bureau of Trails, and approved by the Department of Transportation, from just Coos County to also include Grafton County. This bill will help drive further economic activity in Grafton County. No highways will be approved as trail connectors without first following the procedures established in current statute. **Vote 17-0.**

HB 1405, repealing the prohibition on after market tinted glass in motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This bill is one of three bills that repeal the prohibition on market tinted glass in a motor vehicle. This committee passed a similar bill, HB 1445, that permits tinting at 35%. This is essentially a duplicate. **Vote 17-0.**

HB 1421-FN, relative to exemptions from certificate of title for a vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill seeks to reverse a law that has been in effect for just over a year. Starting in January 2015, titles are required on all vehicles from year 2000 and up. Proof of ownership, ability to get loans and safely being able to scrap old cars are just a few reasons this change had such wide support. The committee didn't hear any compelling reasons for changing the title requirement back to vehicles 15 years old. People who may lose or buy a vehicle with a missing title have a means through DMV to get it re-titled. **Vote 18-0.**

HB 1452, relative to motor vehicle laws applicable to diplomats and certain officials. **OUGHT TO PASS.**

Rep. Steven Smith for Transportation. In the 1980s a bill was passed that gave New Hampshire car registrations, free of charge, to members of the State Department, US Senators, and White House staff. The commit-

tee believes that these people can afford to register their cars. This bill adds those people to the cover plate statute. Like New Hampshire State Representatives, they can register their own cars and pay \$9 for cover plates. **Vote 15-1.**

HB 1462, relative to the height of a motor vehicle body and chassis. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill seeks to eliminate the minimum bumper height on motor vehicles. There was no testimony in favor. Car customizers have pneumatic and hydraulic options available to lower their cars for shows, while still complying with road regulations. **Vote 17-1.**

HB 1469, relative to the restriction of drivers' licenses for nonpayment of child support. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Dumais for Transportation. The Department of Motor Vehicles, the Department of Health and Human Services and New Hampshire Legal Assistance all opposed the bill. No one testified in support of the bill. **Vote 19-0.**

HB 1649-FN, relative to state inspection of new motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill would eliminate safety inspection requirements for cars under three years old. The bill makes no provision for OBD inspections necessary for compliance with the Clean Air Act. Further, illegal modifications to a new vehicle would not be discovered until an expensive violation ticket was written. **Vote 17-1.**

WAYS AND MEANS

HB 1101, prohibiting charges to New Hampshire residents for the construction of high pressure gas pipelines. **REFER FOR INTERIM STUDY.**

Rep. Richard Ames for Ways and Means. The New Hampshire Public Utilities Commission (PUC) is currently considering whether to allow electric utilities (also known as Electric Distribution Companies or EDCs) to enter into long term contracts acquiring gas transportation capacity on new high pressure natural gas pipelines. Such contracts, if approved by the PUC, would help finance pipeline development costs. The development costs covered by such an approved contract would then be recovered through involuntary assessments on the electric utility's customers or ratepayers. The central legal issue is whether or not such capacity acquisitions by EDCs would violate the state's electric utility restructuring principles as set out in RSA 374-F, particularly the principle calling for the functional separation of generating services, which are to be subject to open market competition, from transmission and distribution services, which are to continue under state regulation. In a January 19, 2016 order, the PUC stated that no consensus exists regarding the potential legality of such an acquisition of gas capacity by a New Hampshire EDC and that it expected that such a capacity acquisition and the related cost recovery would be highly controversial. HB 1101, both as originally filed and as clarified and focused in an amendment considered by the committee, would resolve this legal dispute by simply prohibiting the imposition of all such charges on ratepayers. On February 18, 2016, Eversource filed a petition requesting the PUC's approval of a 20-year interstate pipeline capacity acquisition contract. Similar proposals have been presented for approval in neighboring states. In these circumstances, retention of HB 1101 for interim study will allow the committee time to monitor over the next six months all legal developments relating to these pipeline capacity acquisition contracts here in New Hampshire and in neighboring states. Also, during this time, the committee will be able to gain a better understanding of the likely impact of these pipeline developments on natural gas prices, electric utility pricing, and carbon emissions in New Hampshire. Whichever way the PUC comes out on the basic question of the legality or illegality of the pipeline acquisition contracts, a committee report in October 2016 on whether or not further legislation is needed will be based on far better information than is now available. **Vote 21-0.**

HB 1197, relative to conservation number plate funds. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. This bill was brought forth by the State Treasurer. It amends statutes related to the Land and Community Heritage Investment Program (LCHIP) to reflect that the State Treasurer has no involvement in the administration of this program as current statutes imply. The allocation of funds from the conservation fund plate is the responsibility of the Commissioner of Safety and not the State Treasurer. In addition, the establishment of the fund known as the Land and Community Heritage Investment Program Administrative Fund is the responsibility of the New Hampshire Land and Community Heritage Investment Authority and not the State Treasurer. The other major change is modifying any language referring to a trust fund to simply a fund, since these funds are not trust funds. There was no testimony in opposition to these changes. **Vote 20-0.**

HB 1199, allowing adults to play children's bingo at private campgrounds or hotels. **OUGHT TO PASS.**

Rep. Joseph Lachance for Ways and Means. This bill updated the law regarding special bingo games for children at a private campground or hotel. Specifically, any person over the age of 18 may play the game for the purpose of supervising the child or children he or she is with, however such adult shall not be eligible to win. The card such adult is playing shall be marked in such a way that the bingo attendant is able to identify it as not eligible to win under this paragraph. **Vote 17-0.**

HB 1208-FN, relative to administration of the tobacco tax. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. This bill makes technical and clarifying changes to RSA 78, Tobacco Tax laws, which include changing the definition of “premium cigar,” adding needed definitions, removing references to “metering machines,” and clarifying activities which constitute unauthorized sales of tobacco products. In addition this bill adds a requirement for records of tobacco stamps sold to wholesalers and tobacco products distributed, and provides for consumer reporting on Internet sales and out of state purchases and payment for same. The definition of “premium cigar” is amended to remove the dollar criterion of \$2.00 or more. This bill was previously passed by the House in 2015 (HB 550). **Vote 20-0.**

HB 1254-FN-LOCAL, providing an exemption from the business profits tax and the business enterprise tax for certain manufacturing businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means. This bill would provide a 15 year exemption from business taxes to certain entities in several counties. The committee feels that selective tax exemptions are not good policy, and that other entities in other counties would be discriminated against, raising constitutional questions. **Vote 19-0.**

HB 1258-FN, establishing exemptions from the business profits tax and business enterprise tax for new businesses in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for Ways and Means. This bill attempted to create a carve-out from the Business Enterprise Tax and Business Profits Tax for new businesses in New Hampshire. The intent was to encourage new business openings in the Granite State. Unfortunately the wording was difficult in several areas. The constitutional mandate that taxes in New Hampshire be equitable and proportionate would have required creating a new class of taxable entity, a “new business.” While the definition in the bill required a different North American Industry Classification System code for each enterprise, there was nothing to effectively prevent dissolution and reforming at the expiration of the exemption. Thus the definition of “new business” was not as complete as necessary. Also contained in the bill was wording that left to a bureaucracy the requirement of determining what “good citizenship” and contributing to the economy of New Hampshire entailed. The Department of Revenue Administration was also concerned about the administrative practices and costs of monitoring and evaluating the internship programs contained in the bill. In addition the illicit practice of creating a hiring preference for New Hampshire residents was included. **Vote 19-0.**

HB 1289, making technical corrections to certain tax laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill was brought forth by the Department of Revenue Administration (DRA). This bill makes nine technical corrections to a variety of statutes related to taxes. The committee heard testimony on each change and questioned the DRA on each before moving to the next. They did respond to all the committee’s questions to its satisfaction. There was one small amendment to the original bill that clarified issues brought up during the public hearing. No one testified against these changes. None of these changes will have an impact in any way on state revenue going forward. **Vote 20-0.**

HB 1290, relative to filing dates for business taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Don Leeman for Ways and Means. This bill was requested by the Department of Revenue Administration (DRA) and calls for a change of the due dates for filing returns for both the Business Profits Tax and the Business Enterprise Tax. The bill makes these changes so as to comply with the federal due dates for partnership and corporate tax returns. The bill also makes one technical correction, as was explained to Ways and Means by the DRA. The amendment resolves the issue of when the bill applies, starting with taxable periods after December 31, 2015. **Vote 20-0.**

HB 1385-FN-A, relative to the sale or exchange of an interest in a business organization under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Lovejoy for Ways and Means. This bill corrects a flaw in our tax system. NH taxes partnerships, Sub Chapter S corporations and (Limited Liability Companies) LLC’s differently than does the federal government and the vast majority of states. The federal government and most states treat all net income or loss from one of these entities as a pass through to the owner’s personal tax returns. Since NH does not have a personal income tax, NH taxes the entity with both Business Enterprise Tax and Business Profit Taxes (BPT). When an interest in one of these types of organizations is sold for more than the owner’s basis, NH imposes BPT on the PURCHASER not the SELLER for the difference between sales price and the seller’s basis. In return the purchaser gets to record the assets purchased at their purchased price, not the previous owner’s basis. This is referred to as a step-up in basis. The Business Tax Commission had identified this situation as a flaw that hurts NH’s competitive basis, and significantly disadvantages small businesses, especially start-up businesses. This bill gives the purchaser the choice between not paying the tax and therefore not getting the step-up in basis or paying the tax and getting the step-up in basis. The amendment changes the default from paying the tax to not paying the tax if the taxpayer neglects to select an option on their tax return. This provides needed flexibility for NH businesses. **Vote 20-1.**

HB 1391, relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels. **OUGHT TO PASS.**

Rep. Brian Gallagher for Ways and Means. This bill raises the limit on the price paid per bingo card at senior bingo. This bill also sets limits on payouts for senior bingo and bingo at private campgrounds and hotels. Testimony was received that every penny collected would go back to the players and that more people could play and avoid being turned away. The change in limit was noted as an adjustment due to inflation, the prize changes are permissive and not mandatory. **Vote 17-0.**

HB 1422-FN, creating an exemption from the business profits tax for new businesses in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill proposes an exemption from the Business Profits Tax only for new businesses locating in the state that can show they are employing at least four persons. This legislation establishes no controls over how many times a business entity may apply for the exemption. It creates unrealistic parameters by which an entity could qualify for the exemption. It establishes that the new business employ NH residents, demonstrate good corporate citizenship, and partner with local colleges or universities to offer internships, but provides no clear guidance on how that would be administered or audited. **Vote 19-0.**

HB 1436-FN, relative to exemption from the yield tax on timber for clearing for solar energy. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Almy for Ways and Means. This bill emerged from the problem of a single constituent, but the current and prior chief assessor of the Department of Revenue Administration said current law is clear that no tax is due the town or state when the trees cut are near the house. As they explained, the "value on the stump" that triggers an intent to cut form and local Timber Tax is the amount that a third party would pay the landowner to be able to cut and remove a tree. Since small numbers of trees near houses cost more to cut and remove than they can be sold for, their value is negative, and no tax is levied. **Vote 20-0.**

HB 1488, establishing a commission to review and make recommendations for the recodification of RSA 284 and RSA 287-D. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means. This bill proposed a study commission to review and make recommendations regarding statutes dealing with horse and dog racing, and games of chance. No one testified in support of the bill, and the Lottery Commission is opposed, because Racing & Charitable Gaming is merging with the Lottery Commission and this could be premature. The committee sees no need for this bill at this time. **Vote 17-0.**

HB 1498, repealing the prohibition on certain gambling. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill seeks to repeal RSA 647:2 which, if enacted, would allow all forms of gambling in NH. The bill makes no provision for rules, rulemaking authority, regulation or oversight. If NH decides to expand gaming, this certainly would not be the model. The Attorney General also expressed opposition. **Vote 17-0.**

HB 1538-FN-A, relative to revising the business enterprise tax as a business flat tax, reducing the rate of the interest and dividends tax, repealing certain taxes, and establishing a commission to recommend statutory changes for the implementation of this new tax structure. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill seeks to repeal the Business Profits Tax, Business Enterprise Tax and the Medicaid Enhancement Tax. It also reduces the rate of the Interest and Dividends Tax by implementing a Business Flat Tax. The bill also establishes a commission to recommend statutory changes for the implementation of this new tax structure. The legislation would nullify the exemption for schools and non-profits. Additionally, the bill would subject state departments and political subdivisions to the Business Flat Tax. **Vote 19-0.**

HB 1544-FN-A-LOCAL, establishing a tax on revenues from natural gas transmission. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Gallagher for Ways and Means. This bill establishes a tax on revenues received under contracts for natural gas transmission via in-state pipelines. No information could be provided on revenues which could potentially be subject to this tax. Pursuant to Federal Energy Regulatory Commission (FERC) regulations, any such tax would be considered an allowed cost of service item and thus recoverable in future rate structures over which FERC has jurisdiction. Strong opposition was expressed to this proposal from the Nashua Chamber of Commerce. **Vote 21-0.**

HB 1554-FN, establishing a state sports lottery. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for Ways and Means. This bill called for the introduction of sports lottery into the portfolio of New Hampshire Lottery games. Although there were members intrigued by the idea of having a lottery tied to actual athletic events, there were several major reasons that this was not felt to be a good idea at this time. There are only a few states with this type of lottery game in place with the most prominent being Delaware. There is ongoing major litigation that we would have the potential of being drawn into if this bill were

to pass and be signed into law. It was felt that the timing of the filing of this bill was not good. Once other states have cleared the legal hurdles it would lead to a clearer path for New Hampshire to consider this type of lottery game on its merits. With this said the bill also needed work to make it acceptable to the committee. One major item was the bill called for the game to be tied to both professional and collegiate sporting events. There was no appetite on the committee to have this game tied to collegiate sporting events. **Vote 19-0.**

HB 1650, relative to limits in table stakes poker. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. This bill attempts to correct language in a statute that was passed last term (HB 169, Chapter 160, Laws of 2015) related to how table stakes poker games shall be played at charitable gaming facilities across the state. This committee's Inexpedient to Legislate recommendation was overridden on the House floor last term. This statute led to an open ended amount of money being bet at our charitable gaming establishments. Our charitable gaming facilities had crossed the line into the world of true casinos. To stem the tide, The Lottery Commission published a policy which took effect on September 25, 2015 which, in the short run, has stabilized how last year's statute was being interpreted. The committee attempted to use the commission's guidelines as a template for amending the underlying bill. It became clear that as the committee dug deeper into how the game of poker is played and the betting schemes that more time was required. The committee was comfortable, with the Lottery Commission's policies in place and their policing of these policies, that the initial crisis had passed and that there was time for the committee to take a more expansive examination of the whole issue. This resulted in a motion to Refer for Interim Study to examine all aspects of table stakes poker and how it should be played at our charitable gaming facilities. **Vote 21-0.**

HB 1656-FN, relative to exceptions to the real estate transfer tax. **OUGHT TO PASS.**

Rep. Gary Azarian for Ways and Means. This bill creates an exemption from the Real Estate Transfer Tax for transfers of like ownership. For example, if an individual or couple who own property wishes to transfer that property to an LLC or trust with like ownership for estate planning purposes. With this bill this type of transfer would be exempt from the Real Estate Transfer Tax. **Vote 20-0.**

WEDNESDAY, MARCH 9 REGULAR CALENDAR

ELECTION LAW

CACR 17, relating to domicile for the purpose of voting. Providing that only a resident of the state may establish a domicile for the purpose of voting. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the **Majority** of Election Law. For most of the history of our state, it was understood that a person had to be a resident of New Hampshire in order to vote here. However, in recent years, the law has been interpreted to permit people who are residents of other states to vote in our elections if they claim they are domiciled somewhere in the state for voting purposes. This policy was litigated in *Guare vs. the State of New Hampshire*. On July 24, 2014, Superior Court Judge Brian Tucker issued an order in which he wrote “a citizen need not be a resident of New Hampshire in order to vote in this state.” The state appealed to the New Hampshire Supreme Court and lost. This proposed constitutional amendment will require voters in this state to be residents of New Hampshire. It inserts after Part I, Article 11, one sentence that says “[Only Residents May Vote.] No person may establish a domicile for the purpose of voting unless he or she is a resident of the town, ward, or unincorporated place where he or she seeks to vote.” No testimony was offered in the committee stating any reason why any resident of another state should be permitted to vote in our elections. Residency is not a requirement to remain in the state permanently. This constitutional amendment protects the votes of all legitimate residents of our state from being diluted by the votes of people who are not residents of New Hampshire. **Vote 11-7.**

Rep. Wayne Burton for the **Minority** of Election Law. By redefining domicile as residence, this proposed amendment to our state constitution will have the effect of disenfranchising those coming to NH as college students, veterans seeking services, and medical professionals on interim appointments, for example, through requiring a permanency standard deemed constitutionally unacceptable by the US Supreme Court. Changing settled law in ways that reduce voter turnout, now among the highest in the country, diminishes our exemplary status of which our forbears would be proud.

CACR 23, relating to the warning of biennial meetings. Providing that the selectmen are not required to be present to receive the votes. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen Hoelzel for the **Majority** of Election Law. The NH Constitution requires that the selectmen be present at the time the polls are opened and when the ballots are counted. This mandate imposed upon communities has become burdensome for local officials in recent years. This proposed amendment to the state constitution repeals the requirement that selectmen be present during voting. Their presence would continue to be required when votes are counted. The selectmen also provide notice of the meeting and the meeting is “governed” by the moderator. The moderator is authorized by statute to appoint election officials as he or she deems necessary. Integrity of the ballot box is of utmost importance and that can be accomplished by trusted appointed election officials who have been properly trained. **Vote 11-7.**

Rep. Wayne Moynihan for the **Minority** of Election Law. Without a good reason, this bill proposes the initiation of the important, complicated, and cumbersome process of amending our State’s Constitution. The bill wants to change the Constitution to eliminate the duty it imposes upon town selectmen to be present “in open meeting” to “receive the votes of all the inhabitants.” This duty has been generally construed to mean that, not all, but at least a “quorum” of the board of selectmen must be present at the voting place during elections. The bill was presented on behalf of an unknown number of selectmen, with the claim that it is burdensome and unnecessary for them to be present at elections; and that the obligation may conflict with their work lives and other activities. While there was no mention of it by the sponsors or witnesses at the public hearing, the committee learned that less than 90 days ago, in November 2015, the Governor signed into law HB 331. In 2015, HB 331 was introduced, considered by committees, and passed by both the House and the Senate. HB 331 allows selectmen to appoint substitutes, or selectmen pro tem to stand in for them on election days when they cannot be present. It is much more sensible and much better public policy to allow the just enacted HB 331 to have some time to operate before it is changed; especially by means of an amendment to the NH Constitution.

HB 1313-FN, relative to eligibility to vote and relative to availability of voter information. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Gannon for the **Majority** of Election Law. The majority of the committee believes that requiring that a voter be a resident of the state for at least 10 days is constitutional. Currently, it has been shown that there are numerous examples of out-of-state voter fraud that dilute the NH vote and are causing a loss of faith in the very integrity of the NH voting process itself. Idaho has same-day voter registration, just as NH does, with a 30-day durational residency requirement. Expanding the definition of domicile is constitutional and will guarantee that the people of NH alone choose NH elected officials. **Vote 11-7.**

Rep. Wayne Moynihan for the **Minority** of Election Law. For those who have been a part of this legislative body for the last few terms, the content and purpose of this bill amounts to “deja vu all over again.” The NH Constitution establishes that a citizen may vote wherever he or she is “domiciled.” This bill seeks to require a citizen to prove their “residency” before being able to exercise their right to vote. As with bills in the past, this bill seeks to conflate the meaning of these two words so as to limit the fundamental right to vote. The bill would enable a town or city clerk to examine documents such as income tax filings, hunting and fishing license applications, passport applications, and history of military service. It enables a clerk to inquire as to where a citizen spends his or her nights. The official may examine any federal identification, or driver’s licenses to establish whether one is eligible to vote, and to confirm that the “residency” has existed for ten days. The history of court decisions clearly establishes that, unless bureaucratic processing requires some number of days of time to complete, no durational residency requirement may be imposed upon the right to vote. Because NH has “same-day voter registration” we know, for a fact, that there is no justification for the residency requirement of ten days or any other number of days. This bill is flawed for the same reasons it has been flawed in its prior iterations.

HB 1356, relative to construction of the terms “resident” and “inhabitant.” **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the **Majority** of Election Law. This bill with the amendment makes technical corrections to the statutory definitions of resident and residence. The current law in RSA 21:6 says that a resident must demonstrate “... a current intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others.” In 1972, the New Hampshire Supreme Court ruled in the Newburger v. Peterson case that “the indefinite intention test offends the equal protection clause of the Fourteenth Amendment.” As a result of that decision, the current definition of resident in RSA 21:6 is unconstitutional with respect to voting. To eliminate the conflict between that court decision and current law, this bill simply removes the four words “for the indefinite future” from the definition of resident. The amendment removes the same four words from the definition of residence. This legislation does not implement any policy change and has been vetted for unintended consequences by the Department of Safety, the Division of Vital Records, the New Hampshire Fish and Game Department, the University System of New Hampshire, and the Secretary of State. None of these departments found any concerns with the proposed changes and the Department of Safety and the Secretary of State explicitly support the clarification of these definitions. **Vote 11-7.**

Rep. Wayne Burton for the **Minority** of Election Law. This bill is yet another attempt to change the laws that have served NH well for many years as to who may vote in our state. Federal court decisions have protected the rights of students, veterans and others in our mobile society. In this, the 100th anniversary of our presidential primary, measures tending to limit access to the polls run counter to our desire to preserve our rightful place as first in the nation.

HB 1482, establishing a committee to study improving the statewide voter registration database. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Adam Schroadter for the **Majority** of Election Law. Under the current statewide voter registration system, a person who moves from one New England state to another and registers to vote in the new state is requested to provide his or her address in the previous state so the record can be canceled there. If the person fails to provide the previous address, or if the registrar or supervisor of the checklist fails to send it to the previous jurisdiction, or if the registrar or supervisor of the checklist in the previous jurisdiction fails to act on the cancellation notice, a duplicate record exists. As introduced, this bill aimed to establish a committee to study improving the statewide voter registration database. The majority of the committee chose to amend the language, replacing the study with permissive legislation allowing the Secretary of State to enter into agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate information with other states or groups of states. With this permissive legislation the Secretary of State may enter into the agreements necessary for New Hampshire to participate in the Interstate Voter Registration Crosscheck Program. A majority of the states already participate in this program, including our neighboring states Massachusetts and Maine who reported as many as 14,659 duplicate records between them in 2015. If the NH Secretary of State chooses to enter the program as well, they shall review the data resulting from our participation and forward any voter irregularities identified to the Attorney General. This program will help keep voter registration information up to date and help identify voters who may be illegally voting in multiple states during the same election. **Vote 10-5.**

Rep. William Pearson for the **Minority** of Election Law. The amendment attached to this bill is vague in its application and potentially harmful to New Hampshire voters. This legislation would permit the Secretary of State to enter the Interstate Voter Registration Crosscheck Program; a program that may have disenfranchised over 3,000 eligible voters in its own state of conception, Kansas. As a study committee, the bill would have afforded the House time to decide how misleading data and false positives (upwards of 59%) could be handled. The amendment takes that language out and, thus, is not supported by the minority.

HB 1529-FN, relative to reporting of felony convictions for voter checklist updates. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the **Majority** of Election Law. This bill provides a mechanism for enforcement of our law that felons have forfeited the right to vote. Currently, there is no way for supervisors of a checklist to know when a registered voter is convicted of a felony. This bill directs that the Secretary of State shall obtain a monthly report from the Commissioner of Safety of persons who have lost their right to vote. The Secretary of State shall then indicate that disqualification on the voter database so the local communities have that information. **Vote 10-7.**

Rep. Wayne Moynihan for the **Minority** of Election Law. In New Hampshire there is just no evidence of any history of incarcerated felons voting, or voting while on work release, on a suspended sentence, or attempting to vote by absentee ballot. Despite the absence of need, this bill creates complicated bureaucratic responsibilities which are imposed on the Department of Safety and Secretary of State's office, which the fiscal note declares will cost tens of thousands of dollars each year to administer. The sponsor did not present any source of funding for this additional government spending. The sole purpose of the new bureaucracy is to remove citizens with felonies from the voter checklists. This new system will do nothing to restore the citizen to his or her right to vote when eligible again. It is only those felons who are incarcerated in a jail or prison that are ineligible to vote. Felons on parole, probation, or serving suspended sentences are eligible to vote. However, this bill does nothing to insure that these eligible citizens are not disenfranchised. A felon may hold public office, but must swear by affidavit that he or she has completed their sentence; a fact easily determined by reference to the public record. This bill creates an unnecessary felony "tracking system" on statewide voter checklists. Since there is no demonstrable voting by ineligible felons, this burdensome and costly system solves no problem. Rather, it is much more likely to unjustly deprive a citizen of their fundamental right to vote.

HB 1530-FN-LOCAL, relative to mail-in voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Election Law. This bill fundamentally changes our current system of voting. Our current method allows a voter to ask for an absentee ballot if they cannot go to the polling place on the day of the voting. This bill proposes to allow any voter to vote by mail. While allegedly proposed to encourage voter turnout, NH currently has one of the highest voter turn-out rates in the country. The bill contains no clear process or standard as to how the verification process for ballots would occur. The Department of State and New Hampshire Municipal Association both said this would increase state and local expenditures by an unknown amount. A change to the bill as to the time ballots could be received was not received from the sponsors. Finally, there only three states that use a similar type of voting. This does not appear to create a substantially different voter participation rate than we currently have. **Vote 13-5.**

HB 1532, permitting state or county prisoners to vote by absentee ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. William Gannon for Election Law. The majority believes that permitting incarcerated felons to vote would be a fundamental change to our justice system. Persons who commit a serious crime have always been thought to have questionable judgment and, partially for that reason, have forfeited their vote during their incarceration. Also, forfeiture of one's vote is a punishment for the crime committed. The majority is sympathetic to the issue of rehabilitation, but does not believe there was any empirical evidence presented to the committee to show that giving a felon the right to vote while incarcerated would have a causal linkage to his return as a positive, functioning member of society. Additionally, under NH domicile law, the felon would be able to claim his prison's location as his residence and prison populations could greatly impact the voting in the location of the prisons. **Vote 15-3.**

ENVIRONMENT AND AGRICULTURE**HB 1440-FN**, relative to certification for solid waste operators. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. George Saunderson for the **Majority** of Environment and Agriculture. The current certification requirements for solid waste operators serve to protect the transfer station employees and the environment from potential danger. Safe disposal of hazardous waste is a constantly evolving situation which requires annual review and training. This bill would have reduced the existing certification requirements, thereby exposing employees to potential risk from the mishandling of hazardous waste. The bipartisan majority of the committee felt that solid waste operators were not overly regulated and reducing this requirement at this time would not be in the best interest of the state. **Vote 15-3.**

Rep. Warren Groen for the **Minority** of Environment and Agriculture. This bill sought to relieve small towns from the burden of redundant training and the high cost relative to benefits received. Annual renewal is an excessive burden on a fairly static recycling operation, especially when other professions are more infrequent. The Department of Environmental Services collects the \$50 fee even when they don't offer the training. Police are recertified every three years, EMTs every two years, and firefighters once and done. This is one taxpayer funded branch of government forcing an unfunded mandate on another sector of taxpayer funded government, irrespective of services offered.

HB 1499-FN, relative to certificates for rabies vaccination of dogs, cats, or ferrets. **INEXPEDIENT TO LEGISLATE.**

Rep. John O'Connor for Environment and Agriculture. This bill would eliminate the requirement that veterinarians send copies of certificates of rabies vaccination which they generate to town and city clerks. Eliminating this central repository puts our citizens at risk. Whenever a domestic animal bite occurs, the first responders reach out to this central location to determine whether or not the animal has been vaccinated. The bipartisan majority of the committee agreed that it is important to keep this capability in place. **Vote 16-3.**

HB 1528-FN, relative to standards for aerobic septic systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John O'Connor for the **Majority** of Environment and Agriculture. This bill is specific to the use of Enhanced Treatment Units in septic systems which allow the discharge of effluent to smaller leach fields. Due to the technical nature of these systems which require soil scientist and professional expertise to install, these systems are moved from local control to permitting by the Department of Environmental Services (DES). Although these systems have the most advanced technology, they still need to be reviewed by DES on a permit by permit basis to maintain a level playing field and not pit one firm against another. Our current statutes and rules accomplish this. This bill reduces the requirements below our current standards which may weaken our basic protection of human health. This bill also establishes a new position within DES without any additional funding for the position. **Vote 10-6.**

Rep. Warren Groen for the **Minority** of Environment and Agriculture. This bill seeks to level the playing field for all new technology being developed for the treatment of septic waste. In committee we heard that this bill should be accomplished through rules. That was attempted in the past and failed. This bill was intended to say that any technology that could perform to a given standard would be approved to compete in the market just the same as the original design that has been approved.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 21, relating to the attorney general. Providing that the attorney general be elected to a 4-year term. **WITHOUT RECOMMENDATION**

Statement in support of Ought To Pass with Amendment: This proposed amendment to the state constitution changes the method of selection of the Attorney General. Currently, the Attorney General is nominated by the Governor and approved by the Executive Council. The constitutional amendment as filed would have changed the NH Constitution to require the Attorney General to be elected to a 4 year term by the people. The Attorney General is already directly elected in 43 other states. The current process denies the people and their representatives input into who is tasked with being charged with ensuring the laws of the state are followed. The result is that the Attorney General is an agent of the Governor and the agencies of the state rather than the people. The CACR as filed would rectify this lack of oversight by direct election. During a committee executive session, there was bipartisan support for the bill as filed but there was more support for a proposal to require the House and Senate to elect the Attorney General in joint session. This indirect election process would ensure that money is not used to "buy" the seat. This process for electing non-partisan officers of the state is already used for the Secretary of State and the State Treasurer. It has worked very well and those Constitutional officers are very responsive to the citizens. There are numerous examples of the Attorney General not being responsive to the needs of the citizens, including but not limited to: the Legislature has authorized medical marijuana as the public policy of the state, but the Attorney General has opposed and thwarted the implementation of this policy at every opportunity; in the FRM case, the Attorney General's office repeatedly chose not to investigate criminal complaints costing elderly citizens millions of dollars in retirement funds; and most recently, the Attorney General has intervened to oppose parents' right to chose the most effective educational opportunities available for their children. If this proposed amendment is adopted by the people, the candidates desiring to serve in this office would submit their names to the legislature as candidates and then during a joint session of the House and Senate, the legislature would elect the Attorney General by ballot in the same manner as the Secretary of State and the Treasurer. This change would make the Attorney General more responsive to the needs of the people and the direction of their representatives than to the interests of the State Agencies and Departments and the bureaucrats that inhabit them.

Rep. J.R. Hoell

Statement in support of Inexpedient to Legislate: The Office of Attorney General has been a vital and key position in NH state government. Throughout our history there are numerous examples of where the Attorney General has "stood tall for justice" on behalf of the citizenry of NH. The present selection process is transparent and runs well. The selection process does not need tampering. Modifying the selection procedure risks not only tampering with a well-functioning system, but could further politicize the position of Attorney General. The present system where the Governor nominates a candidate who must be conformed by a majority of the Executive Council, provides a public vetting of the individual. New Hampshire prides itself on the access and availability of its elected officials by the public. Requiring the 424 member NH General Court to

select the Attorney General will further politicize the office as well as possibly impede the operation of the NH Department of Justice. It was unclear if the present position of a four year Attorney General term would continue, or if the appointment would be for the duration of the appointing legislative body (two years). As indicated by the committee's tie vote – the decision of changing the Attorney General selection process is complex and to re-quote the old axiom “if it isn't broke, why fix it!”

Rep. Raymond Gagnon

HB 1122, relative to limitations on supervisory positions in state employment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jacalyn Cilley for the **Majority** of Executive Departments and Administration. This bill seeks to require the Commissioner of the Department of Administrative Services to implement and maintain a personnel database as well as limit the number of supervisory positions in state employment. The committee agrees that it may well be time to review the entire personnel classification system for state employees. However, the committee felt that this particular bill was too limited in scope to accomplish that goal and that it sought an arbitrary solution to a more complex issue. **Vote 14-2.**

Rep. J.R. Hoell for the **Minority** of Executive Departments and Administration. This bill concerns the system by which classified positions are ranked and salaries determined. One criterion in the ranking is the degree to which a position supervises others. Figures provided show that only 11% of full-time state employee positions are classified as having no supervisory responsibilities, 38% are partial supervisors and 49% are direct supervisors. These figures are clearly higher than actual practice. This bill directs commissioners to ensure that no more than 15% of their workforce is classified as direct supervisors. It also gives them a mechanism for obtaining exceptions. Commissioners who testified in opposition agreed that the system needs reform, but proposed no specifics. This bill provides a simple, reasonable and flexible way to move our employee classification system closer to reality.

HB 1187-FN-LOCAL, repealing licensure of showmen. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill targets, and would eliminate, a long-standing local control statute allowing local officials to have oversight and permitting of individuals who wish to come into a community to perform various types of shows for money. No evidence was provided to the committee that the showmen statute is causing, or has caused, any problems in any community; nor was there any call or support for a repeal. To the contrary, a repeal would infringe on local control without any countervailing benefit. **Vote 7-5.**

HB 1224, establishing RV month in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

The bill would have required the Governor to proclaim the month of June as “RV Month”. While the committee felt that this was a good idea, we know that the Governor already has the authority to issue a proclamation without the Legislature requiring him or her to do this. Concern was expressed by the committee members that adding a special time or date for everyone's favorite cause to our statutes could go on ad infinitum. **Vote 13-2.**

HB 1282, relative to the state building code. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. J.R. Hoell for the **Majority** of Executive Departments and Administration. The bill proposes to adopt the 2015 International Building Code as the minimum standard for all new building construction as well as any commercial or residential renovations. The changes in the code are predominantly changes to building energy efficiency and not about life safety. The energy efficiency portion is extremely extensive and adds additional requirements that may force upgrades to other portions of the structure when completing a renovation. Further evidence that this standard is a significant change is that only 6 states have adopted this 2015 standard either at a state level or at a local level. Currently MA, CT and ME are all at the 2009 level or prior editions of the code and VT has only recently adopted the more restrictive 2012 standards. The NH Homebuilders Association raised 9 issues that needed to be amended out if this standard was adopted. Committee members noted during the executive session that we already allow the local jurisdictions to adopt this policy, if they want to, and that there are no prohibitions on homeowners or businesses adopting the newer standards when renovating or building new buildings. Given the energy costs in the state, if there was a compelling reason to adopt these standards, the prospective owners would be adopting these changes on their own, but that is not happening as the costs for some of these energy “solutions” has a negative return on investment once common interest rates are taken into account. **Vote 10-6.**

Rep. Carol Roberts for the **Minority** of Executive Departments and Administration. The International Building Code presently in force in New Hampshire is the 2009 code. It is generally considered among professionals that codes over five years old are dramatically out of date. It is in the best interests of all citizens of New Hampshire when the trades adhere to a newer code. While the latest code has some shortcomings, amendments have been made and may in the future be added to adjust the requirements. Although this bill had the backing of all the aforementioned trades, the majority of the committee found it Inexpedient To Legislate. The minority feels this action sets a bad precedent for allowing special interests to control the outcome of legislation and that cost should not drive changes to the many improvements to the code. Updates to the energy

code will not be enforced – intensifying our dependence on fossil fuels; changes to lifesaving measures such as egress, fire protection, and emergency lighting will not be required and many other updates and additions approved by the trades will not be addressed. These items and other changes are now on the back burner due to the vote of majority.

HB 1433-FN, establishing the office of ombudsman in the department of state. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration. This bill would establish an office of ombudsman which would assist citizens who allege criminal acts by members of state and local government. This was introduced as a result of allegations that such complaints have not always been acted on in the past. The committee felt that there was merit to this concept but was concerned that important details need further study. Principally, there were concerns that a two-person office could easily be overwhelmed and, to a lesser extent, the funding of this office. **Vote 8-5.**

HB 1442-FN, relative to objections to proposed agency rules under the administrative procedure act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Schmidt for the **Majority** of Executive Departments and Administration. This bill seeks to add a new criterion as a basis for objection by the Joint Legislative Committee on Administrative Rules (JLCAR) to a proposed agency rule. Specifically, it would permit the committee to be “deemed to have a negative impact on businesses.” While such an evaluation might be desirable in a perfect world, the committee recognized that it was too nebulous a concept to be workable and would likely lead mostly to endless wrangling. **Vote 12-4.**

Rep. J.R. Hoell for the **Minority** of Executive Departments and Administration. The minority of the committee wanted to make sure the current anti-business culture of the State of NH could be eliminated. The clause in RSA 541-A “determined not to be in the public interest,” is insufficient to stop some of the over-reaching rules that impact businesses in an unfavorable way. The minority supports a “belt and suspenders” approach to making sure that small businesses have a chance to have their voices and concerns raised as various rules are adopted. The clause “Determined not to be in the public interest” has been used to stop some rules from being adopted and adding the option of “Deemed to have a negative impact upon businesses” could be used in the same way to make sure we have a thriving business culture.

HB 1639-FN, relative to bonds for public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would permit any citizen injured by a bonded public servant of NH to have first-party recourse under that public servant’s bond. That is, a citizen could collect directly from the bond if he or she felt injured by a public servant. Without considering the merits of the policy, there are several problems with the bill that make it unworkable and which would require extensive redrafting. For example, the bill does not specify any process procedure. How would such claims be investigated and verified? What agency would be responsible for evaluating such claims and for due process considerations? Without such an agency to provide safeguards, there could be a chaos of claims. A subcommittee heard from the Division of Administrative Services and from the Attorney General’s office. They stated that bonds are issued by bonding companies to protect the state and do not contemplate claims from citizens. We heard that the provisions of this bill would be unique in the United States and no bonding company would countenance such an arrangement. Consequently as a practical matter, NH could not get bonds for its public servants under the circumstances contemplated by this bill. Finally, we heard that the State Board of Claims presently exists for just this purpose. For these reasons, the committee has recommended that the bill be found Inexpedient to Legislate. **Vote 14-2.**

HB 1640-FN, relative to the expiration of administrative rules. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jacalyn Cilley for the **Majority** of Executive Departments and Administration. This bill seeks to change the expiration of agency rules from the current 10 years to 2 years. Several members of the ED&A Committee are currently, or have been, members of the Joint Legislative Committee on Administrative Rules (JLCAR) and are very familiar with the current process of rules promulgation. This involves a time line for crafting rules, public hearings and the review of proposed rules by JLCAR. The committee determined that an abbreviated time frame would be logistically impractical and would pose an undue burden on the agency, JLCAR and the relevant policy committees. **Vote 11-2.**

Rep. J.R. Hoell for the **Minority** of Executive Departments and Administration. This bill attempted to establish a 2 year sunset clause on administrative rules unless the rule was reviewed and approved by the legislative committee with jurisdiction over the subject matter. Concerns were expressed that this would increase the work load on the current committee members. In that rules do have the force of law and these rule changes have a huge impact on individuals and businesses, there was real concern that the current system lacks the necessary checks and balances needed with just the Joint Legislative Committee on Administrative Rules (JLCAR) serving as the gate keeper. The policy change would allow immediate reaction by those affected by the rule changes to have a means to address the untended consequences of rules with the elected members of the House. A suggestion was made during the executive session to include the “Notices of Proposed Rules”

section of the NH Rulemaking Register to the House Calendar as the agenda of the JLCAR meeting. Given the force of law that the rules carry, publishing this additional agenda information in the calendar would give greater exposure to the legislators and the public what is proposed at the next JLCAR meeting.

HB 1658-FN, establishing one-stop business permitting. **REFER FOR INTERIM STUDY.**

Rep. J.R. Hoell for Executive Departments and Administration. The bill set out to make it much easier for businesses to move or to expand in NH. While there are business development organizations within various political subdivisions, there is a need that has not been met. The chambers of commerce are doing some of this work, and the Department of Resources and Economic Development has been working on collaborating with the prospective businesses. There is no "one-stop" place for businesses to go to. **Vote 11-3.**

FINANCE

HB 242, relative to the statewide improvement and assessment program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Weyler for the **Majority** of Finance. It has been the policy of this legislature that basic skills must have been achieved by the third grade. Thus we have added money to differentiated aid to assure that students, who have not reached a certain level of proficiency in reading by the third grade, are given extra help in reading skills. This bill adds mathematics to that third grade testing, so that those students who are behind in the minimum acceptable level for math skills can be identified as well. There is no appropriation for this new program. We must discover the extent of the problem before we can talk about funding. The committee supports the policy. **Vote 13-12.**

Rep. Susan Ford for the **Minority** of Finance. The minority supports the policy of all third graders demonstrating grade level proficiency in reading and mathematics. This bill requires the Department of Education (DOE) to develop a test to determine if pupils are at grade level in reading and mathematics as part of a statewide assessment program. Since this test has been developed and the DOE monitors student performance, the minority believes that HB 242 is superfluous.

HB 1428-FN-A-LOCAL, making appropriations to the department of environmental services for the purpose of funding eligible and completed drinking water and wastewater projects under the state aid grant program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Danielson for Finance. This bill as amended directs funding to eligible and completed wastewater projects under the State Aid Grant Program. It establishes a Clean Water State Revolving Fund (CWSRF) non-program account to fund years one and two of eligible and completed wastewater programs in Exeter, Rochester, Portsmouth, Hanover and Littleton. The account is funded in the amount of \$825,933 from surplus funds available in the CWSRF under RSA 486:14, I(b). There is no impact on the general fund. **Vote 25-0.**

HB 1475-FN-A, establishing a death benefit for a school employee killed in the line of duty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph Pitre for the **Majority** of Finance. This bill provides a benefit of \$100,000 from the state for a school employee who while at work dies a violent death caused by another. This is a benefit that could be negotiated under collective bargaining agreements which are best handled by school district boards. In addition, there is already a death benefit for any school employee covered by the New Hampshire Retirement System, making this additional death benefit redundant. Finally, other state and municipal employees run similar risks as school employees but are not included. Consequently, the committee believes the bill is both unnecessary and unfair. **Vote 14-11.**

Rep. Katherine Rogers for the **Minority** of Finance. Since 2013, there have been over 160 school shootings across the country, averaging one violent criminal situation resulting in one death a week. FBI statistics increasingly show education environments are among the top two settings for mass violence. Most New Hampshire school districts have some sort of "lockdown" or "shelter in place" procedures and will do at least two "lockdown" drills a year using emergency plans developed in conjunction with police and fire input. Our state statutes require every public and non public school to develop a site-specific emergency response plan in conformance to the incident command system and the national incident management system - these plans direct the Director of Homeland Security to assist school districts in conducting training for and providing support in the development, implementation and review of any emergency response plans to violent attacks. It is abundantly clear that our school employees now act as first responders when our schools come under attack. This Legislature passed "Michael's law" after the murder of Officer Michael Briggs in 2006 which provided a death benefit of \$100,000 to the family of any police officer or firefighter killed in the line of duty. Like police and fire fighters, educators often find themselves on the front line of violent situations, often putting themselves between the assailant and their students. HB 1475 as amended establishes a death benefit for a school employee killed in the line of duty as a result of violence, and it provides for the Commissioner of Education, after consideration and in conjunction with a recommendation of the local school superintendent, to make a determination that the decedent qualifies for the death benefit.

HB 1591-FN-A, relative to the health care premium contribution for retired state employees who are over 65 years of age, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lynne Ober for the **Majority** of Finance. This bill, as amended, provides additional tools for the Risk Management Division of the Department of Administrative Services (DAS). When the budget was presented by the Governor, the retiree health line was underfunded by \$5.5 million. Then the federal government cut the stipend sent to us for payment of prescription drug coverage for those on Medicare by \$1 million. This stipend comes to the state because state employees do not use a Medicare Part D Plan for prescriptions. Between the time the budget was developed and the fall, prescription usage by retirees had grown so much that an additional \$4 million had been used. This left a \$10.6 million budget hole that DAS and the Fiscal Committee worked to close by amending the plan, changing co-pays and using surplus funds in the account. This bill allows the department to look at other options. One provision will continue the partial premium currently in law for retirees and spouses who turn 65 on or after July 1, 2016. This partial premium will only be paid on the portion of insurance coverage for prescriptions and supplemental coverage to Medicare, so the overall retiree cost will go down once a retiree or spouse becomes 65. Starting January 1, 2017, the agency may propose to change these rates subject to approval as allowed by state law using the approval process already established in law. Another provision allows the department to review the program and suggest needed changes in order to keep the program solvent throughout the biennium and to ensure that the state is not asked to pay the Affordable Care Act Cadillac tax, should that take effect. Finally, provision is made for a consultant to prepare a new long-term plan to fund state retiree health benefits. The \$300,000 cost will come from the risk management fund surplus. **Vote 17-8.**

Rep. Robert Walsh for the **Minority** of Finance. This bill seeks to require partial payments of health care costs from some state retirees. Our committee was informed that the health care costs will exceed funds available for such payments in the final month of the current fiscal period. The minority members on this bill are concerned about this shortfall but feel that there are many more sources from which to cover this shortfall than state retirees who are living on reduced and fixed income.

HB 1670-FN, relative to public employee suggestions for cost-savings measures. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne Ober for Finance. This bill represents a laudable effort to reach into the psyche of the state employees to bring forth money saving ideas. The intent is to reward state employees with a 10% cash reward of twelve months' (one year) savings. The challenge of the bill is that it is intermingled with the current extraordinary service award RSA which creates confusion within the RSA. There are also issues of timing of award accounting period relative to the passage of the bill. Concern was expressed of employee dissatisfaction with peers or superiors, should an idea be lifted from the employee to the benefit of the peer or supervisor. Perhaps the concept might be reintroduced as a separate section at some time in the future. **Vote 21-4.**

HB 1686-FN, repealing the community heritage investment program. **INEXPEDIENT TO LEGISLATE.**

Rep. David Danielson for Finance. This bill seeks to defund the Land and Community Heritage and Investment Program (LCHIP). Testimony received indicated that over the 15 years of LCHIP (not funded each year) the program has provided 376 grants leveraging \$37 million for local projects. While over 238,000 acres have been acquired by municipalities through the program, an additional benefit to municipal non-profit organizations has been the ability to leverage grants to help in funding other projects - for example, preserving over 218 structures considered worth protecting by the community. In FY15, there were 35 municipalities who received benefits from LCHIP. Currently, there are 89 LCHIP projects committed to and extending through 2018. These benefits are valuable enough to the state and our communities that the committee recommends the bill be Inexpedient to Legislate so that LCHIP can continue to provide its important services. **Vote 23-1.**

HB 1696-FN, requesting a modification of the New Hampshire health protection program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Karen Umberger for the **Majority** of Finance. The bill as it passed the House extends the existing New Hampshire Health Protection Plan (also known as Medicaid expansion) for another two years. The extension will not cost the general fund any dollars. The funding for the program will come from voluntary contributions from various charitable foundations. If the voluntary contributions are not received the program will end. The Finance Committee identified that the general fund was incurring administrative costs of approximately \$5.4 million including costs for personnel to screen applicants for the program. The bill as amended will result in these costs being paid for by the voluntary contributions. The committee amendment also makes some technical corrections; including placing the program on a calendar year basis rather than a state fiscal year basis and clarifying the procedure and timing for notifying participants should the program be terminated for lack of sufficient voluntary contributions to cover its costs. **Vote 18-8.**

Rep. Dan McGuire for the **Minority** of Finance. While HB 1696, as amended, is designed to have almost no impact on our state budget, that condition rests on the good will of hospitals and insurers. As long as the program is a moneymaker for these large businesses, they will continue to participate, but any time the expenses become higher than expected, for example if the expanded Medicaid population turns out to be less healthy or much larger than expected, they can abandon the program, leaving the state holding the bag. And what happens if the program doesn't work for just a few of the 26 hospitals and they drop out? Will the others take up the slack? But more importantly, expanded Medicaid is very poor public policy. It is a welfare program for able-bodied adults in their working years. The medical insurance provided has features such as no premiums, no co-pays, no deductibles and includes non-emergency transportation that are simply not available to workers with full-time jobs. These benefits create a strong disincentive to full-time employment and career advancement. Social cohesion, productivity and our standard of living will be lost if we make underemployment more attractive than full employment. For these reasons the minority cannot support HB 1696.

FISH AND GAME AND MARINE RESOURCES

HB 1178, relative to the taking of black bear assisted by a licensed guide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Long for the **Majority** of Fish and Game and Marine Resources. By administrative rule, the Department of Fish and Game currently issues up to 50 bear guide permits each year, with each allowed up to six bear baiting sites. This site limit has been in effect for 15 years. Each guide may also assist in the taking of up to six bears. Currently the success rate is 30%. No further bait sites or an increase in the take limit are needed. These limits should all remain in rules. When the quota is filled for bear kill, the department can shut down the season. The committee heard argument that this is a business issue. The majority felt that guides know the economics of their business when they open shop. The bill could also put the balance of the sportsmen at a disadvantage when it comes to bear harvest. The NH Guides Association, the NH Wildlife Federation, and the Department of Fish and Game all opposed this bill. **Vote 11-2.**

Rep. James Spillane for the **Minority** of Fish and Game and Marine Resources. This is a business bill. It will allow guide businesses to book more hunters in a season, thereby bringing more revenue to the state not only in hunting licenses, but also in Meals and Rooms Tax, and it will generate business for these industries.

HB 1548-FN, prohibiting the trade of shark fins. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ivy Vann for the **Majority** of Fish and Game and Marine Resources. The majority of the committee agrees with the Fish and Game Department that current law adequately prohibits the practice of shark finning in New Hampshire waters. **Vote 10-2.**

Rep. Jonathan Manley for the **Minority** of Fish and Game and Marine Resources. Shark fins should be illegal. Being able to take them from the animal once on shore is a loophole that needs attention.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1310, establishing a commission to study health care for all residents of New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. The committee recognized the potential benefits of an in-depth study of alternative health coverage and delivery option for New Hampshire. However, the bill itself was incomplete. The committee expressed a commitment to further work on a bill that would promote a study of this timely issue. **Vote 10-4.**

HB 1420, relative to controlled drug prescription health and safety information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill strengthens the prescription drug monitoring program (PDMP) and it allows authorized law enforcement officials quicker access when they have reason to investigate fraud. This bill does not allow anyone to have direct access to the PDMP. Prior authorization for law enforcement must be on a case by case basis and must comply with the law. Access may be denied. **Vote 11-6.**

HB 1453, relative to qualifying medical conditions for purposes of therapeutic cannabis. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James MacKay for the **Majority** of Health, Human Services and Elderly Affairs. The majority of the committee felt that the orderly process followed by the NH Department of Health and Human Services in implementing the medical cannabis legislation has been done in a careful and thoughtful way. It is felt that the opening of the dispensaries is eminent. The Cannabis Advisory Council will assume the responsibility of evaluating the effectiveness of this program. Needed modification will be considered for future legislation including these in this legislation. **Vote 9-6.**

Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. Members of the minority were persuaded that the symptoms of ulcerative colitis are very similar to the symptoms of Crohn's disease, which is already included in the the list of qualifying medical conditions. Thus, we believe it would be unfair to afford relief to one group of patients and not to the other.

HB 1605-FN, prohibiting the use of latex gloves and utensils in the food service industry. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for the **Majority** of Health, Human Services and Elderly Affairs. This bill as amended prohibits the use of natural latex gloves and utensils in food preparation at licensed food service establishments or licensed retail stores. The American Latex Allergy Association reported that more than 3 million people have been diagnosed with an allergy to latex. That allergy can range from mild itching, redness and swelling to life threatening anaphylactic shock. Alternatives to latex gloves are readily available for restaurant suppliers and are less expensive. Legislation extends the effective date to allow food service establishments to make the change. Food establishments that continue to use latex gloves give no choice to their clients. **Vote 16-2.** Rep. Joanne Ward for the **Minority** of Health, Human Services and Elderly Affairs. This bill would prevent the food service industry from using any latex gloves or utensils because of the risk to people with latex allergies. Allergies can be very serious but does this require a mandate. Vinyl gloves are less expensive than latex and many establishments have switched over voluntarily. Should this be mandated or handled through education and licensing?

HB 1629-FN, relative to disqualifying members of certain groups from receiving public assistance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela Gordon for the **Majority** of Health, Human Services and Elderly Affairs. This bill would prohibit any individual who has membership in, or who supports any organization from receiving public assistance. As well intentioned as this proposed legislation is to protect NH citizens against the use of public funds to inadvertently fund terrorist activities, this bill fails to accomplish the intended goal. The bill is unconstitutional as it prohibits benefits based on membership in a group, which is protected by the First Amendment, even if the group engages in abhorrent activities. **Vote 12-5.**

Rep. Donald LeBrun for the **Minority** of Health, Human Services and Elderly Affairs. When an individual is designated to the terrorist list they should not be allowed to benefit from public programs such as welfare, medical aid or food stamps. We should not be rewarding those individuals that are identified as not wishing to be a productive part of our culture.

HB 1690-FN, extending the New Hampshire health protection program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen Schmidt for the **Majority** of Health, Human Services and Elderly Affairs. The majority position was that a similar bill, HB 1696, requesting a modification of the New Hampshire health protection program provided a sunset extension of the New Hampshire Health Protection Plan as well as a funding mechanism for those dollars not reimbursed by the federal government at no cost to the New Hampshire taxpayer. HB 1696 also contained language protecting the New Hampshire taxpayer should the federal government renege on their financial support. The majority, for the aforementioned reasons, found this bill Inexpedient to Legislate in favor of HB 1696. **Vote 9-8.**

Rep. Thomas Sherman for the **Minority** of Health, Human Services and Elderly Affairs. This bill repeals the sunset and reauthorization requirement for the New Hampshire Health Protection Program. By all measures, the program has been a success bringing health coverage to more than 47,000 New Hampshire residents. It has saved more than \$150 million in uncompensated care costs. With its influx of more than \$400 million in federal funds, it represents one of the very few sources of significant new revenue with which to address the addiction and opioid crisis in our state. With these successes and taxpayer circuit breakers in place, the NHPPP should be allowed to continue without sunset.

JUDICIARY

CACR 13, relating to the administrative head of the courts. Providing that the chief justice of the supreme court shall make rules governing employees of the courts and the practice and procedure to be followed in the courts. **WITHOUT RECOMMENDATION. Vote 8-8**

Statement in Support of Ought to Pass with Amendment:

This resolution as amended will amend Part Second Article 73-a of the New Hampshire Constitution. Under the current wording of Article 73-a if the Supreme Court created a court rule which would conflict with statute, it is unclear which would have superior authority. This resolution would establish that in the event of conflict between court-created rule and statute, statute shall prevail. The Supreme Court has found in the case of *State of New Hampshire v. Shawn Carter*, that: "statutory enactments prevail over conflicting court rules." This resolution seeks to enshrine this ruling in the New Hampshire Constitution, thus preventing any potential conflict in the future. Rep. Robert Hull

Statement in Support of Inexpedient to Legislate:

This resolution attempts to clarify and/or establish the primacy of the legislature in court rule-making. The resolution makes it clear that in case of conflict between a court rule and a statute, the statute will prevail. However, after an exhaustive review of the meaning of our separation of powers clause, the Supreme Court agrees, but with an important exception. The legislature may not impinge on the Court's "core adjudicatory function" that is "to resolve cases fairly and impartially and to protect the constitutional rights of all persons who come before the courts." This resolution does not make this distinction and thus goes too far. Rep. David Woodbury

CACR 22, relating to the right to privacy. Providing that an individual's right to live free from governmental interference is fundamental and shall not be restricted unless the government demonstrates a compelling state interest. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kurt Wuelper for Judiciary. This resolution as amended proposes to formalize the right to privacy as a fundamental constitutional right. The majority agreed that having this right explicit in the New Hampshire Constitution would be an important safeguard to this right. **Vote 12-8.**

HB 1125, requiring law enforcement officers to return stolen property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Kenison for the **Majority** of Judiciary. This bill requires the police to return certain stolen property within 48 hours of its recovery. This bill has a number of flaws. There is no procedure that would enable a person to obtain a copy of the data. Police must maintain a chain of custody over each piece of property taken into custody, for any item used as evidence in a criminal trial has to continually be in the hands of law enforcement and not altered. The proposed bill would require law enforcement to make the device available to the owner within two days so the owner could obtain a copy of the data. Many law enforcement agencies do not have the technology to retrieve the data within two days. Retrieval often takes a significant amount of time. If property is released there would have to be a police officer to oversee the entire process, which could take several hours. **Vote 11-9.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority believes crime victims should be allowed to retrieve the information from devices like phones or computers in a timely manner, after those objects are recovered by police, without compromising the need for them as evidence. With our enormous and increasing dependence on these devices for both personal and professional purposes, the inability to access our own information from our own property can be devastating. This bill as amended would provide a process for the people to get their own data within two business days and it requires the return of the item itself within two weeks unless, in either case, the police show a court why not.

HB 1175-FN, relative to post-judgment real estate liens. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for Judiciary. This bill as amended provides that judgment issued by a court may be secured against real estate by recording and re-recording a certified copy of the judgment with the registry of deeds, without losing its priority status. Current law requires re-recording every six years with the priority status of the judgment eliminated. The bill provides for notice to the defendant upon each recording, requiring the recording of an affidavit of notice with the registry of deeds. The bill also provides a mechanism for discharge of the lien, with remedies available to the defendant of costs and legal fees if the plaintiff fails to comply. **Vote 14-2.**

HB 1249, providing that persons who provide false or misleading information in an abuse or neglect proceeding shall be guilty of the crime of false swearing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Berch for the **Majority** of Judiciary. This bill proposes certain criminal penalties for providing false or misleading information in a child abuse or neglect investigation or proceeding. It would also criminalize withholding of exculpatory and true information by any employee of the Department of Health and Human Services. A bipartisan majority of the committee has recommended Inexpedient to Legislate for a number of reasons. There are already criminal provisions in the law to punish false swearing and perjury that would apply to judicial proceedings. The majority of the committee felt that poor drafting, vagueness and unclear directives in this bill would lead to unintended consequences and might well dissuade individuals from bringing forth good faith claims of child abuse. The bill makes it a crime to withhold information, but does not define from whom. It states that the information must be known to be true and exculpatory, but not by whom. It does not seek to define exculpatory, which can vary from circumstance to circumstance. The bar on withholding information extends to unintentional as well as intentional. The bill would cover secretaries as well as investigators. It even fails to specify what kind of hearing would be necessary for certain criminal penalties to attach. In a larger sense, the committee heard testimony that this bill would potentially chill people from coming forward with information that may turn out to be exculpatory, yet false. Law and public policy in New Hampshire is to encourage – with immunity – people coming forward with good faith reporting of possible child abuse and neglect. This bill, as written, goes in the opposite direction. **Vote 10-7.**

Rep. Mark McLean for the **Minority** of Judiciary. RSA 169-C:31 grants civil and criminal immunity to anyone who makes a report in good faith under the child protection act. This provision is essential to reassure persons reporting abuse that they will be protected from retaliation, and its absence would have a chilling effect on the reporting of real abuse. However, as vital as these protections are, they are only valid if the reports are being made in good faith. Persons who bring forth false or misleading information lose this immunity and are subject to the penalties under RSA 641 relating to falsification in official matters. This bill as amended does not create new penalties for providing false information, but it does explicitly link RSA 169 to RSA 641, and it clarifies which sections of the statute apply. False or misleading statements relating to abuse have the potential to cause enormous damage to children as well as the falsely accused. The minority of the committee felt that there should be no ambiguity as to the consequences of such actions.

HB 1270, relative to a jury's determination as to the applicability of a law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for the **Majority** of Judiciary. This bill is not jury nullification. This bill does not turn the practice of law in New Hampshire on its head. Rather, this bill clarifies the current burden of proof in the jury instruction given by the judge to juries in criminal cases and requires this instruction to be given only at the request of the defendant or the defendant's attorney. The current jury instruction given is, "If you have a reasonable doubt as to whether the state has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty." The word "should" as we know in this legislative body means "may or can if you decide to." To a juror who has never served in the legislative body, this "may or can" can be confusing when given with all of the other multiple pages of jury instructions provided at one time. The last line in this bill clarifies that "should" to mean, "Even if you find that the state has proved all of the elements of the offense charged beyond a reasonable doubt, you may still find that based upon the facts of the case a guilty verdict will yield an unjust result, and you may find the defendant not guilty." This does not tell to the jury they can disregard the "law." The language merely reinforces law as we have always known it in New Hampshire, which is that the jury is the finder of fact and the jury has the ability based upon the "facts" to find the defendant not guilty. The majority of the committee felt this law was necessary and would assist the jury in promoting justice in our state. **Vote 9-8.**

Rep. Paul Berch for the **Minority** of Judiciary. New Hampshire already has laws and court decisions governing what the jury may be told regarding its right to judge facts and the application of the law in relation to the facts in a criminal case. This bill would radically change the landscape by allowing a jury instruction supporting jury nullification that would grant the jury the right to ignore the law and reach a verdict based upon subjective concepts of just and unjust results, regardless of law. Not only is this bill likely unconstitutional, it would potentially change how every criminal trial is conducted. We are a country governed by the rule of law and this bill would substitute an arbitrary and unknowable standard in its place. Additionally, the bill would allow the jury to improperly invade the province of the judge in the realm of sentencing. There are significant separation of powers issues, as this legislation would interfere with the court's core adjudicative function. Testimony provided to the committee showed that this idea would not work in practice – the rules of evidence would have to be radically revised to allow prosecutors to show why a guilty verdict would be just; mini-trials would need to be held to show why the criminal statute involved was a just statute in the eyes of the legislature that passed it.

HB 1328, limiting pregnancy terminations to pregnancies of 20 weeks or less. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Horrigan for the **Majority** of Judiciary. This bill as introduced would have banned all abortions after 20 weeks of pregnancy. It would have eliminated the option for New Hampshire women to legally terminate a pregnancy after the middle of the second trimester. This represents unwarranted government interference with women's reproductive decisions and with the practice of medicine. There are also numerous legal and medical flaws with this bill. It threatens women's health by banning abortion even when serious medical conditions jeopardize a woman's health. While the bill does have very narrow exceptions, they are inadequate to protect women's health and safety. For example, women with cancer, diabetes, high blood pressure, and epilepsy or other seizure disorders may face dangerous complications at or past week 20 that can put their health in serious jeopardy. Abortion after 20 weeks in pregnancy is extremely rare: only one percent of women have abortions after 20 weeks. When it does happen, it is typically because of a heartbreaking and tragic situation where a woman and her doctor need every medical option available. These very often involve rare, severe fetal anomalies which are not detectable before 20 weeks. **Vote 11-9.**

Rep. Joseph Hagan for the **Minority** of Judiciary. *Roe v. Wade* stated that subsequent to viability, the state, in promoting its interest in human life, may, if it chooses, regulate and even proscribe (ban) abortion. This bill would ban abortions after viability except when life and health of the mother is at risk or condition of the fetus demands removal for the uterus. Over the last decade, according to the Gallup Poll, greater than 80% of the American people agree that abortion should be banned after viability. This bill is constitutional, compassionate and supported by the majority of the American people.

HB 1361, relative to service of process by attorneys and justices of the peace. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for the **Majority** of Judiciary. This bill allows police officers to provide “civil” service of process. Civil process is currently completed by sheriffs and deputy sheriffs. Civil service of process includes landlord-tenant issues, evictions, custody and divorce proceedings, etc. Police officers currently serve “criminal” processes, which can involve restraining orders, criminal complaints, etc. Testimony by police and sheriff departments was that neither wanted to expand their duties. Police do not want to take away time from protecting their citizens. Also, additional training on civil process would be necessary for police departments. **Vote 16-4.**

Rep. Robert Hull for the **Minority** of Judiciary. This bill with amendment amends RSA 105 to allow police officers to serve process in the same manner as sheriffs and sheriffs’ deputies. The current procedure is cumbersome and costly. This bill will create a voluntary option for municipalities to allow the local police officer to serve process in lieu of the sheriffs, thereby saving the person seeking the service from additional travel expense and generating revenue for the municipality.

HB 1399-FN, requiring licensure of outpatient abortion clinics. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Larry Phillips for the **Majority** of Judiciary. The bipartisan majority of the committee believes this bill is neither appropriate nor necessary. Licensing of medical facilities is determined based on needs for safety. There are procedures done in unlicensed physician’s offices that are not as safe as abortions. Although facilities may not be licensed, medical professionals who work in them, including abortion clinics, are. **Vote 14-5.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority believes that abortion clinics should be licensed because women across our country have died because of inadequate facilities at abortion clinics. Women have died because of blocked exit doors, hallways not wide enough for emergency equipment and other difficulties with the physical facilities. This bill left the Department of Health and Human Services to decide what requirements would be. We think New Hampshire women deserve the protection that clinic licensing would provide.

HB 1417, relative to records of convenings of public bodies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Horrigan for the **Majority** of Judiciary. RSA 91-A, the Right to Know statute, allows for what are colloquially termed “non-meetings,” where a quorum or majority of the members of a public body convenes for certain narrowly-defined purposes. The majority of the committee recognizes that these non-meetings can be controversial, but also recognizes that they are necessary when negotiating collective bargaining contracts and when consulting with legal counsel. This bill would have complicated public bodies’ attempts to deal with these issues without adding any transparency to their work. **Vote 11-7.**

Rep. Michael Sylvia for the **Minority** of Judiciary. Under our Right to Know statute, RSA 91-A:2 defines “meetings” and provides for exceptions to meetings which are commonly referred to as “non-meetings.” This bill seeks to address two such types of “non-meetings:” strategy or negotiations with respect to collective bargaining and consultation with legal counsel. This bill as amended would require that records be kept of such “non-meetings” which would include: the specific exemption which is relied upon as the foundation for the “non-meeting,” names of members, meeting places, and beginning and ending time. This information would then be subject to disclosure after 72 hours which is the case with nonpublic sessions. The minority of the committee believes that this will benefit the people of New Hampshire and aid in transparency as required under our Constitution’s Part I, Article 8.

HB 1481, relative to the qualifications of jurors. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would require jurors to be citizens of New Hampshire, citizens of the United States, and to have read the New Hampshire Constitution. The majority believes that the change in citizenship wording is redundant as a citizen of New Hampshire is already defined as a citizen of the United States residing in New Hampshire, and that the requirement to have read the New Hampshire Constitution would be ineffective in giving jurors any significant understanding of it. **Vote 15-2.**

HB 1493, relative to ownership of DNA. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for the **Majority** of Judiciary. This bill as amended codifies in law the idea that your genetic information, the code that exposes all your predispositions both good and bad, is yours to control. The first human genome sequencing took 13 years, it now takes one day. The majority of the committee believes that this information is so personal it should be your choice whether or not to share it. The only exception to that would be for a criminal investigation. **Vote 11-9.**

Rep. Charlene Takesian for the **Minority** of Judiciary. This bill is a good idea and the minority agreed with the concept but were concerned about retaining DNA acquired at a crime scene and the usage of DNA during criminal trials. It also cuts out medical and genetic research that could result in medical advancements by requiring consent for the research.

HB 1494, relative to the expectation of privacy in personal information. **INEXPEDIENT TO LEGISLATE.** Rep. Timothy Horrigan for Judiciary. The majority of the committee recognized that this bill dealt with issues of great importance to the people of New Hampshire. However, the remedies in the bill were unworkable and overly broad, and for the most part would be more appropriately addressed at the federal level. Furthermore, the bill had numerous technical flaws; for example, it would apply to all activities of any government contractor with the federal government, including activities not directly related to the contracts themselves. **Vote 19-1.**

HB 1496, relative to the expectation of privacy in personal materials. **INEXPEDIENT TO LEGISLATE.** Rep. Paul Berch for Judiciary. This bill seeks to extend privacy protections to physical items owned or possessed by an individual, whether or not abandoned. It would require warrants or court orders in most circumstances to allow governments and governmental contractors to collect such material. The committee was sympathetic to the goal of this proposed legislation, but felt the bill had significant problems. It would include seizures by the federal government, thus creating federal-state problems. It includes all those who contract with the government, which makes the scope of this bill extremely large. It would allow individuals to make privacy claims even to materials that the individual had abandoned or discarded at times in the recent or distant past. The exception for law enforcement activity was too narrowly drawn, applying only to materials collected at the actual crime scene, and not found in other relevant locations. The bill would also potentially affect the operations of the Judicial Branch and state regulatory agencies in the performance of their statutory functions. Given the protections already established by law, the committee felt this was a solution in search of a problem. **Vote 14-6.**

HB 1522, adopting the Federal Rules of Civil Procedure as law. **INEXPEDIENT TO LEGISLATE.** Rep. Paul Berch for Judiciary. This bill would seek to supplant the rules of practice and procedure in all state courts of New Hampshire with the Federal Rules of Civil Procedure. At the present time, state court rules, whether governing civil trials, family law matters, probate or other aspects of civil law are promulgated by the New Hampshire Supreme Court, based upon recommendations and input from interested parties including the Advisory Committee on Rules, the New Hampshire Legislature, practitioners and the public. In part, these rules may be based on federal experience as well as the experience of courts in other states. All are examined through the lens of what works in the Granite State. This bill would eliminate these finely crafted rules and substitute hundreds of federal rules. An almost unanimous Judiciary Committee, on a bipartisan basis, recommends against this idea. The committee felt that the Federal Rules were designed to mostly operate in one court, while our rules cover multiple courts. Even more importantly, the federal rules were seen to govern mostly complex litigation, such as class action lawsuits, while New Hampshire civil rules govern mostly smaller, day-to-day litigation. The committee found there was no evidence that federal rules are any better in operation than the New Hampshire rules and had further concern that requiring our state to follow federal rules in our courts raised a state sovereignty issue. The bill made no provision for what would happen if the federal rules were amended, which happens frequently. **Vote 16-1.**

HB 1555-FN, relative to the manner in which New Hampshire takes possession of land. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hagan for Judiciary. This bill purports to be a reform of the eminent domain process. However, this bill would allow the condemnee (property owner) to refuse that compensation after a "value of the property" is made and force the condemnor (government entity) to wait 180 days to make a new offer. Furthermore, this bill makes no limitations on subsequent referrals. This bill, if enacted, could halt needed takings for roads and other necessary public purposes. **Vote 15-3.**

HB 1570-FN, repealing the law governing access to reproductive health care facilities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill seeks to repeal the law governing citizens' access to public property in front of reproductive health care facilities. The majority believes the current law is an unconstitutional restriction on the people's right to freedom of speech and access to public property. Keeping the law commits the state to years of legal expense defending a law that purports to resolve a problem never substantiated by any documented offense. **Vote 11-9.**

Rep. David Woodbury for the **Minority** of Judiciary. This bill seeks, for a second time, to repeal RSA 132:37 through 132:40, passed in 2014. The statute is dissimilar to a Massachusetts statute found unconstitutional in 2014 because the buffer zone is smaller and subject to modification as conditions require. The statute strikes a fair balance between the interests of these lawfully using the sidewalks and access ways and those wishing to express their opposition to the abortion procedure. The statute is on hold until the federal court rules and should not be repealed, if at all, until the court rules.

HB 1575-FN, prohibiting certain court filing fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This bill seeks to prohibit filing fees in all courts for all civil cases, including appeals, in actions against government entities, official or employees. Current law provides a waiver to individuals who do not have the ability to pay these fees. Additionally, current law provides that the prevail-

ing party in a lawsuit is entitled to recover filing fees paid. Also, as worded, this bill would allow all entities, including corporations that bring actions against our government or its employees to avoid filing fees, even if they have the ability to pay. **Vote 14-3.**

HB 1623-FN, prohibiting an abortion based on genetic abnormalities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Berch for the **Majority** of Judiciary. This bill seeks to ban abortions based upon prenatal genetic testing. The committee understood the difficult decisions when women and their partners are confronted with a prenatal diagnosis of serious genetic defects. Understanding that women make different decisions based upon their own values, abilities and wisdom, the bipartisan majority of the committee felt it was the right of New Hampshire women to make these difficult decisions themselves, in consultation with medical professionals, rather than by politicians. By making doctors into criminals in certain circumstances, there was a concern that women would be reluctant to have full and candid conversations, jeopardizing doctor-patient relationships. The committee felt that some of the provisions of this bill were of doubtful constitutionality, and other provisions would not work in real life circumstances. **Vote 14-5.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority believes that a baby should not be aborted just because she has a genetic marker for an inherited abnormality. Children who carry markers for Down syndrome should be allowed to grow and become the person they can, not killed by abortion as roughly 90% of those so diagnosed are today. We believe every child has the inalienable right to life and aborting them because of a genetic screening is the ultimate discrimination and should be illegal.

HB 1625-FN, relative to banning abortion after viability. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill as amended prohibits abortions on babies after viability, except when necessary to save the life of the mother or to protect her from “serious risk of substantial and irreversible physical impairment of major bodily function.” This language has been vetted through the US Supreme Court and has been in effect in other states for many years. Ever since Roe v. Wade was decided, states have been allowed to prohibit these late term abortions, and at least 17 other states already do. The majority believes that babies who can live outside the mother’s womb should be given every opportunity to do so. This bill takes great care to protect the mother’s well-being and, in case of criminal proceedings, her anonymity, while doing all we can to give babies the chance to live the lives of which they are capable. **Vote 9-8.**

Rep. David Woodbury for the **Minority** of Judiciary. This bill, as amended, seeks to limit and criminalize post-viability abortion, notwithstanding that such abortions are not performed in this state, at least presently. The main defects in this bill are that a second physician’s opinion must be obtained if such an abortion is to be performed to protect the life or health of the mother. Such second physician may not be available or willing, with tragic results to mother or child. Secondly, there are onerous and intrusive records to be kept for no discernable reason. Rather than legislate the practice of medicine, it is better to leave the practice of medicine to those best able to do it.

HB 1636-FN, prohibiting abortions once an unborn child can feel pain. **WITHOUT RECOMMENDATION. Vote 9-9**

Statement in support of Ought to Pass

This bill prohibits abortions after the child can feel pain. Per the US Supreme Court, states may regulate procedures when the medical community is in doubt as they are regarding when the pre-born can feel pain. Given the possibility that babies could suffer severe pain at this stage of life we believe the state should err on the side of protecting them from it. Knowing that anesthesia is common in surgery performed on babies in the womb, we believe that those babies who might experience pain even more than born people should be protected from abortion. Since medical research has indicated that babies may feel pain as early as 20 weeks of age, this bill prohibits abortions after that age. Despite the fact similar laws in the Ninth Circuit have been ruled unconstitutional, we believe that the US Supreme Court might accept a new standard, such as this one, for when states can prohibit abortion if a federal appeals court should do so.

Rep. Kurt Wuelper

Statement in support of Inexpedient to Legislate

This bill seeks to ban abortions at or after 20 weeks except in the case of a medical emergency. It seeks to justify this restriction based upon a claim that a fetus can feel pain at that point in time, a belief disputed by many in the medical profession. The committee heard testimony that this bill is identical in all important respects to similar laws that have been held to be unconstitutional, including a decision by the United States Supreme Court on January 13, 2014 not to lift a block imposed by the Ninth Circuit of a similar law. Not only did the Supreme Court refuse to allow this kind of statute to be enforced, it also refused to reconsider Roe v. Wade and similar decisions post-Wade requiring “viability” and not gestational age to be the only critical factor in determining constitutionality of this kind of legislation. Other federal and state courts have similarly struck down 20 week bans. Testimony was also received that this bill’s reporting requirements impermissibly

invade the privacy rights of women; that the health exception as drafted has constitutional issues; and that women faced with the serious and often dangerous complications of late term problems need the best health care possible from their medical providers.

Rep. Paul Berch

HB 1660-FN-LOCAL, relative to eminent domain for gas pipelines and relative to assessment of the land use change tax for eminent domain takings for energy infrastructure. **OUGHT TO PASS WITH AMENDMENT.** Rep. Robert Rowe for Judiciary. This bill will bring land being taken by eminent domain for a pipeline in line with land taken by eminent domain for transmission lines by a public utility (RSA 371:5-a) by allowing an owner of land to require a pipeline company to take an entire parcel of land under eminent domain. It also requires the consent of a legislative body in the affirmative vote at a special meeting to take land belonging to a municipality, the state or any political subdivision. Additionally this bill requires that entities taking land under eminent domain will pay the Land Use Change Tax (LUCT). Under current law, land taken under eminent domain is exempt from paying the LUCT (RSA 79-A:7, VI). **Vote 16-4.**

HB 1663-FN, prohibiting buying, selling, and experimenting on unborn infants or bodily remains resulting from abortion. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. The title of this bill is misleading as the true impact of this bill would be to ban the voluntary donation of fetal tissues by abortion patients and to ban any fetal tissue research taking place in this state. The committee heard no evidence that the sale of fetal tissue was occurring in New Hampshire. In fact, we heard testimony to the contrary. Fetal tissue research has the great potential to continue to advance clinical knowledge and treatment options for life-threatening and chronic diseases. The majority of the committee feels that voluntary fetal tissue donation should remain an option for women. **Vote 10-8.**

HB 1684-FN, prohibiting the use of public funds, employees, and facilities in assisting or performing abortions. **WITHOUT RECOMMENDATION. Vote: 8-8**

Statement in support of Ought to Pass with Amendment

This bill prohibits the use of public funds, employees, and facilities in the assisting or performing of abortions. While the right to an abortion is guaranteed following the 1973 Roe v Wade case, the current public disagreement on the matter has led to the barring of federal and, in many cases, state funds to pay for abortion. These restrictions on funding have been held up as constitutional for almost 40 years. New Hampshire, like 32 other states, follows the federal standard established by the current version of the Hyde Amendment and bans the use of Medicaid funds to pay for abortions except in limited cases. This bill expands the funding ban from Medicaid to all public funds and it eliminates the involvement of state employees and facilities in abortion except in the case of preserving the life of the mother. Abortions are currently performed in over a dozen facilities throughout the state, all of which are private hospitals or clinics. As a result of this fact, a large portion of the committee felt that this bill would not limit a woman's access to abortion, but that it would insulate taxpayers who object to having to fund a procedure they do not condone.

Rep. Mark McLean

Statement in support of Inexpedient to Legislate

This bill would restrict the use of public funds for abortion when in fact the use of public funds for abortion is already limited to very rare and narrow circumstances. It also would disqualify New Hampshire from receiving nearly \$750,000 per year in federal family planning funds and funds for preventive care like cancer screenings, access to birth control and annual well-woman exams. This bill would result in the defunding of family planning providers such as community health centers who provide critical and important care that actually reduces unintended pregnancy and the need for abortion. It also would prevent public employees from fulfilling their responsibilities when working with teens in foster care or female inmates, all who may need information about pregnancy options and providing such information or support would be outlawed under this bill.

Rep. Charlene Takesian

HB 1687-LOCAL, relative to governmental liability for personal injury on playground structures. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill would hold that a municipality or a school district, which without charge permits any person to use playground structures operated by the municipality or school district, may be held liable for damages in an action to recover for bodily injury, person injury or property damage. This bill greatly expands municipal liability for personal injury claims. There was overwhelming opposition to this bill, including representatives of school boards, school administrators, municipalities, and recreation programs. This bill would eliminate longstanding municipal and school district immunities. It would undoubtedly increase lawsuits for just about any injury that could occur at a playground. This would then result in higher insurance costs and legal expenses and would likely cause some municipalities and schools districts to consider eliminating some programs and services. **Vote 19-1.**

HB 1688-FN-LOCAL, relative to governmental liability for negligence claims. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This bill was a request of a study committee that studied governmental immunity. The amendment to current law would allow suits against town or municipal employees or officials. It would expand current law which limits suits for injuries when the injury arises out of the operation of a motor vehicle or an injury occurring on a premises. This bill may hinder volunteers' willingness to sit on town boards for fear of being sued. It may also increase suits against schools for anything that may go wrong. **Vote 18-2.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1252, permitting employers to pay wages to employees weekly or biweekly. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would allow, but not require, employers to pay their employees on a bi-weekly basis without the necessity of requesting an exemption from the Department of Labor (DOL). Current law requires the payment of wages on a weekly basis unless a waiver is requested. Employers would see a reduction in administrative costs due to less time being required to process payroll and they would no longer have to file paperwork for waivers. There would also be a reduction in administrative workload at the DOL since they would no longer need to process the thousands of waiver requests. Currently, there are only three other states that require the payment of wages on a weekly basis, and some states allow the payment of wages at intervals as long as a month. The committee amendment to allow the DOL to impose stricter, weekly payment of wages after showing good cause was introduced to ensure employers remain compliant and current on wage payments to employees. Reducing unnecessary regulations and red tape make this bill extremely attractive. Additionally, allowing the employer and employee to determine their business relationship maintains our state's free market principles. **Vote 13-9.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. The proposed bill makes biweekly pay the default or standard for employees and employers, rather than the existing weekly pay standard. At present, employers can seek permission to adopt a biweekly pay system, and unless there is a problem, the request is invariably approved by the Department of Labor. Therefore, this bill solves a non-existent problem, but will encourage more employers to pay biweekly, which will make budgeting more difficult for low-wage workers currently living paycheck to weekly paycheck. To protect such individuals, the minority opposes this bill.

HB 1301, relative to the issuance of youth employment certificates. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for the **Majority** of Labor, Industrial and Rehabilitative Services. Parents of children who attend private schools or home school find it counter intuitive for the public school principal of their local school district to determine a satisfactory level of academic performance by the student in order to issue a work certificate for youths under age 16. The majority of the committee agreed that with roughly 10% of our student population attending school other than their local school district, allowing parents the option of being the authorizer of the work certificate is the right option. The amendment requires the parent or guardian to provide 48 hour notice to the Department of Labor and employer when a certificate is revoked; all certificates shall be notarized; and employers in violation of this provision shall be subject to a \$100 civil penalty. **Vote 11-8.**

Rep. Andrew White for the **Minority** of Labor, Industrial and Rehabilitative Services. The bill as amended permits parents or legal guardians to authorize any student between 14 and 16 years old to enter the workforce. Current law requires this certification to be issued by school principals, all testimony concluded the current system is working extremely well for the vast majority of our students, with some complications being encountered by home schooled students. The minority does not object to a parent or guardian approving a work certificate for home schooled students, in fact that makes perfect sense. However, passage of this bill as presented could allow students in public schools with poor academic performance to work, potentially further complicating their academic difficulties with no ability of the school to revoke the work certificate until the student's academic performance improves. There is also the potential for an unscrupulous parent or guardian to essentially compel a student to work. The minority amendment would allow a parent or guardian to authorize a home schooled student to work and would place the academic head of a private school in the same standing as the principal of a public school for these purposes.

HB 1322, relative to reports to the public employee labor relations board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority understands that transparency in government is a laudable endeavor. Testimony indicated that some employees throughout state service have had difficulty locating demographics of how many fellow employees participate in the applicable union and how many pay the agency fee. The amendment requires that information is to be posted semi-annually within each bargaining unit in a place accessible to each employee, rather than just quarterly reports as proposed in the original bill. **Vote 13-9.**

Rep. Andrew White for the **Minority** of Labor, Industrial and Rehabilitative Services. The bill as amended places an unnecessary burden on public employers to compile and report data that they may or may not have access to. The bill is premised on the notion that all public employers deduct from every employee's wages, union dues, or agency fees, which is simply false. Many public employees elect to pay the representative union dues or agency fees directly by check or through a direct debit from their personal bank accounts; transactions the public employer would have no knowledge of. A person could simply ask the organization they are represented by for the information, relieving the public employer of the unnecessary burden of compiling reports, which for the reasons stated above are not going to be accurate in all instances.

HB 1346, relative to minimum wage for tipped employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. There are two House bills the Labor Committee has heard this session regarding proposed changes to both the hourly minimum wage and minimum wages for tipped employees. The committee has decided to consolidate the two as part of HB 1480. **Vote 10-8.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority believes that an increase in the minimum wage is long overdue in New Hampshire. However, there is potentially a second bill which may begin to address wage issues, and the minority will focus their efforts thereupon.

HB 1376, relative to temporary workers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would mandate that after a period of six months, the employer of a "temporary worker" would be required to offer permanent work status to that worker. There are multiple problems contained within the intent of this bill. Currently, there are no other states in our country that have this must-hire mandate making New Hampshire a "test case." The requirement to hire after six months would interfere with the employer/employee business relationship. Some employers need or want the flexibility that temporary workers sometime provide. Other employers frequently utilize temporary workers to assess those workers for long-term employment opportunities. The bill might also have the adverse effect of employers dismissing temporary workers as the six month deadline approached.

The testimony of the Business and Industry Association noted that there are currently no existing problems between temporary agencies, their employees and the employers they serve. Adding additional mandates and regulations into an already overly burdensome business environment would make New Hampshire's business climate less competitive in comparison to other states. **Vote 10-8.**

Rep. Michael Cahill for the **Minority** of Labor, Industrial and Rehabilitative Services. We have a duty to balance the needs of employees and employers. Permitting the use of temporary staff on an indefinite basis is contrary to the worker's interests. If there is work to be done, hire someone to do it.

HB 1480-FN, establishing a state minimum wage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This is the second minimum wage bill introduced this session. This particular bill would step up the hourly minimum wage to \$9.50 over the next three years. Testimony given indicated that only about 1% of workers in our state make current minimum wage. All state employees make more than the new minimum wage rates in this bill. A recent statement by Walmart indicated that as of February 1, 2016, their part time employees in NH are making an average of \$10.95 an hour, and their full time employees \$14.29 an hour. Walmart has had to increase their wages due to an "employee's market", proving the economic laws of supply and demand indeed work. "Tipped" employees minimum wages would also increase to \$5.00 an hour and only apply to restaurants, eliminating hotels, motels, inns, cabins and ballrooms from current statutory language. Testimony given by some representing the restaurant businesses confirmed that current base rate plus tips average between \$16 and \$22 an hour, with some even higher depending on the venue. There were no tipped employees who testified in favor of either of the two bills introduced. As with the many bills that have come before this committee regarding minimum wage rate hikes, we find that allowing the free market to work is preferable to instituting another government mandate setting arbitrary and artificial minimum wage rates. **Vote 12-10.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. New Hampshire currently has the lowest minimum wage amongst the six New England states. The minority believes it is time to move to increase the New Hampshire minimum wage, even by small increments. The number of workers earning minimum wage may have declined in New Hampshire, but their needs are real, and the current minimum wage is far too low. Those paid the minimum are not primarily teenagers but adults working two jobs or struggling to make ends meet. Therefore, we believe it is time for New Hampshire to move forward and improve the lives and working conditions of the citizens of New Hampshire.

HB 1633-FN, relative to the use of the Family and Medical Leave Act time as it applies to workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. As amended, this bill would require that employers notify workers' compensation claimants when they are placed on Family and Medical Leave Act (FMLA) leave as a result of worker injury. The notification requirement replaces the original bill, which prohibited an employer from requiring an employee to file for or accept time off under the FMLA as a result of such injury. FMLA provides a limited extension to medical benefits and we heard testimony from workers who were taken by surprise when losing coverage due to a workplace injury while federal law does require notification. The committee unanimously agreed that an effort to fully inform impacted workers was appropriate at the state level. **Vote 22-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1112, relative to subdivision of land. **OUGHT TO PASS.**

Rep. James Coffey for Municipal and County Government. This proposal amends RSA 674:36, II, which contains a list of items that should be addressed by a municipality's planning board when compiling their subdivision regulations, by adding a statement that as a condition of subdivision approval the applicant clean up any existing environmental contamination. As with all the other items listed in this statute, the details of how this is accomplished needs to be completed by the local planning board. This proposed change to RSA 674:36 is to ensure that any known environmental contamination on a site is addressed if the parcel is being subdivided. It does not preclude the subdivision of any property that meets all other local requirements and within the context of the existing statute there are provisions for waivers when appropriate. This simply adds to an optional list of conditions a planning board may impose and is not a mandate. **Vote 12-5.**

HB 1129, relative to approval of fees established by the register of deeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Benjamin Tilton for Municipal and County Government. This legislation would require the county commissioners and the county convention to approve all fees collected by the Office of the Register of Deeds. The county commissioners and county convention have the responsibility of review and approval of the Register of Deeds budget annually. Therefore, the majority felt this was unnecessary legislation. **Vote 11-4.**

HB 1180-LOCAL, relative to the authority of towns to issue bonds for the expansion of Internet service. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Catherine Cheney for the **Majority** of Municipal and County Government. The intent of the bill is to solve the problem for the 7% of the NH population that do not have high speed Internet. Communities would be able to expand their own coverage by providing the necessary infrastructure and maintenance independently of cable companies through bonding. Cases from other states include Vermont, where the bond ratings were downgraded on the City of Burlington, Burlington International Airport, and Burlington Electric Department as well as assignment of a negative outlook from Moody's. "Bad judgment" was one of the charges filed by state and federal investigators. Burlington's taxpayers ended up owing the bank \$33.5 million. The debt was settled for less but they still owe \$17 million. Other places where this was tried include Groton, Connecticut where monies spent were \$10 million more than estimated. Costs between 2000 and 2008 went from \$7 million to \$35 million. Now that Groton has sold off the failing asset, the community is paying the remaining \$27 million debt and the transfer of \$11 million in losses. Moody's downgraded the rating of Groton. Their market study relied on a survey of citizens that would like cable, though cautioned of the risk and a changing marketplace. Service changes in the early and mid-2000s proved too fast for the government to compete with advanced communications, and the city officials failed to account for this in the business model. Marketplace and organic market forces overcame all attempts to provide a "fix" to the shortcomings. Kentucky also has its own government broadband and assumptions made for award of school contracts placed them head to head with AT&T where the state had an unfair advantage. A shortfall in projected income, resignations and placing taxpayers at risk were the results. (Otts, Chris, Newscast, WDRB News, 2016). Technology in this area is still rapidly changing. What is considered broadband access today will be very much different tomorrow. When looking at using taxpayer dollars to build out and provide broadband Internet, television, and other infrastructure, many events such as storms and outages will have to be addressed. This bill could hurt private investment in a no-win regulatory scheme and would slow private sector job growth. Two years ago, not all public schools had broadband, now they do. Connect America Fund Phase II (CAFII) will be spending \$30 million dollars over the next few years to extend coverage into 13,000 areas identified in New Hampshire to provide coverage where it is weak or non-existing. Companies are investing in provision of services to all areas of New Hampshire. AT&T invested \$100 million last year in New Hampshire. Even if the state permitted a community to take on the outfitting and bonding of this service, there would (more than likely) still be some in areas, where bonding was done for the purpose of providing service for those that are not served. The majority of the committee felt this is not a good risk for any community to place on the state, municipalities or taxpayers. **Vote 9-7.**

Rep. Marjorie Porter for the **Minority** of Municipal and County Government. This is enabling legislation. There are still pockets in many communities that do not have access to broadband services. In some places dial up connections are still all that are available. Current statute allows municipalities that have no service at all to issue bonds to pay for broadband infrastructure in their communities. HB 1180 will allow towns that are only partially served to issue these bonds as well, so broadband service may be made available to all.

HB 1219-FN-LOCAL, relative to the repurchase of tax-deeded property by the former owner and the costs therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Coffey for Municipal and County Government. This bill in its original form seeks to eliminate a penalty that is imposed when the former owner of a tax deeded property seeks to repurchase their property during a three year window from the date of the tax deeding. The present penalty being addressed is 15% of the equalized property, which is added to all interest, fees, taxes, administrative, maintenance and legal costs. It also changed the time frame from 15 to 30 days for a former owner or lienholder to respond with intent to repurchase the property, if the municipality intended to sell the property within the three year window. After committee discussion, the bill was amended to reduce the penalty to 10% and eliminate it totally if the property was a primary residence and was being repurchased by the former owner. The proposed 30 day window for repurchase remains in the amendment. **Vote 10-5.**

HB 1382, relative to the referendum procedure for public water systems. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Cheney for the **Majority** of Municipal and County Government. The intent of the bill is to change the requirement for the number of signatures needed to place the question on the ballot of whether communities served by a water system would want to add fluoride to the drinking water or not. The current law sets the number of signatures required to 10% of the number of registered voters in each community served by the water system. For Manchester, where they serve Bedford, Hooksett and Auburn, that would be well over 7,000 signatures. The change would be to have the number of signatures required to be at 20% of the voters voting in the last municipal election. For Manchester the new requirement for the petition signatures would mean well over 5,000 signatures would need to be collected. In other communities such as Dover, the count goes from over 2,000 to over 800 signatures, in Raymond from over 600 to over 150 signatures, in Rochester from over 2,000 to over 800, in New Boston from over 380 to over 200, in Portsmouth from over 1400 to over 800. This just changes the number of petition signatures required to place the question on the ballot for all communities served by the water system to choose whether to add fluoride to the drinking water or not. **Vote 12-4.**

Rep. Jane Beaulieu for the **Minority** of Municipal and County Government. This bill will decrease the number of signatures to pass a petition for a ballot question regarding public water systems and fluoridation. The minority believes the number of signatures should not be reduced and that there is no imperative to change the rules surrounding community water fluoridation. The imperative should be on us as a state to increase public awareness of the benefits of water fluoridation.

HB 1401, relative to public libraries. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patricia Cornell for the **Majority** of Municipal and County Government. This bill would require all libraries to appoint a library director with a term of one year in place of a librarian and added wording to the reasons for the removal of library employees. The majority of the committee felt that this was an unnecessary bill that addresses policy issues that are not a problem for most of the over 230 New Hampshire public libraries. There are vast differences between libraries, small and large, town and city, and all have the ability to pass policies that fit their individual needs. **Vote 12-4.**

Rep. David Bickford for the **Minority** of Municipal and County Government. This bill's primary purpose was to add, "or documented violations of the library's personal policies" to the list of reasons for cause to dismiss an employee. There was evidence that the cost of dismissal without this has cost towns tens of thousands of dollars. The New Hampshire Library Trustees Association favored this bill.

HB 1455, relative to membership of a municipal budget committee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Bickford for the **Majority** of Municipal and County Government. This bill removes the requirement that a municipal budget committee have a resident of a village district as a member. Since residents of a village district are also residents of the municipality, a seat on the budget committee is already available to any resident running for election. Having a requirement that a small area of a community have a seat on a budget committee representing the entire community appears to fly in the face of equal representation. The committee felt this bill had merit. The amendment corrected a missed reference to village district in the bill as introduced and made no change to the intent of the bill. **Vote 11-3.**

Rep. Clyde Carson for the **Minority** of Municipal and County Government. This bill as amended solves one problem, but creates another. There are municipalities with village districts, where village district member-

ship on the municipal budget committee is desired by the village district and the process works well. If this bill passes, this process will no longer be allowed. The option for someone from the village district to run for the municipal budget committee is no guarantee that the person would be elected, nor is it a guarantee that a person from the village district, if elected, would represent the desire of the district commissioners.

HB 1500, relative to default budgets for the purpose of setting tax rates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Coffey for the **Majority** of Municipal and County Government. This bill directs the Department of Revenue Administration (DRA) to review all default budgets in official ballot towns, school districts and village districts for compliance with RSA 40:13, X. A compliant default budget approved by the DRA would then be necessary for the setting of the tax rate. A bipartisan majority of the committee believes that this procedure would place a significant responsibility on the DRA that they have indicated they are not prepared to undertake and remove local control from the process. **Vote 12-4.**

Rep. Keith Ammon for the **Minority** of Municipal and County Government. The Department of Revenue Administration (DRA) provides oversight on budgets adopted at regular town meetings as well as proposed budgets of SB2 towns and school boards, but seems to provide zero oversight on SB2 default budgets, which could very well become the actual budget if voters reject the proposed budget. Default budgets are supposed to be calculated according to a formula in state statute. This simple bill would 1) add a reporting requirement for SB2 towns and school districts to send their default budget calculations to the DRA (as they are already required to do) with their proposed budget, and 2) require the DRA to ensure all “appropriations, reductions, increases to a default budget comply” with current statute, the same way they already ensure “all calculations are correct” with proposed budgets. The main argument against this bill is that we shouldn’t add a task to a town or school administrator’s workload, or to the DRA’s workload, which appears to be an argument against transparent and accountable government.

HB 1508, allowing public libraries to run certain privacy software. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for the **Majority** of Municipal and County Government. This bill, as amended, makes it clear that libraries in New Hampshire have the prerogative to run software used to protect privacy on the Internet. The amendment eliminated a provision in the original bill that required written notice to persons prior to records relative to use of cryptographic privacy software being given to a government agency. Internet privacy in the digital age is fundamental to the sacred right of free speech; this includes the right to open inquiry without having the subject of one’s interest examined or scrutinized by others, including governments, corporations, or bad actors. Librarians have historically been very sensitive to the issue of patron privacy. The American Library Association has protected and upheld patron privacy as one of their core values since 1939. This bill does not mandate that libraries run privacy software but simply clarifies their ability to do so. Much of the software is free and open source and costs pennies a month to run if it costs anything. The American Civil Liberties Union of NH testified in favor of this bill. **Vote 9-6.**

Rep. Patricia Cornell for the **Minority** of Municipal and County Government. This bill would allow libraries to run software to protect the privacy of patrons using their Internet connections. Libraries already have this authority and are adamant about protecting patron privacy making this law unnecessary.

HB 1678-FN, relative to the information statement contained on a property tax bill. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Franklin Sterling for the **Majority** of Municipal and County Government. The purpose of this bill is to add additional language to appear on all property tax bills informing taxpayers of exemptions, credits or abatements that may be available to them to lower their assessment or total tax due. The committee is of the opinion that there is sufficient information on property tax bills currently. **Vote 13-3.**

Rep. Catherine Cheney for the **Minority** of Municipal and County Government. Our committee had a similar bill last year. This bill would add language pertaining to mistakes or questions of value to the list of existing criteria to clarify circumstances whereby an exemption or abatement may be sought. Though there was testimony that it would cost too much, there was also testimony that it would not cost much at all to add a few words. We felt it would help create greater awareness for the taxpayers.

PUBLIC WORKS AND HIGHWAYS

HB 1349, relative to the location of the Merrimack county superior court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McConkey for the **Majority** of Public Works and Highways. The 2015 Capital Budget approved \$16.6 million for the construction of a new Merrimack County Superior Court facility on Hazen Drive. Subsequent to that action the city of Concord and Merrimack County made another last minute attempt to move the approved location to the current site of the Merrimack County Superior Court. This new proposal would have Merrimack County constructing the court facility and upon completion selling it to the state for \$15.7

million. Since the approval of the Capital Budget work has continued on building the facility on Hazen Drive, including choosing an architectural firm to work on the project. Newly refined figures show an estimated cost for the state to construct the facility to be \$14.5 million. Even taking into account the factors of lost time dealing with this bill and the distinct possibility of losing a construction season, the estimated savings to the state over the county plan would be in \$700,000 range. While great strides were made to have a firm proposal for the committee to review, all we have is the amendment before you which stipulates the state's position, but there is nothing signed between the state and the county even on these issues and testimony was given that there was more that had to be in any agreement. Additionally, the committee had asked that the residential neighbors be consulted about the proposed location and work schedules and that was not done. There was also concern that should there be cost overruns the county delegation would have to appropriate the funds and if that did not happen, the courthouse would sit substantially complete perhaps, but the state could not buy it. The Merrimack County Superior Court issue has been before the legislature for many years and the committee and legislature has bent over backwards and been given ample opportunity to locate a facility downtown. Construction of a new facility has been and still continues to be of critical importance and the bipartisan majority of the committee is unwilling to risk further delays with approving legislation which still has many unanswered questions. **Vote 10-6.**

Rep. Mario Ratzki for the **Minority** of Public Works and Highways. This bill, as amended, provides a win-win opportunity for the state and our capital city of Concord. The amendment will make the county responsible for the construction of the Merrimack County courthouse downtown location. It also guarantees that the state will not be responsible for cost overruns. \$15.7 million is allocated to the county. This reflects a saving of \$900,000 from the original capital budget allocation. The city of Concord, as well as the bipartisan Merrimack County delegation supports the downtown location. The alternate location of Hazen Drive presents logistical problems for the county attorney and the county sheriff. Access for the public is also problematic for people who depend on public transportation. A Concord downtown location would enhance the vitality and economic well-being of our capital city. Therefore, we ask the House to vote OTP as amended.

HB 1578, relative to the maintenance of private roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. This bill was introduced in response to a change in criteria used by Fannie Mae for financing of homes on private roads. The effect of the change has impacted the ability of some buyers to obtain financing, and the committee received testimony that it has impacted sale prices. A number of interested parties attempted to find a solution without creating additional responsibilities for private road maintenance on existing landowners. Unfortunately, language to address the problem was not developed but interested parties have agreed to continue to work toward a solution outside of the legislative process in hopes of introducing legislation in a subsequent session. The committee agreed to find the bill inexpedient to legislation at the suggestion of those who had an interest in the bill based on their commitment to continue to work toward a compromise. **Vote 17-0.**

HB 2016, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene Chandler for Public Works and Highways. HB 2016 is the Ten-Year Transportation Improvement Program (TYP) for the State of New Hampshire, covering the period from 2017-2026. The plan is fully financially constrained at a total of \$3.74 billion and contains projects in the following categories and estimated amounts: highway funding - \$2.68 billion; turnpike improvements - \$461 million; airports - \$260 million; rail - \$10 million; and federal transit - \$324 million. The TYP was vetted with input from the municipalities via the regional planning commissions and with the public through a series of 16 GACIT (Governor's Advisory Commission on Intermodal Transportation) public hearings. GACIT consists of the Governor's Executive Council and the Commissioner of the Department of Transportation. GACIT submitted their proposal to the Governor, and subsequently the Governor submitted her proposal to the Public Works and Highways Committee, which held several hearings and work sessions on the TYP. The TYP includes a focus on pavement preservation, red listed bridges and bridge preservation; pledges work on rural roads and bridges; includes the completion of I-93 from Salem to Manchester and provides funding for Exit 4A in Londonderry. The plan includes a heightened financial constraint for an increased level of accountability and predictability in program delivery. The plan includes an assumed inflation factor of 3% and relies on the utilization of turnpike toll credits for the state fund share instead of a cash contribution for federally funded projects. An amendment was proposed to remove the \$4 million rail study money from the plan, but the vote was 10-10 whereby the project remained in the plan. The amendment to the bill/plan deals with authorizing the further issuance of GARVEE bonds for the reconstruction/rehabilitation of two Connecticut River bridges, one on I-89 and one on Route 119. Several projects that were previously unfunded in previous ten-year plans include continuing projects on I-89 and I-93 in Concord and Exits 6 and 7 in Manchester, including interchanges. The amendment also addresses increased funds for improvements to the central turnpike and enhanced study of Exit 10 on the Spaulding Turnpike; approval for a new loan financing structure under TIFA C Transportation

Infrastructure Finance and Innovation Act to complete the widening of I-93 from Salem to Manchester. The loan will be structured to require revenue from SB 367 to be used for improvements to approximately 1160 miles of rural roads and approximately 23 red listed bridges during the first nine years of the loan. These improvements are over and above the normal programs for these areas. Subsequent to the ninth year the funds collected for SB 367 will be used to make interest and principle payments on the loan. Also included is language to provide for additional funding for TIGER grants should any be available. Since the Department anticipates at least \$9 million of savings due to the light winter, the committee unanimously agreed to allocate these savings to increase by \$2.5 million the Capital Equipment Program, 85% of which is to be used for large trucks and heavy equipment, and 15% for light trucks and passenger vehicles; \$2.5 million of excess funds to bolster the municipal state aid bridge program; and \$4 million for the highway betterment account for bridge work and resurfacing throughout the state's highway districts. The final portion of the amendment deals with a project in Littleton whereby the state pays for 2/3 of the project and the town pays for 1/3. There is still money left in this account after approval of this project should any town wish to avail themselves of these funds. These are projects on state roads that the towns feel are important enough to use town funds as a 1/3 match. **Vote 18-2.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1517, relative to temporary seasonal docks. **REFER FOR INTERIM STUDY.**

Rep. John Mullen for Resources, Recreation and Development. The intent of this bill was to reduce the lot line setback for temporary seasonal docks. The 20 foot setback requirement was originally set forth by administrative rules in 1997 and codified in statute the following year by the legislature in 1998. In 2002, the legislature simplified the process for putting in a seasonal dock by eliminating the need for a permit from the Department of Environmental Services (DES). Instead the property owner had only to notify DES of the installation and certify that certain conditions were met, including the 20 foot setback. Testimony on this bill was presented by a variety of state agencies, including DES and the Department of Safety, as well as other stakeholders including individual owners. A subcommittee explored the many aspects of the setback issue in regards to safety as well as protecting individual property rights. During the executive session on the bill, concerns were brought up about the details of the bill, how its implementation would affect state agencies, and its long term effect on property owners' rights. After much discussion it was determined that a more thorough examination of the bill was needed. **Vote 15-3.**

SB 380, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission. **OUGHT TO PASS.**

Rep. Chris Christensen for Resources, Recreation and Development. In 2003, New Hampshire brought suit against companies distributing methyl tertiary-butyl ether (MTBE) in the state, causing contamination of its waters. MTBE was banned in the state in 2007. Most companies settled out of court, but Exxon contested the suit. The case is now close to being finished in the court system, and when a settlement is received, we need to be prepared to administer the funds. There is a goal to be sure the settlement is used for its intended purposes which are water protection and remediation of contaminated sites. This bill establishes such a fund in the custody of the State Treasurer and establishes an 11 member advisory commission to oversee the use of the funds. The commission will report annually on its operations and progress. **Vote 18-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1104, relative to electric renewable energy classes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Richardson for the **Majority** of Science, Technology and Energy. The bipartisan majority of the committee felt that this bill, which allows hydropower for renewable portfolio standards (RPS) compliance in lieu of developing local renewables, could harm New Hampshire's renewable energy industries which are providing value to our economy, our municipalities, and our ratepayers. The committee heard from the Department of Environmental Services that this bill would promote instability and lack of certainty in the state's renewable portfolio law. The committee also had testimony from the Public Utilities Commission stating that the bill could have the unintended consequence of increasing ratepayer rates due to Federal Energy Regulatory Commission (FERC) Order 1000. The RPS has created and continues to support many jobs in New Hampshire. For example, in the biomass industry, thousands of jobs related to the forests and timber industry have driven an overall economic benefit of over \$173.8 million annually to the state. **Vote 14-7.**

Rep. David Murotake for the **Minority** of Science, Technology and Energy. The minority is concerned the rapid increase of Class I renewable energy goals that began in 2015, established in RSA 362-F:3, will result in higher energy costs for consumers given the failed expectations of industrial wind in NH. Class I is the largest of the Renewable Portfolio Standard (RPS) classes and includes a variety of renewable sources, including wind and incremental new production from large hydro put into operation after 1/1/2006. The sharp increase of 0.9%

per year in Class I may not be achievable. This bill proposes that electricity providers be allowed to use the production from older large hydro facilities to satisfy their Class I requirements when there is a shortage of Renewable Energy Credits (RECs). Neighboring ISO New England states, like Massachusetts, permit older large hydro, placed into operation after 12/31/1997, to be used to satisfy their Class 1 requirements. New Hampshire cannot use this clean, renewable source under current statute. While emotional testimony claims this legislation will hurt the biomass (wood) industry, expert testimony shows this is untrue. RPS, though complex, has numerous “carve outs”, and this legislation leaves all such protections for other classes intact.

HB 1116, relative to net metering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Vadney for Science, Technology and Energy. This bill addresses issues that arise from distributed power generation, such as from rooftop or community solar, and the resale of that energy back into the power grid. This bill includes solutions to the problems of (1) legislative production caps that threaten to shut down a growing New Hampshire industry employing over 750 people, and (2) concerns about reimbursement rates paid for energy sold back into the electric grid. The bill both keeps the jobs in New Hampshire and creates a transition plan that will bring us to a systemic solution for the rate structure, eliminating the need for production caps in the future and addressing equitable treatment between those that install solar and those that choose not to install solar. **Vote 19-0.**

HB 1133, relative to the maximum amount of a customer deposit which may be required under rules of the public utilities commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for Science, Technology and Energy. This bill seeks to limit the amount of money utilities can require for a security deposit. Utilities typically require a security deposit for new customers and for customers who have fallen behind in paying their bill. Under current Public Utilities Commission rules, utilities can require an amount equal to the two of the three highest bills incurred during the previous 12 months. For venues that heat with electricity, that can amount to as much as \$1,600 to \$1,800. This bill would cap that deposit amount at \$250. While this bill would potentially help some consumers, it would decrease utility revenues for delinquent accounts and those costs would be passed along to other ratepayers. In addition, decreasing a ratepayer’s exposure to just \$250 might encourage an increase in account defaults. **Vote 17-3.**

HB 1140, relative to financial responsibility for gas transmission pipelines. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. This bill would require owners of gas transmission pipelines to procure and maintain insurance against any loss resulting from failure or malfunction, and must be maintained in cases of abandonment. It also requires annual proof of adequate insurance to the Public Utilities Commission (PUC). While the intent is well-placed and the need for property owner protection is understood, testimony revealed that the newly adopted Site Evaluation Committee (SEC) rules do consider insurance and decommissioning plans as part of the certification process. Testimony also revealed that some pipeline companies currently self-insure in amounts well positioned to meet the concerns, while others already carry third party insurance. The committee felt the bill is unnecessary and would put an undo burden on the SEC and the PUC. Additionally, there was some concern that since interstate pipelines fall under the final authority of the Federal Energy Regulatory Commission, such state directives could be preempted. For these reasons, the committee is not able to support the bill. **Vote 15-6.**

Rep. Marjorie Shepardson for the **Minority** of Science, Technology and Energy. The minority believes the owners of gas transmission pipelines should have to annually provide proof of insurance to the Public Utilities Commission.

HB 1146, relative to certificates of site and facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Richardson for Science, Technology and Energy. This bill, by changing “may” to “shall”, attempts to ensure that a certificate issued by the Site Evaluation Committee (SEC) includes terms and conditions, such as bonding, and provisions for monitoring as the SEC deems necessary. The SEC has recently adopted rules that address these issues and so the committee feels this bill is unnecessary. **Vote 15-5.**

HB 1148, relative to pipeline capacity contracts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. The Public Utilities Commission (PUC) has broad powers to evaluate all manner of energy issues including needs for future capacities for fuel transportation via pipelines. The committee believes that nothing is gained by specifying a long list of specifics which, in effect, would be telling the PUC how to do its job. Current law (RSAs 374:1, 374:2 and 378:7) already requires the PUC to review pipeline capacity contracts for prudence and to determine whether the terms of such an agreement are reasonable. **Vote 11-10.**

Rep. Howard Moffett for the **Minority** of Science, Technology and Energy. The minority believes this bill raises an important concern that deserves far more attention than it has received: why should New Hampshire electric ratepayers be asked to pay for long-term capacity contracts on gas pipelines? Even those of us who feel that New England needs new interstate gas pipeline capacity, to reduce high winter wholesale and retail

electric rates and price volatility, question whether retail electric ratepayers should be asked to guarantee payment on 20 year gas capacity contracts like default service ratepayers were asked to do for the mercury scrubber installation at Merrimack Station.

HB 1174, relative to energy sources for new natural gas transmission compressor stations. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for Science, Technology and Energy. This bill would require that natural gas compressor stations use another source of power rather than the gas in the pipeline itself. Using pipeline gas to power a 41,000 horsepower compressor creates noise and poses the risk of air emissions in the area around the compressor station. Periodic gas releases, called blowdowns, are necessary to perform compressor maintenance and risk further contamination around the station. However, the Department of Environmental Services testified that a preliminary application for a gas compressor in Temple showed emission levels would be low. A pipeline engineer testified that using electricity rather than gas to power the compressor would require the construction of an 11 mile power distribution line from a substation in Rindge. This engineer further testified that geography and pipeline fluid dynamics require siting the pipeline in the Temple/New Ipswich area. Ultimately, the bill's negatives outweighed the positives, leading to the committee's disapproval of the bill. **Vote 14-7.**

HB 1320, relative to assignment or transfer of an operating permit issued by the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Vadney for Science, Technology and Energy. This bill was narrowly crafted to single out a particular parcel of land in a way that would unduly restrict the property rights of the land owner. The Department of Environmental Services testified that the permits that were given to the landowner and the function approved for that parcel remain and any new owner of the property could operate under that permit as long as the same conditions of trained operators, safety procedures, environmental constraints, and emissions monitoring were followed. **Vote 14-5.**

HB 1374, relative to rebates to ratepayers from the renewable energy fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Richardson for the **Majority** of Science, Technology and Energy. The bipartisan majority of the committee felt that this bill, which essentially defunds the Renewable Energy Fund which is used to develop renewable energy, promote in-state jobs and diversify our sources of energy, will harm the rapidly growing renewable energy industry in the state. The committee heard extensive testimony against the bill, expressing that the bill was anti-business. Reports have shown that the Renewable Energy Fund investments in energy projects have totaled \$7 million and have generated \$30 million in private investment in our state. **Vote 18-3.** Rep. Jeanine Notter for the **Minority** of Science, Technology and Energy. However small the rebate to ratepayers may have been, it would help some in lessening the redistribution in wealth that the minority opposes in principle. All of the little fees here and subsidies there add up to a sizable amount of money out-of-pocket. Chipping away at subsidies and fees is a way to reverse course.

HB 1470-FN, permitting additional site evaluation committee membership from towns or cities affected by an application. **INEXPEDIENT TO LEGISLATE.**

Rep. Glen Aldrich for Science, Technology and Energy. This bill would add an indeterminate and varying number of new members to the Site Evaluation Committee depending on how many municipalities a proposed project passes through. However, estimates projected as many as fifty or more could qualify for membership, thereby making it difficult to get things done. Two years ago we reduced the number on the committee from fourteen to nine, partly because it was unwieldy at the larger number. Also, since the additional members would qualify for mileage reimbursement for multiple meetings, they would add cost to the operations of the committee. For these and other reasons the committee felt this bill unnecessary. **Vote 18-1.**

HB 1479, establishing a broadband study committee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill would establish a broadband study committee. Though there is a need for better access to broadband, particularly in rural areas, this is not new news and studies have already been done on the same issue. The Telecommunications Planning and Development Advisory Committee, with input from the Information Technology Council, has produced a report with some 37 recommendations. These committees should be allowed to progress with their study and possible implementation of recommendations. The majority felt that establishing another study to study the report would not produce anything new. To avoid "beating a dead horse", the committee opposes passage of this bill. **Vote 13-8.**

Rep. Charles Townsend for the **Minority** of Science, Technology and Energy. Legislation is needed to move ahead on the 37 specific recommendations in the report, Broadband 2015: The Connection to New Hampshire's Future. This 84 page report was the result of years of work by the NH Geographically Referenced Analysis and Information Transfer System (GRANIT), UNH Earth Systems Research Center, the Office of Energy and Planning, the Department of Economic Development, UNH Cooperative Extension, regional planning commis-

sions, and other partners. The report, released in the fall of 2015, documents the opportunities that broadband provides to small businesses, public safety, health care, and education. It also documents areas in which broadband availability is limited and the work that remains to be done to bring broadband to all areas in our state. A broadband committee will be able to study the recommendations, interview the report contributors, and determine legislation that will be successful in enacting the recommendations of this important report.

HB 1659, relative to the implementation of the clean power state implementation plan. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jeanine Notter for the **Majority** of Science, Technology and Energy. This bill would have prohibited the Department of Environmental Services (DES) from spending money to develop a plan to implement the US Environmental Protection Agency's (EPA) Clean Power Plan (CPP) until the courts ruled on its legality. The bill's sponsor argued that it also provided a way for the state to protest the continued unchecked rise of the administrative state and its mandate to create rules that seriously impact our citizens without the accountability of the ballot box. DES testified that the bill could possibly affect its ability to accept and expend federal grant dollars. With the state already in compliance with the CPP's emission caps due to participation in the Regional Greenhouse Gas Initiative (RGGI) program, coupled with the US Supreme Court's early February stay of the CPP, the committee felt the bill was not necessary at this time. **Vote 20-1.**

Rep. Michael Vose for the **Minority** of Science, Technology and Energy. This proposed legislation directed the state to delay action on a state implementation strategy to comply with the EPA's Clean Power Plan (CPP) until the rule's constitutionality was established. Many legal scholars had predicted that the EPA had exceeded the legislative authority granted by the federal Clean Air Act. In early February, the US Supreme Court halted the implementation of the CPP pending the resolution of legal challenges, making this bill less urgent. The EPA, meanwhile, stated that states could "voluntarily" develop their own compliance plans.

HB 1691-FN, making certain changes to the renewable portfolio standard. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Richardson for the **Majority** of Science, Technology and Energy. This bill seeks to revise the Renewable Portfolio Standard (RPS), ostensibly to reduce ratepayer cost. However, the majority of the committee determined that the bill had serious unintended consequences and could raise rates. The RPS is the cornerstone of New Hampshire's clean energy policy, providing a strong market signal that New Hampshire is receptive to and encourages electric and thermal energy development. Among the serious issues in the bill was the fact the bill actually repealed the RPS in 2020. In addition, the committee learned through testimony, which was later documented and supported by the Public Utilities Commission, that the bill could significantly increase ratepayer costs by the changes suggested in the thermal requirements of the law. Finally, we heard from an overwhelming number of stakeholders that the bill was flawed as it would subsidize out-of-state renewable facilities and would send the wrong signal to investors and the markets. The RPS is working to achieve its goals, including job creation and retention, and helps to position New Hampshire as a leader in clean energy development. Efforts to terminate or weaken the program send the wrong message to the industry. The majority believes the RPS functions as it was originally intended, helping New Hampshire reduce its dependence on imported fossil energy over which we have no control, keeping energy dollars in-state, and moving our economy towards more sustainable, local, and cleaner sources for electricity and heat. **Vote 13-8.**

Rep. Michael Vose for the **Minority** of Science, Technology and Energy. This bill, as amended, sought to lower electricity costs in our state by making some small adjustments to the Renewal Portfolio Standard (RPS) statute. The adjustments include: (1) increasing the number of renewable energy credits (RECs) available for purchase by NH utilities, and (2) keeping more of the RECs generated by in-state suppliers inside our borders. Keeping RECs inside our borders is an often overlooked issue. Today, utilities in Massachusetts, Rhode Island, and Connecticut are buying RECs from NH-based generators and claiming them as their own. When these RECS are sold out-of-state, the renewability benefit belongs to the state where the REC is counted. It is no coincidence that the nine states in the US with the highest electric rates are all RPS states. This bill provided an opportunity to bend the cost curve of RPS in New Hampshire in a downward direction while allowing the state to move closer to its renewable energy goals.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1288, relative to the National Guard force protection policy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred Baldasaro for the **Majority** of State-Federal Relations and Veterans Affairs. This bill was introduced to give the Adjutant General greater powers to arm certain military personnel at various state military installations, to assist in the state's force protection policy. Right now Law Enforcement Officer's Safety Act of 2004 authorizes the arming of federal military installations, not our National Guard and Air National Guard area state installations. We believe that under Article 10 of the US Constitution (states rights) we have the authority to make changes to our New Hampshire laws pertaining to state owned bases. In Part 2 of the NH

Constitution, the Senate and House have the supreme power to enact laws to ensure that our National Guard and Air National Guard have the tools necessary for the protection of all state bases. Part 2, Article 51 gives the power to the Governor, who is the Commander in Chief, to execute the laws of the state and of the United States. This legislation seeks to put this responsibility in state law, to ensure our Adjutant General has the tools necessary to be sure that he identifies members of the military (state) to be armed so they can protect themselves in case of a terrorist attack. **Vote 10-3.**

Rep. Kris Roberts for the **Minority** of State-Federal Relations and Veterans Affairs. The minority believe that this bill is an over stepping of the constitutional separation of powers. The National Guard and Air National Guard fall under the command and control of the Governor as Commander in Chief. When a citizen becomes a member of the armed forces he or she gives up some rights. It is up to the facility's commander to determine if he or she will allow service members to bring personal weapons upon such facilities. If the commander allows service members to bring personal weapons on military facilities he or she must develop a force protection plan in case that service member choses to use that weapon on another service member(s). As history has shown, even the best trained shooters have problems keeping bullets on target during firing. Just allowing someone to carry a weapon does not ensure safety. All military commanders have a force protection plan.

TRANSPORTATION

HB 1132, relative to carrying a rifle or shotgun in certain vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for the **Majority** of Transportation. This bill allows hunters and sportsmen to have ammunition in their guns in their vehicles. This bill enhances safety by reducing the number of times the weapon is unloaded and reloaded. The committee amendment requires the safety to be on, and the chamber empty. **Vote 11-9.**

Rep. George Sykes for the **Minority** of Transportation. This bill, as amended, changes an existing Fish and Game law which currently prohibits a loaded rifle or shotgun in a vehicle. The amendment allows a rifle or shotgun in the vehicle when there is ammunition in the magazine, none in the chamber and the safety is on. NH Fish and Game, NH Department of Safety and the NH Guide Association were all opposed to the original bill, and they had no opportunity to comment on the amendment. There was no compelling testimony showing why this change was necessary.

HB 1154-FN, authorizing and regulating the use of license plate scanning devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner Horn for Transportation. The practice of checking license plates to determine if the vehicle has been involved in a crime exists currently. This legislation allows law enforcement officers to utilize technology to become more efficient in this practice. The plate readers only capture an image of the plate. The database it is compared to is locally controlled, and if the plate being read isn't in the database the image is deleted after three minutes. The amendment adds a reference to the state police and it changes references to vehicles, rather than persons. The amendment also adds additional safeguards to prevent captured data from being transmitted anywhere and ensures that such data is destroyed after purging and not used or shared for any other purpose. The ability to utilize this technology will make law enforcement more efficient and increases their ability to respond to critical incidents. **Vote 13-4.**

HB 1257, relative to revocation or suspension of a driver's license because of physical impairment. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill would delay the DMV's ability to suspend a driver's license for a medical reason. A doctor would have to recommend suspension before DMV could act, bringing liability issues into play for the physician. The current practice allows for suspension with a prompt hearing and review of the medical circumstances. The majority of the committee believes changing this method could result in dangerous delays in responding to unsafe driving conditions. **Vote 18-1.**

HB 1358, regulating engine idling of certain vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris True for Transportation. While the majority of the committee does understand the desire to save on fuel usage by limiting excessive idling, this would be an unenforceable law that does not have any penalty for failure to obey the law. **Vote 14-3.**

HB 1445-FN, relative to tinted windows on motor vehicles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for the **Majority** of Transportation. This bill allows after market tinting of side windows, subject to an annual fee. The majority of the committee feels that the time has come for tinted side windows. Forty-six other states have allowed this and there have been no issues regarding the safety of law enforcement because the tinting (no more than 35%) is such that you can readily see inside the vehicle. This bill allows no more tint than our law enforcement officers currently encounter from the thousands of tourists coming to our state. **Vote 12-6.**

Rep. Michael O'Brien for the **Minority** of Transportation. This bill would allow after market tinting of a vehicle's side windows (driver and passenger) up to a 35% limit of light transmittance. For years such a bill has come before the Transportation Committee to allow more tinting than what comes from the factory. The main opponents to this novelty are the New Hampshire Department of Safety and the New Hampshire Association of Chiefs of Police. Their objection is one of officer safety. Therefore in support of the men and women who serve and protect, the minority opposes this bill as a matter of safety by not placing our law enforcement officers in a situation that could be deadly. Currently there is a system that would allow window tint for medical necessity at zero cost to the citizens. This bill upon passage will increase the consumers' cost to \$10 annually for each vehicle.

HB 1509, relative to the definition of "houseboat." **INEXPEDIENT TO LEGISLATE.**

Rep. Michael O'Brien for Transportation. This bill would have changed the definition of a houseboat to eliminate a sailboat used by maritime youth training. This would have allowed such designated training craft overnight mooring. Current law does allow a vessel to be moored at night with a person awake and on watch.
Vote 15-3.

WAYS AND MEANS

HB 1192-FN, repealing the education tax credit. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bill Ohm for the **Majority** of Ways and Means. This bill represents a third attempt at repeal since the Education Tax Credit Scholarship program went into effect. The bill sponsors continue to contend that the program is unconstitutional which flies in the face of national legal outcomes with similar programs. Nationally, no court (up to and including the US Supreme Court) has ever ruled the programs violate the Constitution and that includes many who have the similar Blaine Amendment the NH Constitution contains. The committee heard testimony from the NH Department of Education and the NH Department of Revenue Administration each who reported that the program works smoothly, does not require additional personnel, and costs little to nothing to operate. Low income parents have high satisfaction reported and, best of all, 238 children to date have received scholarships and are attending to their schooling in places that fit their needs. As with ANY student in NH, rich or poor, with or without a scholarship, who attends a school other than the public school assigned to him/her, the state does not provide adequacy payments to that school district AND SO this program statewide has saved the NH state budget over \$300,000 since inception. The majority sees NO reason for the program to be discontinued. **Vote 11-8.**

Rep. Mary Cooney for the **Minority** of Ways and Means. This law has been in effect since June 27, 2012 with the passage of SB 372 (Ch. 287, Laws of 2012). The committee heard positive testimony from one of the families that had been able to utilize these small tax credits. Because the municipalities lose adequacy grants when they lose students due to this program, the net result is that the state has not seen a loss of revenue so far, but the towns have. The law was challenged in Superior Court on the basis of separation of church and state, but on appeal to the NH Supreme Court it was dismissed due to the plaintiffs having "no standing." Since there was no ruling on the constitutionality of the education tax credit that question still remains unchallenged. The minority believes this law is a backdoor to funding religious schools with New Hampshire business tax revenue. The other consideration is that businesses which take advantage of this law can deduct 85% of their donation amount directly from the Business Profits Tax and/or Business Enterprise Tax that they owe to the State of New Hampshire. They can also claim that same amount as a charitable deduction on their federal tax return. The result can be a net gain to the businesses, leaving them with no skin in the game. This tax credit essentially allows businesses to choose where their tax money goes, not the Legislature. Even though the amount of scholarships used at the present time is low, the law allows up to \$5.1 million to be used. When asked how the public schools could be improved to meet the needs of her other children, a participating mother replied, "Teachers should receive more respect, and the state should put more funding into the public schools."

HB 1198-FN-LOCAL, relative to the valuation of poles and conduits owned by telephone utilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. The majority amendment replaces the bill and builds on the work of the Assessing Standards Board (ASB) to develop a methodology for assessing telecommunication poles and conduits. The original bill was merely a framework that the ASB used to develop recommendations. The Legislature allowed, for the first time, municipalities to treat telecommunication poles and conduits as real property and be taxed as such starting in 2011. The only problem was that no guidance was given as to how that should be done. The result was numerous methodologies being employed by different assessors throughout the state with average pole assessments in communities ranging from \$107 to \$2,100 based upon Department of Revenue Administration (DRA) scrubbed data. These wide-ranging assessment values have led to hundreds of lawsuits each year between municipalities and the various telecommunica-

tion companies that operate in New Hampshire at great legal expense to all involved. After months of study the full ASB had no choice but to vote that there was a problem and that a solution was required. It became clear that a legislative solution was required to a problem in part created by the Legislature. An ASB subcommittee concluded that telecommunication poles and conduits are a specialty property and should be stated as such in RSA 75:1, which lists exceptions to real property being assessed based upon market value. Such an exception was added in the amendment. In addition, research of this issue showed that other states have grappled with this issue and concluded that a simple formula be adopted: the replacement cost new (RCN) of the telecommunication pole and conduit, less depreciation calculated on a straight-line basis for a period of a certain number of years with a residual value of a certain percent. The amendment also calls for the DRA to publish by July 1 of each year the RCN for all height poles using a national published telecommunications standard cost data guide (which includes installation cost) calculated using a five year rolling average. The ASB subcommittee, the ASB full board, and the sponsors of this bill all agreed upon these principles and that the residual value of a pole be set at 20 percent. Further research found that the Federal Communications Commission uses 25-35 years as depreciation lengths for poles and many other states come in close to a length of 30 years. Based upon this evidence, a depreciation of 30 years was chosen based upon fact. This bill will provide the much needed guidance to municipalities so that pole and conduit assessments are done in a fair and consistent basis across all our communities. This bill will put an end to all the hundreds of lawsuits that are costing the municipalities and the industry thousands of dollars in legal fees and clogging the courts with these cases. **Vote 18-5.**

Rep. Susan Almy for the **Minority** of Ways and Means. Six years ago the Legislature ended years of battle by voting to allow the towns to include telephone poles and conduits in local property tax. Existing law clearly states that the poles and conduits should be assessed as real estate, not as personal property. In other states, because they are treated as personal property, equivalent to machinery rather than land and buildings, they are assessed using the normal business depreciation methods, which reduce an asset's useful value to zero or near zero well before the asset is junked. In our statewide utility property tax, each regulated utility business is assessed as a whole by the income and expense method, which calculates all assets according to business accounting; buildings, transfer stations, poles and conduits among them; and assigns property value according to the firm's net profit. When the Legislature decided to let the municipalities tax telephone poles, it left in place in RSA 72:8-a this stricture: "The valuation of such property shall be based on its value as real estate." This bill and both majority and minority amendments comply. Real estate value is based on market value, the useful value left in the building or land. Poles last between 50-75 years on average in our state. The majority amendment would reduce the poles' taxable value to 20% of replacement value within 24 years (a nominal 30-year standard), and leave it at that during the next 25-80 years. But they are fully functional poles. The legislatively-created Assessing Standards Board was asked to review the issue and come up with recommendations, and it voted for a 50-year standard. The minority amendment says 40 years, because half of that board's subcommittee voted for that as a compromise. The board wanted to be kept in the process, writing the JLCAR rules and holding an annual public hearing on the values; the majority amendment removes them, the minority one restores them. The board wanted specific information on the poles provided to each town; the majority amendment makes it optional, the minority one requires it. These differences are significant to the appropriate real estate assessing of poles. The minority amendment creates the same stable playing field that the majority amendment aspires to, and may well better avoid continuing lawsuits. It allows the large number of municipalities that have been assessing in the middle of the pack to retain their property tax revenue under the new system, but it requires the assessing outliers to lower their assessments. And it has a better chance of final passage and durable life.

HB 1247, relative to permitted gambling by private individuals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for the **Majority** of Ways and Means. The original bill was too open and it was amended in committee. In 2013, Ways and Means retained and then amended and unanimously passed HB 459, which was in turn passed by the House in early 2014. That bill then stalled in the process. The amendment to HB 1247 is the previously passed HB 459 as amended. Currently NH law creates criminals of home owners and their guests who happen to gather for an evening of recreational poker. Enforcement is done on a completely subjective basis. The committee report on HB 459 stated, "This [amended] bill legalizes home poker games as long as the "house" takes no rake, no admission can be charged, odds can't favor any [single] player, there is not a house bank and the games can not be advertised to the public." If HB 1247 as amended passes, privacy and rights of every person in the state are protected. The state can no longer subjectively criminalize what is essentially recreational behavior of New Hampshire residents in their own homes (including many senior members of law enforcement and the judiciary). **Vote 13-6.**

Rep. David Hess for the **Minority** of Ways and Means. This bill as amended is a solution looking for a problem. Despite allegations of potential selective enforcement of current law, the committee received no such evidence. Moreover, as amended the bill creates a massive loophole for unlimited gambling. There are no limits

on the amount that may be bet on one evening, one game, or even one hand. There is no definition of what constitutes “poker games.” There is no provision which prevents a “host” or third party from making money from concessions on ancillary services provided at the same location to game players. There is no definition as to what “not advertised to the public” means. In short, the amendment is literally a sieve for unintended consequences, and is most certainly the opening round of a slippery slope leading to expanded, unregulated gambling completely bereft of legislative or administrative regulation and oversight. Finally, the amendment received no public hearing, no public input nor meaningful discussion and analysis by and within the Ways and Means Committee.

HB 1360-FN, establishing a credit against business profits taxes for media production expenditures in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Azarian for Ways and Means. This bill calls for a tax credit for media productions filmed in New Hampshire. The committee has heard this proposal in the past and there is no change in this bill as introduced. While such tax credits may work in other states, there would be no offset to business tax revenue lost due lack of an income or sales tax in New Hampshire. The committee strongly objected to the provision that allowed these tax credits to be sold to other companies for their use. If a film is made in NH and creates no profits, no Business Profits Tax is generated. However, a profitable company who purchased the tax credits can utilize them and thus the result is a loss in revenue to the state. The result is all loss to the state and no gain, which is not acceptable. The committee recommended that the sponsor seek to present the proposed tax credit model to an existing study commission that has a reporting date of November 1, 2016 (Chapter 122, Laws of 2015). Any further study findings could be duly considered after the completion of that study. **Vote 20-1.**

HB 1443-FN, relative to the reasonable compensation deduction from gross business profits under the business profits tax and requiring the department of revenue administration to prepare draft rules relative to auditing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. This bill attempts to roll back a bill passed back in 2011 that resolved the issue of burden of proof related to reasonable compensation for Limited Liability Companies (LLCs). Back in 2011, SB 125 passed the Senate 24-0 and passed the House 340-9 (Ch. 207, Laws of 2011). That bill placed the burden of disapproving the compensation deduction with the Department of Revenue Administration as opposed to the taxpayer proving the compensation deduction. This current bill places the burden of proof back on the taxpayer. SB 125 provided a comprehensive clarification supported by the business community in response to overly aggressive audits. The main argument for this current bill is that business tax revenues have suffered. Given that the business tax revenues are surpassing everyone's estimates this year and have steadily rebounded from 2011 levels, there is no evidence that this argument can be utilized. The business community does not support a reversal back to the pre-2011 approach which everyone recognized as being fraught with problems. The majority of Ways and Means concurred with the view that this approach has been working well and that there is no reason to revert back. **Vote 11-8.**

Rep. Susan Almy for the **Minority** of Ways and Means. What do you call it when a taxpayer, knowing he owes a certain amount of tax, manipulates his return to hide the profits he is being taxed on? Tax fraud? What do you call it when a law is passed to let him do that without any fear of being caught by audit? Enabling tax fraud? We have such a law, passed in 2011, which provides this special dispensation to any non-incorporated business that wishes to use it. This law reversed the burden of proof doctrine. Instead of the taxpayer having to prove upon audit that what they reported as compensation was reasonable, now the burden of proof is on the state to prove it is unreasonable. To make matters worse the only way the state auditors have access to the records they would need is to subpoena the records; so effectively the Department of Revenue Administration no longer audits the amount claimed as compensation. A corporate hedge fund manager's salary is declared to the federal government and deducted with other costs from the firm's profits before Business Profits Tax (BPT) is paid. An unincorporated hedge fund firm can declare all of its profits as the earned income of the owner, and there is nothing to tax. Some businesses may think we have changed the law to allow partnerships and proprietorships to no longer pay BPT; but if we had done that, there would be a well-justified lawsuit by corporate filers. This unequal and unprecedented treatment has caused massive losses: \$1.3 billion of new earned income was declared in the first year it could not be audited, or over \$100 million in tax revenue lost. This hurts the honest business owners, leaving them less competitive. It enables businesses to avoid any kind of audit changes; some have told the auditors that if the audit changes another part of their filing, they will simply restate the filing to show the reported expense as earned income, and untaxable. It hurts our state, which has lost significant revenue it could have put into the rainy day fund, opioid treatment, the lawsuits we have had to settle, or other legislative priorities. No other state, and no other New Hampshire tax, has this backward burden of proof doctrine. The law needs to be repealed. This is the only bill to date that our esteemed and apolitical Revenue Commissioner has supported or opposed, because reversing burden of proof undermines the very existence of a tax system. The other two sections clarify, in the businesses' favor, a minor issue in auditing, and provide for putting into administrative rules some of the many procedures the department has adopted in recent years to prevent future over-auditing.

HB 1545-FN, relative to Lucky 7 tickets. **REFER FOR INTERIM STUDY.**

Rep. Bill Ohm for Ways and Means. This bill would authorize charitable gaming organizations to increase the denomination of Lucky 7 tickets from 50 cents to \$1, and permit electronic dispensers of such tickets to only dispense a paper ticket on request. The committee feels that these electronic dispensers already look, feel and act like slot machines, and the proposed changes would only enhance the effect. While the committee heard testimony that such machines are legal, they believe that they are contrary to legislative intent. Approximately 350 of these machines are installed, none recently. Refer for Interim Study is recommended to review what, if anything should be done with this type of device. **Vote 21-0.**

HB 1572-FN, establishing a broadband deployment tax credit incentive program against the business profits tax and the business enterprise tax. **REFER FOR INTERIM STUDY.**

Rep. Gary Azarian for Ways and Means. This bill called for tax credits of up to \$2 million for broadband companies to provide Internet and broadband service in areas of the state where such service is unavailable. There is high site cost for construction to provide service in remote areas. The committee will study this issue to help better understand whether issuing credits is the best way to move forward in providing broadband and Internet service to these areas. **Vote 21-0.**

HB 1689, relative to operator requirements under the meals and rooms tax. **OUGHT TO PASS.**

Rep. Jordan Ulery for Ways and Means. This bill seeks to inventory taxable rental property to help the Department of Revenue Administration to identify units that would be subject to the Meals and Rooms Tax assessment. Each rental business already, as part of their business operations, maintains a list of rental properties. This bill merely creates a basis from where taxes are due. The committee felt that this requirement would not be burdensome to the industry. **Vote 21-0.**

CHILDREN AND FAMILY LAW

CACR 16, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the **Majority** of Children and Family Law. This constitutional amendment makes parental rights, which our state supreme court has recognized as implicit in Part I, Article 2, explicit in a separate Part I, Article 2-b. Though these rights are implicit in Part I, Article 2, this legislature, the executive and even the judicial branches have all too often failed to recognize them. Therefore, the people ought to have the opportunity to make their parental rights explicit in our constitution, just as they made their right to keep and bear arms explicit in 1984 for the same reasons. This amendment would not prevent the state from intervening in cases of abuse or neglect, just as our right to liberty does not prevent being put in jail for a crime. **Vote 8-5.**

Rep. Skip Berrien for the **Minority** of Children and Family Law. The United States and New Hampshire Supreme Courts have consistently recognized the natural rights of parents to raise their children. This constitutional amendment presents unintended consequences regarding the rights of parents and the best interest of children. RSA 461-A establishes the best interest of the child in parents rights and responsibility divorce court orders when parents cannot agree. This constitutional amendment will cause confusion at the expense of children. This amendment erodes protections (RSA 173-B) for victims and children in domestic violence. Protection of children in child abuse and neglect proceedings (RSA 169-C) would be jeopardized by this amendment. The House has previously defeated this amendment on four occasions.

HB 1117, establishing a child support maximum under the guidelines based on the parents' combined income. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Rice for the **Majority** of Children and Family Law. The majority of the committee agreed that this bill increases the cap in the child support guidelines in cases where the parents' combined income exceeds \$150,000. The bill does not make changes to the child support calculations. There is still judicial discretion if cases arise. This bill makes progress to address some long-standing concerns regarding child support issues facing New Hampshire families. **Vote 9-7.**

Rep. Skip Berrien for the **Minority** of Children and Family Law. This bill is intended to make a single correction in child support statutes. The minority supports a comprehensive review of modifications to the child support statutes. In addition, the Department of Health and Human Services (DHHS) is required to undertake a review of child support allocations in 2017. This bill was crated in isolation of a comprehensive process and includes formulations which appear overly complicated, potentially confusing and potentially restrictive to some children.

HB 1236, relative to hearings on modifications of parental rights and responsibilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul Ingbreton for the **Majority** of Children and Family Law. This bill as amended provides that when the parties agree to a modification of parental rights and responsibilities, the court shall not hold a hearing

on the modification unless requested by both parties. Individuals testified before the committee that their mutually agreed-upon parenting plans were arbitrarily changed by the court leading to enormous unnecessary expenses, losses to children's time with one or more of their parents, and increased conflict, none of which benefits families or children. This bill keeps un-coerced parenting agreements in the control of cooperating parents, avoiding unnecessary litigation and concomitant suffering. **Vote 10-4.**

Rep. Cynthia Chase for the **Minority** of Children and Family Law. The minority feels that the bill has the potential for serious unintended consequences. It has not been vetted with many of those who have expertise in this area. This bill is not ready for prime time.

HB 1238, relative to income for purposes of child support. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kimberly Rice for the **Majority** of Children and Family Law. The majority of the committee concluded that putting a displaced homemaker into the child support statute as defined in the labor statute RSA 275-D: 2, I was too broad and promoted more discretion with the judge, therefore potentially creating more conflict. **Vote 10-5.**

Rep. Paul Ingbreton for the **Minority** of Children and Family Law. Our labor laws define "displaced homemaker" for the purpose of granting welfare support. This bill seeks to protect the maternal base for younger children in divorce cases by use of the same definition by reference in the child support statute. This bill was brought by the representative of a woman who was forced into the marketplace against the best interest of her minor children when her husband divorced her.

HB 1248, relative to the waiver of counsel in juvenile delinquency proceedings. **OUGHT TO PASS.**

Rep. Daniel Itse for Children and Family Law. This bill corrects a deficiency in RSA 169-B:12. Currently, the law requires the judge to write specific findings if they grant a waiver of counsel in delinquency hearings. This adds the requirement that the judge write specific findings if they deny the family's request to waive counsel, so that the family can appeal the denial. **Vote 9-5.**

HB 1250, relative to medical neglect of children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the **Majority** of Children and Family Law. This bill ensures that parents who have taken their child to the doctor and are following a prescribed treatment are not accused of medical neglect, even if the state identifies and orders an alternative treatment. It does not affect the existing religious exemption, nor does it change the status of parents who do not seek counsel. **Vote 7-6.**

Rep. Skip Berrien for the **Minority** of Children and Family Law. This bill, intended to prevent unwarranted allegations of medical neglect, is based on a single unfortunate incident in a neighboring state. Although the bill was appropriately created, it raised complex issues of unintended consequences which could not be resolved.

HB 1280, relative to grounds for modification of parental rights and responsibilities. **OUGHT TO PASS.**

Rep. Alethea Froburg for Children and Family Law. This bill provides for modification of a parenting order based on a change in travel time required for the parent's allocation of time, or a change in the parent's work schedule, or the age of the child. The bill also permits the court to modify a parenting order or schedule based on the relocation of a child's residence. **Vote 10-1.**

HB 1471, relative to parental rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the **Majority** of Children and Family Law. This bill recognizes in statute the parental rights that the state supreme court acknowledges are implicit in Part I, Article 2 of our state constitution. This is a statutory implementation of the constitution that is necessary to make it effective. **Vote 8-5.**

Rep. Skip Berrien for the **Minority** of Children and Family Law. This bill, asserting the natural rights of parents over their children, presents unintentional consequences regarding the rights of parents and the best interest's standard for children. RSA 461-A establishes the best interest standard in parental rights and responsibility divorce court orders when parents cannot agree. This bill will cause confusion at the expense of children. This erodes protections (RSA 173-B) for victims and children in domestic violence. Protection of children in abuse and neglect proceedings (RSA 169-C) would be jeopardized by this bill. The United States and New Hampshire Supreme Courts have consistently recognized the natural rights of fit parents. This bill is not necessary and threatens the best interest of children.

COMMERCE AND CONSUMER AFFAIRS

HB 1105, establishing a committee to study third party mortgage processors. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. In the process of analyzing recent fraud and Ponzi schemes, such as the Financial Resources Mortgage (FRM) debacle, questions have been raised about whether the state is appropriately regulating third party mortgage processors. Focused effort is needed to understand this issue better. This study is designed to accomplish this goal. **Vote 17-2.**

HB 1139, establishing a committee to examine state protections from financial fraud. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harold French for the **Majority** of Commerce and Consumer Affairs. After deliberations, the majority of the committee determined that creating an entire new state agency in the form of a financial services unit to investigate and prosecute financial crimes was a duplication of duties already performed by the Attorney General's office. Creating a legislative committee to study the feasibility is an unwise use of resources. **Vote 12-8.**

Rep. Kermit Williams for the **Minority** of Commerce and Consumer Affairs. This bill would create a study committee to look at specific solutions to avoid the problems seen in the aftermath of the Financial Resources Mortgage, Inc. (FRM) financial fraud case. Poor decisions made by state regulators and actions taken in the aftermath of the fraud made the impact on fraud victims much worse, launched a years-long series of investigations, and gave New Hampshire's financial regulation a black eye. The minority believes that studying how we should change the state's potential actions in the aftermath of a future financial fraud case – because one will happen sooner or later – is critical to protecting the reputation of New Hampshire as a good state in which to do business and invest your money. The minority also recognizes, as the rest of the legislature should, that as a part-time legislature with very limited staff, study committees are the main mechanism to vet solutions to complex problems and create appropriate legislation. Any issue that doesn't have a black and white answer deserves a study committee – that's how we work together to craft good legislation.

HB 1152, relative to the definition of specialty beer. **OUGHT TO PASS.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill, as introduced, raises the allowable alcohol by volume content in specialty beers from 12 to 21%. The committee felt that this was a good bill and people should be able to buy the same specialty beers in NH that they can acquire in other states. This bill also bypasses the previous requirement for approval of the Liquor Commission for beers with content over 12%, which should save the state time and money. **Vote 20-0.**

HB 1188, relative to the brew pub license. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Tucker for the **Majority** of Commerce and Consumer Affairs. This bill adds six words to the statutes covering brew pub licensing to permit brew pubs to manufacture cider as well as beer. The processes for fermenting beer and cider are very similar and, rather than create yet another specialty license with the same verbiage, adding cider to the existing license accomplishes the same task. **Vote 12-7.**

Rep. Rebecca McBeath for the **Minority** of Commerce and Consumer Affairs. This bill authorizes NH brew pub licensees, presently only authorized to produce beer, to add cider production and sales to their business without paying for a cider manufacturing license. All other categories of liquor licensees remain required to apply and pay for the \$1,200 to \$1692 cider manufacturer's license. The minority of the committee believes that providing this special exception to statutory requirements to brew pubs is unwarranted. In addition, the minority had concerns regarding this bill's effect of further eroding the "black lines" separating the three tiers (1) manufacturing, (2) distribution and (3) sales of New Hampshire's control of and revenue production from the sale of alcoholic beverages.

HB 1227, repealing provisions of law regulating Sunday business activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Sanborn for Commerce and Consumer Affairs. As amended, this bill repeals outdated laws regulating business activities on Sundays and changes allowable Sunday hours for games of chance and bingo, to bring them in line with other days of the week. **Vote 16-4.**

HB 1339, relative to the corporate governance annual disclosure act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. Corporate governance is a framework of systems, policies and procedures through which an insurer provides for sound and prudent management and oversight of the insurer's business while creating security and long-term value for stakeholders and holding its board members and senior management, accountable. This National Association of Insurance Commissioners (NAIC) model law requires insurers to provide the Insurance Commissioner with an annual summary that will permit the commissioner to gain an understanding of the insurer's corporate governance framework and is required for accreditation. **Vote 16-4.**

HB 1340, relative to producer licensing. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the **Majority** of Commerce and Consumer Affairs. This is a bill that repeals certain insurance producer fees and explicitly codifies the continuing education requirement for those producers. The fees being removed are those that had been imposed for obtaining qualification and clearance letters and for paper licenses for insurance producers. The licensees may now obtain these documents on-line for free. The second portion of the bill is based on a request from the Joint Legislative Committee on Administrative Rules (JLCAR). The joint committee has asked that the statutory language that implies the long standing requirement that insurance producers take continuing education to maintain their licenses should be stated more explicitly in the statute. **Vote 12-7.**

Rep. Bart Fromuth for the **Minority** of Commerce and Consumer Affairs. This bill was written and introduced at the request of the Insurance Department after an audit revealed they have been enforcing rules they had no authority to promulgate regarding continuing education for licensed insurance agents. To correct this “oversight” they have asked this legislature to grant them the necessary authority to legitimize and continue the practice of the last 10 years. The minority felt that passage of this bill inappropriately condones the past improper actions of the department and fails to deter such actions in the future. Further, the department testified that even though they realize that their current rule may not be legal, they continue to enforce compliance.

HB 1342, prohibiting the use of certain information to underwrite insurance. **INEXPEDIENT TO LEGISLATE.** Rep. John Bordenet for Commerce and Consumer Affairs. This bill makes it a discriminatory and unfair insurance trade practice to charge higher premiums for automobile and homeowners insurance based on credit rating. Current law allows the use of credit reports for such purposes if it is not the sole reason for higher premiums. This bill also prohibits insurers from requesting certain information to underwrite casualty insurance coverage. Credit scoring to determine premium rates is practiced by most insurance carriers. If we forbid the use of this tool, carriers would have to reformulate their rate structure, the Insurance Department would have to evaluate those structures, and premiums have to be adjusted upwards to cover expected returns. **Vote 15-4.**

HB 1348, repealing the exemption for certain transactions under the consumer protection act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. The majority of the committee believes this bill is an ill-advised attempt to change an effective and well-designed system of protecting NH consumers that balances protections under laws governing individual highly regulated industries with those under the Consumer Protection Act (CPA). This bill proposed splitting regulation of our financial services industries, banks and credit unions, as well as insurance companies and securities firms, into two different systems by repealing CPA exemptions that have been in place since the Act took effect in 1971. The basis for the current exemption is that these entities are highly regulated by other state and federal agencies, and subject to significant examination and oversight. If this bill were to pass, the state would treat banks, insurers and securities firms differently, depending on how they are chartered. For instance, NH based credit unions and banks that happen to hold a national charter would become subject to individual and class action lawsuits. Credit unions and banks that happen to be headquartered out of a nearby state, with a strong local presence in NH, would now fall under the CPA. Banks doing business here under a state charter would remain exempt from the Act. Such an action would bifurcate NH’s financial services industry, creating an uneven playing field. The legislature has always recognized the importance of maintaining an even playing field, allowing for a diverse and strong financial services community in the state. Some of the smallest local credit unions and local banks that hold national charters - would be exposed to the constant threat of costly and time-consuming lawsuits. The committee heard that this discriminatory approach to regulation would be unconstitutional under the Commerce Clause of the US Constitution. Under the Dodd-Frank Act of 2010, the state would undoubtedly be open to the expense of legal challenges for implementing financial laws that discriminate against institutions based on whether they are chartered by federal or state law. The Insurance Department testified that state insurance regulators have long coordinated their enforcement actions. New Hampshire officials have ordered companies to pay millions of dollars in restitution that the CPA allows, quickly and without the expense of the lengthy court battles that the bill would encourage. State insurance officials testified that they cannot imagine a single instance that would require this passage of this bill. The AG’s office argued that the current law blocked it from joining a multi-state settlement against Standard and Poors (S&P). This testimony was countered by testimony from the Bureau of Securities Regulation. In addition, others testified that the AG could have participated in the settlement, and was not limited by the CPA exemption. Only 19 states took part in the S&P lawsuit, despite the fact that many of them have laws that would have allowed them to sign on. New Hampshire securities laws already provide avenues for the state to pursue for deceptive and fraudulent actions. In fact, state securities regulators are now investigating S&P’s behavior in the rating of mortgage-backed securities. The S&P situation is a single, isolated incident that has not yet played itself out. It’s important to note that the current CPA exemption has not prevented the state from participating in several national settlements involving the financial services industry. If the claims is the AG was were barred from participating because of this exemption, why was the state able to participate in similar national settlements? Dodd-Frank also gave state attorneys general the right to file consumer protection actions in federal court and seek hefty penalties of up to \$1 million a day. The AG has the ability to enforce federal consumer protection regulations and need only notify the Consumer Final Protection Bureau of its intent to do so. The AG can pursue these cases today, without any change in the law. The majority of the Commerce and Consumer Affairs Committee do not believe that the legislature should be changing a well-established and effective law in response to isolated situations like the one the AG described. To do so would discourage relocation and expansion of critical financial services here, at the risk of harming the state’s overall business environment. **Vote 10-9.**

Rep. David Luneau for the **Minority** of Commerce and Consumer Affairs. When it comes to fraud, New Hampshire citizens have no right under the Consumer Protection Act (CPA) to take legal action against federally chartered financial institutions and insurance companies regulated by other states or the federal government. In fact, according to the Consumer Protection Bureau of the AG, the state even lost out in a \$20M settlement connected with inflated ratings of mortgage-backed securities that helped fuel the financial crisis. New Hampshire has some of the weakest laws in the country when it comes to fraud. This bill repeals the exemptions under the CPA for these products and services used by nearly everyone in the state, and allows citizens and the state to take legal action against these banks, securities firms and insurance companies when they commit fraud.

HB 1403, relative to reinsurance. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. In 2013, the New Hampshire Insurance Department (NHID) modernized the standards governing credit for reinsurance by adoption of the National Association of Insurance Commissioners (NAIC) credit for reinsurance model law. Adoption of this model law is an NAIC accreditation standard. When the NAIC model law was adopted in 2013, NHID inadvertently deleted the section regarding required insolvency clauses standards for reinsurance contracts (previously RSA 405:49). These standards had been in place since 2004. This legislation simply returns those same insolvency clause standards back into law. **Vote 17-2.**

HB 1409, relative to life, accident, and health insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. At the request of the Insurance Department, this bill makes technical corrections to the life, accident and health insurance statutes, including repealing redundant statutes. **Vote 18-1.**

HB 1437, relative to health insurance fraud and abuse reporting. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hannon for Commerce and Consumer Affairs. The bill requires health insurance carriers to establish a fraud and abuse detection system and to investigate any health insurance claim or series of claims for services that are suspected to be the result of health care provider billing fraud and abuse. Under this bill, the health insurance carrier shall report suspected fraud or abuse to the fraud investigation unit. Fraud and abuse programs have been, and are currently being developed by insurance companies. It is in the best interests of the companies to do this in ways that are best for them and their customers. **Vote 18-0.**

HB 1450, relative to risk-based capital for insurers. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill simply changes the calculation of risk based capital within annual life and/or health insurance reports from a 2.5 multiplier to 3. This is now the national standard with which all states comply. **Vote 17-1.**

HB 1459, relative to commercial coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the Insurance Department and makes certain changes to the laws governing property and casualty insurance. Changes include revising the definition of 'large commercial policyholder'. These policyholders are exempt from some insurance regulations. The bill also extends the time frame for approval of an extra 30 days for policies that are in the nonconforming market. **Vote 18-0.**

HB 1473, relative to small loans. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. When the Banking Department presented a bill last year to recodify the small loan statute, they neglected to point out two small changes to the law that were included in the legislation. In order to ensure that the Legislature was aware of these changes, the department requested this bill to repeal the provisions this year. The committee felt that the changes were acceptable and provide some additional protection to small loan borrowers, and voted unanimously to recommend the bill be found Inexpedient to Legislate. **Vote 18-0.**

HB 1478, establishing a commission to develop a structure for the implementation of an alternative contract for health care payments. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill establishes a commission which will create a framework for alternative medical payments contracts. Alternative contracts that are used by an insurance company to pay for medical services are slowly evolving from the traditional fee-for-service model, but progress in New Hampshire is slow. Alternate payment methods can reduce health care costs while improving outcomes for the patients. The commission will give all stakeholder groups a say in how such contracts should be structured, rather than having a government agency impose one on them. **Vote 11-6.**

HB 1491, relative to trust fund interest. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill would mandate that any interest earned through a deposit into a trust fund would be returned to the depositor. Notwithstanding the difficulty for the many NH businesses who take deposits and the difficulty they would have in calculating the interest earned, the committee learned that there are trust funds, like the IOLTA (Interest on Lawyer Trust Accounts), in

which the interest earned is not returned to the depositor but rather is used to provide legal services for those unable to afford them otherwise. The committee determined that services provided through such a program are valuable to our communities and therefore voted this bill Inexpedient to Legislate. **Vote 18-0.**

HB 1516-FN, relative to balance billing. **REFER FOR INTERIM STUDY.**

Rep. David Luneau for Commerce and Consumer Affairs. An insured patient who obtains medical services from an in-network provider, such as a hospital, may end up having services performed by a doctor who is not a member of the insurance carrier's network. Under current law, there is nothing to prevent these doctors from billing the patient for the difference between their normal charge and the amount the doctor was paid by the patient's insurance carrier. Balance billing, as it is known, often can follow an emergency procedure, but it can happen following any medical procedure. The committee recognizes as a problem that patients should not be billed for procedures that otherwise would be covered by their insurance and seeks to work with health care providers and insurance carriers to find a solution. **Vote 18-0.**

HB 1540-FN, relative to direct shipments of beer. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Biggie for the **Majority** of Commerce and Consumer Affairs. This bill addresses the distribution of beer labels requested by consumers and licensees that are not currently available through state-licensed beer distributors by utilizing direct shippers. Shippers can deliver not more than 20 barrels (approximately 610 gallons) before they must offer to sell a matching amount to a New Hampshire wholesale distributor. It is understandable that the small quantities requested may not be economically feasible to distribute, thereby the reason to pass this bill. Building interest generated in new beer labels may perhaps lead to the New Hampshire beer distributors adding them in their deliveries. This would increase beer sales and tax revenues. **Vote 13-5.**

Rep. Richard Abel for the **Minority** of Commerce and Consumer Affairs. The minority believes this bill, no matter how well-intentioned, proposes an impractical approach that will not work and that creates the unintended consequence of threatening the 'three tier system' by which the New Hampshire Liquor Commission has successfully regulated alcoholic beverages in the state. Testimony heard by the committee indicated that direct shipment of beer products to licensed businesses would be so expensive that few, if any, businesses in New Hampshire would choose this option. A much better solution is available through the existing beer distributors who already distribute beer throughout the state under existing state regulation. Stakeholders including distributors and the hospitality industry are working on a system to make specialty and other beers available that are currently unavailable in New Hampshire. They should be given time to implement their solution that accords with federal and New Hampshire laws.

HB 1608-FN, relative to uniform prior authorization forms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill requires that the Insurance Department create an acceptable uniform 2-page form that will be used by all health care providers when justifying medication orders to insurance carriers and pharmacy benefit managers. These documents are called prior authorization forms. Currently each health insurance company has its own prior authorization form which could be 1, 2 or even 4 pages and each form requests different information. A uniform process will streamline the administrative burden for health care providers. Several other states are already using uniform prior authorization forms. managed care organizations are exempt from this bill since this process is regulated differently through the Department of Health and Human Services. **Vote 16-2.**

HB 1618, relative to debt adjustment services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Sanborn for Commerce and Consumer Affairs. This bill recodifies and modernizes existing laws regulating debt adjustment services by modifying the definition of debt adjustment to match industry models and by restructuring the statute to match other statutes enforced by the NH Banking Department. The committee amendment restores an exemption that is in current law. **Vote 17-0.**

HB 1697-FN, relative to the operation and insurance of transportation network companies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Sanborn for the **Majority** of Commerce and Consumer Affairs. This is a pro-consumer and pro-business bill that will enable a new, emerging industry to flourish and offer more transportation choices to NH residents and visitors. As stated by several chambers of commerce throughout our state, this legislation creates a logical, fair, and efficient regulatory framework and avoids the potential for a confusing and inconsistent patchwork of regulations created by individual communities. Importantly, the bill clarifies three different tiers of insurance coverage for when a driver is using his or her personal vehicle, when the driver logs onto the Transportation Network Company's (TNC) digital network but is not engaged in a prearranged ride, and when the driver is engaged in a prearranged ride, to ensure there is no gap in coverage. The committee amendment reduces the minimum amount of liability insurance from \$1,000,000 to \$300,000, allows TNCs to accept cash as a form of payment, and allows non-electronic receipts in an effort to encourage new companies and new types ride sharing models to be created in our state. It also adds requirements to ensure that that the

driver is notifying their insurance company and becomes aware of any lien holder requirements. **Vote 15-2.** Rep. Christopher Herbert for the **Minority** of Commerce and Consumer Affairs. This bill does not pay for itself. There are 1,000 ride sharing vehicles in NH already and unlike any other business under the jurisdiction of the Commerce Committee, this industry does not pay its way. Its' first year costs are over \$100,000 and annual costs are \$70-\$80,000 according to Department of Safety estimates, if they need to hire people. The minority would support Inexpedient to Legislate until a common sense, per driver fee can be imposed to pay the bills.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1297, relative to harm to unalienable rights of inhabitants. **INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill would have allowed an individual to file an affidavit of complaint of trespass against any public servant who the individual feels has wronged them, which must be prosecuted by the county attorney and which carries the effect of a prima facie case. This would create a heavy burden on the county, no matter if the public servant was a state, county or municipal employee. The committee felt that the bill was unnecessary. **Vote 10-3.**

HB 1314, limiting the authority of state entities to regulate the sale, use, and possession of firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Cushing for Criminal Justice and Public Safety. This bill prohibits a state university, institution, or any other entity funded in whole or in part by the State of New Hampshire from instituting a firearms policy unless specifically referenced in statute. This bill would force New Hampshire hospitals, mental health facilities, substance abuse and recovery programs, shelters, halfway houses, visitation centers, and institutions of higher education, among others, to allow firearms on their premises unless specifically prohibited by statute. This far-reaching legislation could have potentially dangerous unintended consequences, and the committee heard testimony in opposition from some of the facilities that would be impacted regarding public safety concerns. The committee also heard compelling testimony from the Attorney General's office regarding the difficult choice that hospitals and service agencies would have to make choosing between the safety of their staff and patients or state funding. **Vote 9-4.**

HB 1321, relative to transportation of alcoholic beverages by a minor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Len DiSesa for the **Majority** of Criminal Justice and Public Safety. The Attorney General's Office and the NH Liquor Commission strongly opposed this bill. The current language in the statute allows for the transportation of alcohol in a vehicle or boat by a minor when she or he is accompanied by a parent, legal guardian, or legal age spouse. This bill would eliminate the word "spouse" and substitute instead "family member." It would apply to the operation of both a motor vehicle and a boat. The committee heard testimony from the Attorney General's Office that concluded this change would be create a rabbit hole and make it that much more difficult for police officers to do their jobs. Under the *Weldy v. Kingston* decision, police were held liable for the death of a female juvenile who was killed as a result of an alcohol-related motor vehicle accident. In that decision, police initially stopped a motor vehicle with several juveniles in it who were transporting alcohol. The police confiscated the alcohol and let the juveniles go. The juveniles acquired more alcohol, drank some of it, and were involved in a fatal motor vehicle accident later that evening. Under the "*Kingston Decision*," police have no leeway when it comes to seizing alcohol and placing the underage driver (and other juveniles in the vehicle) under protective custody. By adding the term "family member" to the existing statute, it creates a whole range of issues that would be difficult to enforce. For example, does family member include cousins? Is it a blood relation or a legal relation? Step-brothers or step-sisters? The committee discussed a range of problem areas that this bill would create, and the majority of the committee - considering the nexus of alcohol to motor vehicle-related accidents and deaths - felt that the current statutory language more than sufficed to allow a minor to transport alcohol. **Vote 12-5.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. The minority wished to remove the potential for arrest and the resultant legal fees for innocent situations such as when a grandchild drives a grandparent home from grocery shopping that included a bottle of wine or beer. The minority understood that the legislation and the amendment fixed a situation that may occur rather frequently. The amendment delineated the specific family members who may drive with the underage driver legally.

HB 1330, appointing a former prisoner to the interbranch criminal and juvenile justice council. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. This bill would have added one former prisoner to the Interbranch Criminal and Juvenile Justice Council. The committee felt that there was no place for a former prisoner on the council. The council discusses many different issues and the meetings are open to the public so anyone can come to the meeting and speak to the council about any issues concerning the prison or the juvenile system. **Vote 12-3.**

HB 1335-FN, relative to state testing of law enforcement officers for steroid use. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. The committee felt that random testing of law enforcement officers for steroids by Police Standards and Training was unworkable. There is no money in the bill for this testing. The committee felt that this issue is better addressed at the local level. **Vote 12-3.**

HB 1400, defining suitable person for the purpose of obtaining a license to carry a firearm and extending the term of the license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Welch for the **Majority** of Criminal Justice and Public Safety. This bill removes the term “suitable person” from the licensing statute for a concealed weapons license. The Department of Safety objects to the change which substitutes the phrase “unless the applicant is prohibited by New Hampshire statute from both owning and possessing a firearm.” This change makes it impossible for a police chief to deny an applicant who may own a firearm but because of that individual’s drinking problem might not be suitable to carry a firearm concealed. If this language is adopted and a NH statute prohibited someone from possessing a firearm but did not prohibit the person from owning a firearm, the license would have to be issued because it states “owning and possessing.” The current language of “suitable person” makes sense because it is difficult to imagine all the possible conditions that may make the applicant an unsuitable person. A person may have a past history of displaying a hair trigger temper or little self control. He may have demonstrated other traits that would make a reasonable person doubt the applicant’s ability to safely handle a firearm. There have been relatively few denials over the years and even fewer problems with those who currently possess a license to carry a concealed, loaded firearm. **Vote 13-3.**

Rep. Ed Comeau for the **Minority** of Criminal Justice and Public Safety. This bill removes the term “suitable person” for the purpose of obtaining a license to carry a firearm and it extends the term of the license from four to five years. The existing statute requires a selectman of a town, mayor, chief of police, full time police officer or sheriff to evaluate individuals who have submitted a license application. They are asked to use the undefined term: “and the applicant is a suitable person to be licensed.” The minority argues that this term is too broad and gives no assistance to the issuer. This bill strikes that nebulous term and replaces it with the clear language of “unless the applicant is prohibited by New Hampshire statute from both owning and possessing a firearm.” The minority believes this change will better assist the issuer as to what parameter should be used during evaluation and issuance.

HB 1435, relative to enforcement of the prohibition on the use of mobile electronic devices while driving. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Geoffrey Hirsch for the **Majority** of Criminal Justice and Public Safety. This bill cuts the legs out from under existing law by limiting the prohibition on the use of mobile electronic devices while driving to a secondary action when another offense is cited or charged. The three big contributors to fatal car crashes are DUI, speed, and distracted driving due to hand held devices. The committee heard opposition from the AAA of Northern New England, the NH Auto Dealers Association, the NH Department of Safety, and the NH Attorney General’s office. The Live Free or Die Alliance offered survey data that showed over 60% of NH citizens polled support leaving current law alone. This proposed legislation moves NH backward in trying to keep our roads and highways safe. **Vote 13-5.**

Rep. Ed Comeau for the **Minority** of Criminal Justice and Public Safety. The bill makes changes to the current statute regarding the use of mobile devices while driving. The existing law allows police to pull over a driver if they observe them using a mobile device as a primary reason for the stop. This bill modifies the statute to be a secondary action when another offense is cited or charged. For example, speeding, erratic operation, or defective safety equipment. The Fourth Amendment requires some minimal level of objective justification for making the stop. It is the minority opinion that making a stop primarily due to the observed use of a mobile device does not meet the level of suspicion that the operator is not in control of the vehicle and therefore it is not justified as a primary reason for the stop.

HB 1448, relative to contact between a plaintiff and defendant subject to a protective order. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Len DiSesa for the **Majority** of Criminal Justice and Public Safety. The language of this bill would effectively level the playing field between a defendant (the abuser in a domestic abuse restraining order) and the plaintiff (the victim in the relationship). It would place similar contact restrictions on both parties in a domestic situation where the defendant is a threat to the health and safety of the plaintiff. If one looks at the current statute as a whole, the first line states that “a finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff.” The restraining order is put into effect by the courts to restrain the defendant/abuser, not the plaintiff/victim. This amended version of the statute would make the restraining orders mutual relief orders, and RSA 173:B-5, V, (a) specifically prohibits those types of orders. The purpose of enacting domestic violence laws and, in particular, restraining orders is to make the victims feel more safe, to hold abusers accountable and to give families the support they need to be safe. The majority of the committee felt that there was no need to amend a statute that is already working well. By passing this

bill it would effectively remove the interstate enforcement of restraining orders as it would no longer be able to be entered into the interstate compact due to federal regulations, leaving the victim without the protection of the domestic violence restraining order out of state. **Vote 13-5.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. The adoption of this bill would provide further protection to the victims by preventing contact from either party to the other through any means of communication, unless communicating through a third party. How many citizens realize that when you ask for a protective order that it only protects just one side? This bill is not only about domestic violence, but any victim that asks the court for a protective order. Protective orders are to protect the victim, if a victim is afraid, fearful for their life, why should they be calling, emailing, texting, provoking, etc. to their alleged abuser? The majority stated that protective orders are hard to get; this is not true, what judge would risk this liability? Protective orders are not upheld across state lines; again, not true - in his or her new state of residency, the police must uphold the protection order from another state. Why it is ok for a victim to get a protective order and still have the right to contact that plaintiff with no ramifications, yet the accused abuser can be arrested for responding or answering? Why are we enabling victims instead of teaching them to protect themselves? This bill is just common sense. Regardless of gender, the victim should be protected from their abuser by forbidding contact from either side.

HB 1451-FN, allowing persons convicted of certain nonviolent first offenses to petition for an annulment of the criminal record. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill as amended allows any person who was convicted of a criminal offense whose conviction was subsequently vacated by a court may petition for annulment of the arrest record or court record or both. **Vote 18-0.**

HB 1474, requiring the collection of data relative to firearm related deaths and injuries. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Martin for the **Majority** of Criminal Justice and Public Safety. This bill would have required yet another report on firearms-related crimes in New Hampshire. This was seen as unnecessary, as any crime, theft, or incident regarding firearms is already reported, investigated, tabulated and reported by the Department of Safety. It is available by a few keystrokes to access it. It was even demonstrated in one case before the committee where a vague estimate was offered regarding a firearms specific statistic, citing the unknown nature of the exact figure, when it was inadvertently included in the documentary evidence presented. Further, all this information is also contained in the FBI Uniform Crime Report, an annual compendium of crime in the United States. This bill had the possibility of being a "red herring" in regards to furthering an anti-Second Amendment agenda. **Vote 11-4.**

Rep. Geoffrey Hirsch for the **Minority** of Criminal Justice and Public Safety. When a car kills a person in the United States, the details all go into a massive database. It is called the Fatality Analysis Reporting System, and it records the number of deaths, the type of car, weather conditions, speed, seatbelt use, age, sex, seating position, and drug use of every single occupant - over 100 variables in total. Those numbers are the backbone of car safety standards. Since the National Highway Traffic Safety Administration started capturing that data in 1975, car deaths have fallen by 27 percent. This bill simply requires the Department of Safety to release in one report the number and types of convictions for firearm-related crimes committed in New Hampshire on a yearly basis to the Speaker of the House, President of the Senate, and the Chairs of the House Criminal Justice Committees and Senate Judiciary. Additionally the department would report on the number of deaths and injuries occurring from firearms in New Hampshire. All of this data does already exist but is spread out in various locations, making it cumbersome to assemble. Reporting can be done with little to no additional expense by the Criminal Records Division of the State Police. While not every town and city reports all information to the State Police, the majority do, and this data would be of great assistance to legislators in making informed decisions regarding firearms and public safety. It is unfortunate that attempts to accumulate this kind of data are met with such resistance. It is time to close the data gaps and understand more about how firearms impact public health and safety.

HB 1543-FN, relative to prosecutorial misconduct. **INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for Criminal Justice and Public Safety. This bill would have subjected an attorney acting as a prosecutor for the state, county, or a municipality to a class B Felony if he or she knowingly prosecuted a person knowing that the person was not guilty of the crime. The ability to determine whether or not someone knew with certainty that a person was not guilty is subjective and would open a prosecutor to excessive complaints from defendants. The Attorney General's Office testified against the bill and pointed out that there are already remedies within the law to address the problem. For these reasons, the committee felt that the bill was not necessary. **Vote 11-1.**

HB 1546-FN, permitting the audio recording of a public servant performing a public function. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. This bill as amended will allow New Hampshire to become a one-party consent state to record oral communications between two people. Currently

there are 39 states that allow one-party consent to record oral communications between two people. We also heard that under *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011) the United States Court of Appeals for the First Circuit held that a private citizen has the right to record video and audio of public officials in a public place, and that the arrest of the citizen for a wiretapping violation violated his First and Fourth Amendment rights. The bipartisan majority agrees it is time for NH to join the other 39 states and allow one-party consent to record oral communications between two people. **Vote 10-4.**

Rep. Geoffrey Hirsch for the **Minority** of Criminal Justice and Public Safety. The laudable goal of this bill as introduced was to increase government transparency and accountability and protect the right to free expression. Unfortunately, the practical impact of this bill as amended is to eliminate essential privacy protections that exist under current New Hampshire law. New Hampshire is one of about a dozen states that require all parties to a conversation to consent to be recorded under RSA 570-A:2. This is often referred to as “two-party” or “dual” consent. The purpose of our consent wiretapping statute as currently written is to protect innocent citizens from undue surveillance, whether by the state or other private individuals. It is intended to protect individuals’ right to an expectation of privacy in their private conversations. This bill would severely weaken these protections and put the privacy of Granite Staters at risk. Moreover, the right to record the police and other government actors is already protected under the First Amendment of the U.S. Constitution. This protection was just recently confirmed by the federal appellate court with jurisdiction over New Hampshire in the case *Gericke v. Begin*, 753 F. 3d (1st Cir. 2014). NH law needs to protect our rights to privacy, not erode them by passing this bill.

HB 1547-FN, prohibiting bestiality. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. Our statute on the crime of bestiality was repealed in 1975. Under this bill, the crime of having sex with an animal will once again be a criminal act. The amendment satisfies concerns expressed by NH’s farmers and the veterinarian community. **Vote 15-0.**

HB 1549-FN, requiring the department of safety to establish a database cataloging certain law enforcement activities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Welch for the **Majority** of Criminal Justice and Public Safety. This bill as introduced requires the Department of Safety to create and maintain a database cataloging law enforcement activities. This would mandate compliance by local and county law enforcement. Since we cannot mandate or pass on to local communities according to the NH Constitution Part I, Article 28-a, the committee voted to find the bill Inexpedient to Legislate. **Vote 10-4.**

Rep. Ed Comeau for the **Minority** of Criminal Justice and Public Safety. Law enforcement utilizes the Intelligence Analysis Center to report crime statistics. They report their statistics to this entity. According to its mission statement, “The Center provides an integrated, all-crimes/all-hazards, information sharing network to collect, analyze and disseminate information derived from multiple sources to stakeholders in a timely manner, in an effort to protect the citizens and the critical infrastructure of New Hampshire, while ensuring the protection of civil rights and civil liberties.” At present, the actions taken by law enforcement are compiled at the local level and not forwarded to the IAC. The mission statement reads: “while ensuring the protection of civil rights and civil liberties.” This bill would establish that this “Law Enforcement Action Data,” that is already compiled at the different levels of enforcement be forwarded to the IAC. The public could then acquire information that may be properly redacted when a public Right to Know request is submitted. At present, a citizen must access hundreds of different departments to compile Law Enforcement Action Data. It is the minority opinion that improperly redacted data could be inadvertently released and it would be more secure to have this data and the requests for it in one place.

HB 1552-FN, extending the penalty of death to acts of terrorism and civil rights offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn Sweeney for Criminal Justice and Public Safety. This bill would grow NH’s relatively narrow death penalty law to be one of the broadest in the country by adding an expansive definition of “weapon of mass destruction” to include nearly any weapon, device, or drug, and expanding the class of victims to include any person enjoying a right or privilege protected by the constitution (i.e. life.) Not recommending passage of this bill still leaves in place NH’s death penalty statute for a list of heinous acts against vulnerable victims and law enforcement. **Vote 11-4.**

HB 1597-FN, relative to preservation of biological material in a criminal investigation for DNA testing. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill as introduced would require an investigating agency to preserve any biological material obtained in connection with a criminal or delinquency investigation or prosecution for five years from the date of conviction or adjudication, or as long as any person connected with that case or investigation remains in custody, whichever is longer. The testimony of the state police’s criminal lab was that modern techniques in DNA testing do not require maintaining all biological material collected to have an accurate chain of evidence. Additional time costs of preserving all biological material collected would be astronomical. **Vote 15-0.**

HB 1599-FN, relative to shining a laser pointing device at an aircraft or vessel, or at another person. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Martin for Criminal Justice and Public Safety. This bill as amended establishes penalties for offenses involving shining a laser pointing device at an aircraft or vessel, or at another person. The committee heard testimony from an active multi-engine aircraft pilot who described the experience of being illuminated on landing approach and explained the even greater dangers from the potential blinding of a lone pilot in a multi-engine cargo plane, or even a smaller private aircraft. This is a dangerous practice that has even occurred in New Hampshire and the perpetrators are difficult to locate from a fast moving aircraft. Previously, the only recourse was to notify federal authorities who would not be in a position to respond quickly. The bill also exempts the legal use of lasers used in training classes, construction sites, medical personnel, and law enforcement. **Vote 13-0.**

HB 1600-FN, prohibiting the possession of a flame thrower. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. This bill would prohibit the use or possession of a flame throwing device. The penalty for such action would be a class B misdemeanor. The only entity that could use or possess such a device would be a firefighter employed by a fire department or fire fighting agency of the federal, state or municipality. There have been no reported incidents in the State of NH involving flame throwing so the committee voted unanimously to ITL the bill. **Vote 12-0.**

HB 1603-FN, requiring the registration of drug dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. Geoffrey Hirsch for Criminal Justice and Public Safety. The committee was presented with compelling testimony that such a registry will do nothing to alleviate NH's drug crisis but will add additional administrative duties to state and local law enforcement. Further, given the Drug Task Force's work, it is increasingly clear that we need to treat the issue of drug addiction as a public health issue and NOT as a criminal justice issue. Law enforcement already has records of those convicted of drug trafficking. **Vote 15-0.**

HB 1614-FN, relative to the criminal penalty for prostitution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura Pantelakos for the **Majority** of Criminal Justice and Public Safety. The committee heard extensive testimony on this bill about the intersection between prostitution, sexual assault, and human trafficking - all of which are being exacerbated by opioid abuse here in New Hampshire. At the present time, the committee feels that passage of this bill, which, in part, would legalize prostitution for those over the age of 18, would be premature and could result in extensive unintended consequences. The committee has already voted to unanimously pass another bill, HB 1628, that will make it a class B felony to engage in sexual contact with a person under the age of 18, thus enhancing protections for minors who are trafficking victims and achieving what the second part of this bill sought to do, which is a prudent step in the right direction. There are several statewide and regional multidisciplinary commissions working on the issues of prostitution and human trafficking and the committee feels it best to explore these issues further with input from stakeholders including victims, sex workers, law enforcement and victim advocates so that we can move forward knowing what is being done and what remains to be accomplished here in New Hampshire. **Vote 13-3.**

Rep. Ed Comeau for the **Minority** of Criminal Justice and Public Safety. This bill establishes that consensual sex between consenting adults should not be illegal. In addition, the bill protects persons under the age of 18 from anyone using force or intimidation to be involved in prostitution. Any person that uses such tactics against a juvenile under this legislation would be subject to a felony. It is the minority opinion that this is a balanced approach toward consensual sex between adults, who mutually agree to the act, and the abhorrent behavior of sex slavery and human trafficking.

HB 1626-FN, relative to drug take-back programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill expands the current drug take-back program offered in locations throughout the state. Currently a local, county, regional, state, or other governmental entity or a private entity in conjunction with the chief law enforcement officer of a law enforcement agency may establish a controlled and non-controlled pharmaceutical take back program. This bill would allow such collection locations to add illicit drugs such as cocaine, heroin, and paraphernalia to the program. It also provides amnesty to individuals who voluntarily return unused drugs for collection. It allows collection centers to provide the individual returning the drugs an opportunity to speak with an employee, staff member, or volunteer who may aid them in finding suitable rehabilitation assistance. **Vote 13-1.**

HB 1631-FN, relative to penalties for possession of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Martin for the **Majority** of Criminal Justice and Public Safety. The committee heard much testimony both for and against passage of this bill and was also subject to a very intense executive session and there are strong feelings on both sides of the issue. One fact that was frequently raised was that New Hampshire has already passed a medical marijuana bill and that we should take the next step. The only drawback to this argument is that, while medical marijuana has been approved, the system is not yet in place for

delivery, and as such there is no information as to the performance or shortfalls of the system. Another argument was over the legalization of tobacco and alcohol and how marijuana would be another revenue stream. Legalizing anything in order to generate revenue is not good legislative policy, let alone another dangerous substance that can be and is abused. Marijuana was recognized as a dangerous substance, and to emphasize that point, some of the angriest testimony we heard was from self-admitted marijuana users. There was also much testimony from treatment providers against the bill and a very well-prepared presentation from high school students outlining the perceived problems in high school. After initially passing in executive session, it was subsequently moved for reconsideration to amend the bill. Although the amendment passed, the bill was voted ITL on the second go around. Another consideration is that New Hampshire is investing a lot of time and money in the current drug crisis. To that end, we are hearing many bills that deal with expanding the availability of substances with the potential for abuse or addiction. It sends the wrong message to try to reduce one abused substance by offering substitutes. It would be counter-productive to increase the prevalence or facilitate the ease of acquiring any unsafe substance at this time. **Vote 7-6.**

Rep. Robert Cushing for the **Minority** of Criminal Justice and Public Safety. The minority believes it is time to stop making citizens who possesses a small amount of marijuana criminals, and instead treat marijuana as a public health matter. This bill reforms NH marijuana laws to make possession of a small amount of marijuana a violation, subject to a fine, instead of a misdemeanor crime subject to arrest, jail time, and a criminal record. It is similar to the steps taken by 19 other states, including all other New England states, to decriminalize marijuana possession, and is similar to decriminalization legislation that has been passed by the House six times since 2008. This bill does not endorse the use of marijuana, nor ignore the problems that can be associated with its use. Instead, it suggests that limited law enforcement and court resources should be applied more wisely and in accordance with public opinion. A UNH/WMUR poll released in July 2015 indicated that 72% of Granite Staters support decriminalizing marijuana. The bill provides that an individual could possess up to one-half ounce of marijuana without being subject to misdemeanor arrest, includes escalating fines for repeat violations and maintains current laws outlawing marijuana cultivation and sale. This bill seeks to stop making criminals out of citizens by placing our marijuana laws more in line with voter opinion, the New Hampshire Constitution, and common sense.

HB 1632-FN, establishing a criminal penalty for providing a firearm to a person prohibited from possessing a firearm. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. This bill is trying to fix an issue which is already in law. Pursuant to RSA 159:7: "No person shall sell, deliver, or otherwise transfer a pistol, revolver or any other firearm, to a person who has been convicted, in any jurisdiction, of a felony. Whoever violates the provisions of this section shall be guilty of a class B felony." The majority of the committee feels current law is more than adequate. **Vote 7-6.**

Rep. Len DiSesa for the **Minority** of Criminal Justice and Public Safety. The minority of the committee believes that this is a reasonable bill. This bill does not impact anyone's right to possess a firearm as long as they are not prohibited from ownership according to RSA 159. What this bill does is ensure that in a private sale of a firearm, the person selling or giving the firearm could be liable to prosecution if he or she completes the transaction and has knowledge that the person buying the firearm is prohibited from owning it. This is a common sense application of gun safety that makes the community safer. It in no way interferes with anyone's second amendment right to own a firearm, as long as that person is not prohibited from doing so by already-established law. It is not difficult in this age of easy internet information access to perform a cursory query on anyone. A firearm is not a benign piece of equipment, like a snow blower or an automobile. It has deadly force capabilities and its sale or transfer should have, at the very least, a baseline of information-gathering by the seller to ensure that it will not be sold or given to a person who is prohibited from owning it. The minority of the committee strongly believes that this bill should pass.

HB 1635-FN, relative to the theft of a firearm during a burglary. **INEXPEDIENT TO LEGISLATE.**

Rep. Ed Comeau for Criminal Justice and Public Safety. This bill is relative to the penalty for theft of a firearm during a burglary. The bill attempts to make the penalty a class A felony under RSA 651:2, II-g. It is the committee's opinion that this would be duplicative, as RSA 637:11, I, (b) accomplishes the same, as such theft is already considered a class A felony under that statute. **Vote 11-4.**

HB 1645, relative to carrying a pistol or revolver without a license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Geoffrey Hirsch for the **Majority** of Criminal Justice and Public Safety. This bill makes it lawful to carry a loaded firearm exposed in an automobile. This can create serious safety risks to others in the vehicle, including children. This will also increase potential risks for accidental discharges, expose law enforcement to risks during routine traffic stops, and leave weapons more available for theft. Existing law, which prohibits transportation of loaded guns in vehicles, has served New Hampshire well since 1923 and makes even more sense today. This bill simply creates too many public safety concerns. **Vote 8-5.**

Rep. Ed Comeau for the **Minority** of Criminal Justice and Public Safety. This bill amends the statute, RSA 159:4, relating to carrying a pistol or revolver concealed in a vehicle. The open display of a firearm is established in New Hampshire, holstered on the hip, shoulder, or thigh, anywhere it can be secured and in plain view. Existing law is in conflict with open carry when an individual who legally open carries then moves into a vehicle. The law then states that an individual needs to be licensed. The minority argues that the act of concealing can only be described as placing the firearm under a shirt, under a pant leg, obliterating the visual cue of the firearm. For example, if an observer is looking at the left hip of a person openly carrying a firearm, but the firearm is holstered on the right hip, it cannot be seen initially, but is considered "open carry." Therefore, it can be concluded that if the same individual sits in a vehicle with said firearm on the hip, shoulder, or thigh, secured in plain view and the firearm is not visually obliterated, the act is not concealed.

HB 1657-FN, prohibiting firearms in certain public places. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. This bill sought to prohibit NH citizens from carrying a firearm in private businesses that provide medical services, pharmacies, convenience stores, box stores, other retailers and churches. This bill would subject NH citizens who accidentally go into one of these private businesses or churches with a firearm with being charged with a class B felony. Even if the owner of the private business or the preacher, reverend, etc. of a church had a firearm, they would be charged with a class B felony. It would force some major retailers to stop selling some of their products in NH. If you look line by line on the bill it would disarm the NH citizen throughout the state. The committee heard from only one supporter. We heard from many people who spoke against this bill. Not one private business or church spoke in favor of this bill. This bill will not serve private businesses, churches or NH citizens. **Vote 11-2.**

HB 1692-FN, revising the procedures relating to parole violation and parole revocation. **INEXPEDIENT TO LEGISLATE.**

Rep. John Martin for Criminal Justice and Public Safety. This bill would have lengthened the term of incarceration for a parole violation from 90 days to 2 years, and eliminated provisions for bail for a parole violator arrested pursuant to this bill. Testimony was largely opposed to this bill, as it would have contributed greatly to crowding conditions in the State Prison and limited options for the Adult Parole Board in dealing with offenders. There can be many mitigating circumstances in a parole violation that cannot be dealt with by a "one size fits all" solution, and decisions of this nature are best left to the parole department and the Adult Parole Board. **Vote 16-0.**

EDUCATION

HB 1120, relative to teacher qualifications at charter schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph Boehm for the **Majority** of Education. This bill mandates that all teachers at a charter school must have a valid NH teaching credential or be "certified." Charter schools have different requirements and only 50% must be certified. This bill would remove the ability of school administrators to consider qualified non-traditional candidates who may bring a valuable and diverse perspective to the teaching profession. Also, it is often difficult to find certified STEM field teachers while a large pool of industry STEM experts without certification are available who could potentially do a better job than a candidate with an arbitrary certificate. Charter schools are also innovators in teaching, obtaining teachers from industry, retired teachers, etc. Having all teachers "certified" does nothing for accountability. Charter schools have the best accountability; parents may remove their child if the school is not meeting their needs, unlike traditional public school. This bill is not needed. **Vote 13-4.**

Rep. Deanna Rollo for the **Minority** of Education. Currently we have two different standards regarding our public school teachers. All of our teachers in our traditional public schools have to be certified, however in our public charter schools only 50% of the teaching staff has to be certified, the remaining only need 3 years of teaching experience. This bill would require that all our public school teachers be held to the same standard of certification. Currently parents without any teaching credentials teach in some of our private schools, according to our current law they would be eligible to teach in our public charter schools after 3 years. We believe this is not in the best interest of our public charter school children.

HB 1225, permitting high school students who are members of the armed forces to wear their uniforms at graduation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph Boehm for Education. This bill allows students who have completed their armed forces military boot camp to wear their dress uniform instead of the cap and gown at graduation. Some schools already allow this. These students finish high school early, join the military, complete basic training and then come back to graduate with their class. The amendment clarifies the bill by utilizing existing Pennsylvania Law. Also, this legislation will be known as Brandon's Law. **Vote 19-0.**

HB 1229, prohibiting the inclusion of statewide assessment results in a student's transcript without consent. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the **Majority** of Education. This bill adds the following language to current law, "The statewide assessment results of a student, or the student's school district shall not be included as part of the student's transcript unless the student, if 18 years of age or older, or the student's parent or legal guardian if the student is under 18 years of age, consents." The statewide assessment is an assessment of the schools and not the students. If the student is in a school that has a low assessment, that should not be on the student record. The student has no control of that assessment. **Vote 10-8.**

Rep. Mary Heath for the **Minority** of Education. The minority finds that this bill amends RSA 193-C: 6 to prohibit the use of statewide assessment results of a student or the student's school district as part of the student's transcript. Currently state law remains silent on this issue and leaves the decision to local school boards. The minority feels that this decision should be made locally with the local school board, educators, parents and the community. At this time it is not the practice of local school districts to include such results on student transcripts unless requested by the student or family. This bill is unnecessary and would dictate and possibly impede local reporting practices.

HB 1231, relative to school district policy regarding objectionable course material. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Victoria Sullivan for the **Majority** of Education. This bill amends existing law which allows parents to opt out of certain course material as long as parents provide an alternative educational activity at their own expense. This bill simply rectifies the weakness in existing law whereas there was not a provision for parental notification included. The majority feels that parental involvement in these matters is vital to the education of children. **Vote 13-6.**

Rep. James Verschueren for the **Minority** of Education. The bill requires the school district or classroom teacher to set a notification policy that alerts parents not less than one week in advance whenever curriculum course material is used for instruction of drug and alcohol education, human sexuality, or human sexual education. Current law already provides for a parent to withdraw a student from class if the parent finds specific course material objectionable. The minority of the committee supports parental notification as a principle and believes that local school boards know best what the details of that policy should be and what level of content should be included. This bill is legislative over-reach. By putting this requirement into statute every piece of curriculum that may touch upon one of these subjects will require notification. This places an unreasonable burden on teachers and school districts to scour all content in all classes and all subjects in order to comply with statutory notification requirements.

HB 1232, relative to visits to schools by non-academic government or private organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Victoria Sullivan for Education. This bill as amended requires parental notification prior to outside organizations addressing or interacting with students. It was made clear in the committee hearing that the public school system has become a gateway for non academic entities to access children without parental notification. Furthermore, there have been situations where well intentioned organizations have been asked to address students without parental notification, which lead to misunderstandings and in some cases, great embarrassment to school districts. This simply reinforces communication between parents and districts in order to alleviate such issues in the future. The NH School Board Association supports HB 1232 as amended. **Vote 13-5.**

HB 1274, establishing a committee to study the efficacy of changes in the community college system of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Terry Wolf for the **Majority** of Education. This bill establishes a study committee to review changes in the Community College System NH (CCSNH). The community college system has undergone many changes over the last few years, adapting to the changing needs of employers, declining enrollments and less state funding. Much of the testimony was in relation to the shift to more adjunct faculty and changing programs. The majority of the committee believes a review of changes should be done by the Public Higher Education Study Committee (RSA 187-A:28), which is already established. **Vote 12-9.**

Rep. Mel Myler for the **Minority** of Education. There is a recognition of the high quality of programs offered by the Community College System NH (CCSNH). The CCSNH is facing challenges of student enrollment and sources of revenue. The legislature created the CCSNH eight years ago and there has been no review of the CCSNH since its inception. The minority of the committee felt strongly that a study committee would be appropriate to review past and future needs of the system. There was ample testimony that question the current decision making process in light of limited resources and priority setting of the management of CCSNH.

HB 1300, relative to the content of patriotic exercises in public schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Balcom for the **Majority** of Education. This bill as amended requires the inclusion of a discussion of the “words, meaning, and history of the Pledge of Allegiance and Star Spangled Banner.” The majority of the committee felt that these two foundations of our country’s fabric are important enough that they be specified to be taught in our public schools. **Vote 10-8.**

Rep. Mary Heath for the **Minority** of Education. The Minority finds that the Pledge of Allegiance and the Star Spangled Banner should be inherent aspects of NH schools all year long and particularly on Memorial Day and Veterans Day. However, the minority feels that local curriculum remain the purview of the local school district and school board and the General Court should not dictate what and when it should be taught. The bill calls for “a discussion of the words and meaning of the Pledge of Allegiance and the Star Spangled Banner” it is unclear if that means every year in every grade and what does a discussion mean? If the bill called for a policy developed by the local school board it would allow for the design of the actions called for but in its current rendition, this bill is far too ambivalent.

HB 1338, relative to student exemption from the statewide assessment. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the **Majority** of Education. This bill gives parents the right to remove their child from taking the state annual assessment; thus, reinforcing parental rights of control. Other states and even some school districts in this state are allowing parents to exempt their child from testing without any loss in Federal funds. The number of students not taking the test should not statistically jeopardize any comparison with other schools. **Vote 10-9.**

Rep. Mary Gile for the **Minority** of Education. The minority believes that this bill which amends the State-wide Education Improvement and Assessment Program section on requiring assessments (RSA 193-C:6) would create a student opt-out option from the statewide assessment process. This bill would conflict with current state educational accountability laws, undercut one of the tools that educators use to evaluate K-12 student progress, and jeopardize millions of dollars in federal funding for New Hampshire schools. Participation in the state assessment is also a criterion for the court decision that assures an adequate education. Furthermore, in December 2015, Congress reauthorized the ESEA of 1965 as The Every Student Succeeds Act (ESSA) for which neither rules nor guidance have been written. This bipartisan measure reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation’s national education law and longstanding commitment to equal opportunity for all students. The new law builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country. It is premature to establish this bill and possibly jeopardize millions of federal dollars for our local school districts. By state law, and as a result of Supreme Court decisions requiring a statewide education accountability system, New Hampshire schools are required to participate in the statewide educational improvement and assessment program. If passed, this bill would discourage participation in the annual statewide assessment, violating the requirements of both federal and state law, as well as the requirements of the New Hampshire Supreme Court that the state have a broad assessment and accountability system. Allowing this bill to become law also poses significant fiscal risk by threatening tens of millions of dollars a year in federal funding to our schools. The federal government requires 95 percent of students to participate in a statewide assessment to receive Title I funding. This bill sends a bad message to our students. Students who are told that they can opt out of this critical component to their education will believe that they can opt out of other of requirements as well, which could in turn affect participation in day-to-day activities and interfere with both student assessment and direct instruction.

HB 1365, requiring public schools to observe New Hampshire constitution day. **INEXPEDIENT TO LEGISLATE.**

Rep. Allen Cook for Education. This bill directs teachers to offer or provide a copy of the state constitution to students; however, this bill is duplicative of RSA 189:23 that currently directs the state board of education to distribute copies of the state constitution and election laws to all teachers for instruction in the upper elementary, junior and high school grades. Further, RSA:11 requires all public and private schools in the state to provide regular courses of instruction in the constitutions of the United States and New Hampshire. Lastly, this bill states that copies of the constitution shall be provided to students, but it does not define the grade levels. Early elementary students, K-3, have not yet acquired reading skills necessary to read the constitution. **Vote 17-2.**

HB 1371, establishing a committee to study education savings accounts for families of special needs students. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. Education savings accounts have been passed in five states. These are not just college accounts, rather accounts that can be used for kindergarten through college. This bill establishes a study committee to look at the possibilities and issues for New Hampshire including whether or not to limit the student population to special needs, the funding for the accounts and the administration. Since this is the last year of the term, the final report will not be due until September 2017. **Vote 12-8.**

Rep. Mary Heath for the **Minority** of Education. The minority finds that while the intent of establishing a committee to explore options for children with disabilities is laudable, the true intent of this bill is really not clear. In hearing testimony from the Heritage Foundation, their remarks caused serious concerns among the minority regarding the nature and actual purpose of this proposed committee. Is it special education? Or rather, is it a back door to establishing a voucher system? In testimony provided to the committee, speakers attested to the fact that five states offer Education Savings Account programs and some do not meet constitutional challenges. The Arizona program is funded via a state voucher system and our own courts have deemed this unacceptable. Interestingly enough, in the testimony it was noted that part of the purpose of the committee was to figure out how to create a system that would actually meet constitutional challenges. Therefore, the minority believes this bill should not pass.

HB 1393, requiring the department of education to report statewide assessment results for school districts receiving certain state aid. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Deanna Rollo for the **Majority** of Education. This bill requires the commissioner of the department of education to report on the number of students receiving differentiated aid from the state and to compare the statewide assessment results of those students, by category of aid received, with the statewide assessment results of students not receiving differentiated aid. Currently the DOE reports assessment information by sub groups and for multiple years. However local school districts do not collect and report program intervention data consistently based on how they employ adequacy funds. Therefore this bill could be construed as a hardship for local school districts. **Vote 11-10.**

Rep. Glenn Cordelli for the **Minority** of Education. This bill requires the Department of Education to report accountability and data relative to the four categories of differentiated aid in the adequacy formula. This information is available in the state student database. We need to make sure that our scarce education funds are producing the desired results, or look at other means to gain those results.

HB 1484, relative to the election of members of the state board of education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Wolf for the **Majority** of Education. Members of the state board of education are currently nominated by the governor and approved by the executive council. Under this bill, five board members would be elected to the state board of education using the same districts as the executive council. The majority feels there is currently a process of checks and balances. Electing board members would make the process even more political with less qualified candidates. **Vote 13-6.**

Rep. Glenn Cordelli for the **Minority** of Education. The State Board of Education (BOE) is comprised of seven members – two at large members and 1 member from each of the five Executive Council districts. All are currently appointed by the Governor. This bill changes appointment of the board members from the Executive Council districts to election by the people of each district. The Governor will still appoint the two at large members and appoint the board chair. The minority believes the election of these members will put parents more in touch with their state board member, improve communication, and lead to a public discussion of school issues and greater accountability. We have confidence in the people to elect good people to the BOE, after all, they elected us.

HB 1612-FN, relative to the age for purposes of compulsory education. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Elliott for Education. The State of New Hampshire has moved forward since raising compulsory education attendance to age 18 and believes there are many new and successful programs for those students 16 and over, who do not do well with traditional curriculums. Career Technical Education (CTE), or trade schools as we once called them are tremendously successful. We have a responsibility to provide an education at all levels of intellectual ability. **Vote 16-4.**

HB 1637-FN, relative to school attendance in towns with no public schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the **Majority** of Education. There is currently a law suit pending on this issue; it may be already legal, but this bill clarifies certain aspects of the law. This bill allows a school district to assign a child to another public school in another school district or to an approved, non-religious private school if there is no public school for the child's grade in the child's resident district. The amendment states a private school approved for attendance. If a school district does not have its own public school for certain grades, the school district may tuition students to a non-religious private school that is approved for attendance by the Department of Education. This gives local control to school districts to do what is best for their children. **Vote 12-9.**

Rep. Mary Heath for the **Minority** of Education. The minority finds that while the intent and purpose of this bill to provide children for whom the town does not have access to a public school another private alternative is noteworthy; the full implication of this action is unclear. Also, there is a pending legal status related to this bill that should be settled prior to the establishment of the actions defined in this bill, to first determine its legality. In addition, as enacted, the far reaching implications and impact on NH's public education system have not been identified and must be considered and studied before this bill takes effect both at the state and local level.

MONDAY, MARCH 7**CHILDREN'S SAVINGS ACCOUNT PROGRAM COMMISSION (RSA 195-J:1), Room 207, LOB**

1:00 p.m. Regular meeting.

COMMISSION TO REVIEW AND CONSIDER ALCOHOLIC BEVERAGE MANUFACTURING PROCESSES AND RETAIL SALES AT MANUFACTURING FACILITIES (RSA 175:10), Room 306, LOB

10:00 a.m. Regular meeting.

FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Work session on **HB 1699-FN-A-L**, establishing a licensed alcohol and drug counselor in the bureau of emergency medical services to develop a training program for fire and emergency medical services personnel and making an appropriation therefor.

10:20 a.m. Work session on **HB 1404-FN**, relative to certain director positions in the insurance department.

10:45 a.m. Work session on **HB 1531**, permitting the legislature to open the state house on weekends.

11:30 a.m. Work session on **HB 626-FN-A**, authorizing energy infrastructure development and designating energy infrastructure corridors.

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17 - I:1, CHAPTER 451:1), Room 100, SH

1:30 p.m. Regular meeting.

LEGISLATIVE ADMINISTRATION, ROOM 104, LOB

10:00 a.m. Full committee hearing and work session on member qualifications, as referred to the committee by the Speaker. Executive session to follow.

STATE COMMITTEE ON AGING (RSA 161-F:7, I), Department of Health and Human Services Building, Room 232, 129 Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, MARCH 8**OVERSIGHT COMMISSION ON MEDICAL COST TRANSPARENCY (RSA 400-A:67), Room 205, LOB**

9:00 a.m. Regular meeting.

FRIDAY, MARCH 11**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 304, LOB**

9:30 a.m. Regular meeting.

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

11:00 a.m. Regular meeting.

**NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1), Room 307, LOB
Please note room change.*

10:00 a.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1), Room 101, LOB

9:30 a.m. Regular meeting.

MONDAY, MARCH 14**ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), Room 101, LOB**

10:00 a.m. Regular meeting.

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 103, SH

3:00 p.m. Regular meeting.

TUESDAY, MARCH 15**EDUCATION, Room 207, LOB**

9:30 a.m. **HB 1130**, requiring school districts to permit placement of a memorial honoring those who have died during military service.

10:00 a.m. Executive session on **HB 1130**, requiring school districts to permit placement of a memorial honoring those who have died during military service.

FINANCE - DIVISION II, Room 209, LOB

- 10:00 a.m. Work session on **HB 1630-FN-L**, relative to calculating the base cost of an adequate education.
10:30 a.m. Work session on **HB 1551-FN-A**, establishing the John and Molly Stark scholarship program and making an appropriation therefor.
11:00 a.m. Work session on **HB 1644-FN**, relative to screening and treatment for dyslexia and related disorders and establishing a reading specialist in the department of education.

FINANCE - DIVISION III, Rooms 210-211, LOB

- 10:00 a.m. Public hearing on non-germane amendment to **HB 1695-FN**.
10:15 a.m. Work session on **HB 1695-FN**, establishing an office of health services planning and review within the department of health and human services.

THURSDAY, MARCH 17**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 104, LOB**

- 10:00 a.m. Subcommittee work session on food services performance audit review.

FRIDAY, MARCH 18**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

- 9:00 a.m. Regular meeting.

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

- 10:00 a.m. Regular meeting.

WORKER'S COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

- 9:00 a.m. Regular meeting.

SUNDAY, MARCH 20**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), New Hampshire Technical Institute, MacRury Hall, Room 136, Concord**

- 1:00 p.m. Regular meeting.

MONDAY, MARCH 21**INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E), Room 204, LOB**

- 1:30 p.m. Regular meeting.

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Tarr South Conference Room, 139 Winter Street, Tilton

- 9:00 a.m. Regular meeting.

THURSDAY, MARCH 31**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 104, LOB**

- 10:00 a.m. Subcommittee work session on food services performance audit review.

FRIDAY, APRIL 1**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

- 9:00 a.m. Continued meeting.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

The **Carroll** County Delegation will hold a meeting on **Monday, March 4th at 9:00 a.m.** in the Delegation Room, 2nd Floor, 95 Water Village Road, Ossipee. The Delegation will review and discuss the proposed county budget and act upon any other business that may properly be brought before the meeting. All citizens are invited to attend and ask questions. The meeting of the Executive Committee will be followed by a meeting of the County Convention to vote on any recommendation of the Executive Committee. If any of the School Districts in Carroll County have a delayed opening or cancellation due to bad weather, the Carroll County Delegation meeting will be delayed 2 hours.

If you need any specific accommodations, please contact us at 539-7751. (ADA)

Rep. Ed Butler, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICE

The **Coös** County Delegation will hold a public meeting to review and vote on the 2016 annual budget. The meeting is scheduled for **Friday, March 11th**. The meeting will take place at the nursing hospital located in West Stewartstown and will begin promptly at **10:00 a.m.**

Rep. Robert L. Théberge
Coös Delegation Co-Chairman

COUNTY DELEGATION NOTICE

The Executive Committee of the **Merrimack** County Delegation will meet on **Friday, March 11th at 9:00 a.m.** in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is as follows: 2016 Budget Review/Approval and any other business.

Rep. James MacKay, Chairman
Rep. Karen Ebel, Clerk
Merrimack County Executive Committee

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at **6:00 p.m. on Monday, March 21st**, at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: 1. To consider 2016 Budget Appropriations for Merrimack County. 2. 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 2016 budget as proposed by the Merrimack County Executive Committee.

Rep. Dianne Schuett, Chairman

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on **Monday, March 21st** at 6:00 p.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: 1. Approval of the 2016 Merrimack County Proposed Budget. 2. Presentation on Community Corrections. 3. To consider any other business that may appropriately come before them.

Rep. Dianne Schuett, Chairman

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet on **Friday, March 4th at 9:30 a.m.** in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood to open bids and select a suitable qualified entity to conduct a performance audit of the Rockingham County Finance Department.

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 218, HB 280, HB 549, HB 585, HB 586, HB 606, HB 626, HB 628, HB 636, HB 661, HB 668, HB 1182, HB 1404, HB 1551, HB 1563, HB 1584, HB 1590, HB 1622, HB 1641, HB 1655, HB 1666, HB 1670, HB 1671, HB 1673, HB 1691, HB 1692, HB 1693, HB 1694, HB 1696, HB 1697, HB 1698, HB 1699, HB 1700, HB 1701, SB 485.

Paul C. Smith, 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. Colleagues who so desire may send cards and greetings to:

Rep. Shem Kellogg, 48 Westville Rd., Unit 4-2, Plaistow, NH 03865

Rep. Susan Emerson, c/o General Delivery, Walter Reed Army Medical Center 8901 Wisconsin Avenue, Bethesda, MD, 20889

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.

Join the Concord Democratic Committee for the Ultimate Burger experience at Vibes Gourmet Burgers, 25 South Main Street, Concord (Next to Red River Theatre) on **Tuesday, March 8th from 6:00 - 8:00 p.m.** for burgers and political chat - \$20. Tickets at the door or katbeep@comcast.net. Contact Rep. Katherine Rogers for more information.

Rep. Katherine Rogers

The American Lung Association invites all legislators to join us for our annual legislative breakfast on **Wednesday, March 9th from 7:30 to 9:30 a.m.** in the NH State House Cafeteria.

Rep. Becky McBeath

All members are invited to a Capitol Bible Study and Prayer Caucus on **Wednesday, March 9th** at 8:00 a.m. in LOB 303 with Pastor Peter Chamberland. Coffee and Refreshments will be served. Come and join us for a wonderful time of prayer and devotion before session.

Rep. Warren Groen

The OWLS will meet during the lunch break on **Thursday, March 10th** in the Daniel Webster Conference Room, to finalize plans for the bake sale to be held on March 23rd and 24th in the anteroom. Please bring your lunch.

Rep. Debra DeSimone

The American Red Cross cordially invites all members and staff to the annual State House Blood Drive. This drive will take place on **Tuesday, March 15th from 9:00 a.m. to 2:00 p.m.** The American Red Cross self-contained coach will be parked in front of the State House for the event. Appointments are strongly encouraged. To schedule an appointment, please call State House Health Services at 271-2757. Additionally, the Red Cross has launched a new tool called RapidPass which allows you to answer the 40 appointment questions online at redcrossblood.org/rapidpass, print the form, and bring it with you to your appointment. Please consider giving blood and you can help save up to three lives.

Reps. Richard Hinch and Stephen Shurtleff

The Legislative Children's Caucus will be meeting **Thursday, March 17th at 12:00 p.m.** in LOB 206. Early Learning NH will discuss their Framework for Action, a 5-year strategic plan. All members of the General Court are welcome to attend.

Rep. Skip Berrien

The NH Oral Health Coalition invites all legislators to join us for our annual legislative breakfast, "Banding Together for NH's Oral Health" on **Wednesday, March 23rd from 7:30 to 9:00 a.m.** in the NH State House Cafeteria. In addition to a hot breakfast, coalition members statewide will provide displays and updated information on oral health priorities and access throughout the state. Please RSVP to: info@nhoralhealth.org or call 603-415-5550.

Reps. Susan Emerson and Thomas Bucu

The annual Water's Worth It! legislative breakfast is set for **Wednesday, March 23rd** at the Holiday Inn on Main Street in Concord. Check in for the event begins at **7:00 a.m.** with a breakfast buffet. Water quality professionals will present information on drinking water and wastewater treatment challenges in New Hampshire. The keynote speaker is Hayley Lapoint, Meteorologist for WMUR TV. All legislators and staff are

invited to enjoy a hearty breakfast and learn more about New Hampshire's water infrastructure. This event is free. Please RSVP to nhwpc.elizabeth@gmail.com by March 13th to reserve your seat at this important breakfast. The breakfast is sponsored by the NH Water Pollution Control Association in conjunction with a wide ranging coalition of other local nonprofit water organizations. There is no cost for attending this event.
Rep. Chris Christensen

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Crossover Reception on **Wednesday, March 23rd at 3:30 p.m.** (or following the end of the session day) at the Grappone Conference Center, 70 Constitution Avenue, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Richard Hinch and Stephen Shurtleff

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on **Wednesday, March 30th from 8:00 a.m. to 9:30 a.m.** in the State House Cafeteria. Stop by for a light breakfast, enter a raffle in celebration of our 100th anniversary and meet volunteers who are helping New Hampshire residents breathe better and live longer! Please RSVP to info@breathenh.org or by calling 603-669-2411.

Rep. Patrick Long

The Multiple Sclerosis Greater New England Chapter will hold its annual day in the Statehouse on **Wednesday, March 30th**, as part of MS month endeavors. Information will be available in the cafeteria.

Rep. Larry Phillips

Members of the Turkic American Community in New Hampshire are organizing "The Fifth Annual Turkic Cultural Day in the State House" on **March 31st** in the State House Cafeteria **between 12:00 - 2 p.m.** The Turkic American foundations across New England have been working hand in hand with our community leaders to establish bridges of understanding among people from all walks of life through dialogue and mutual respect. Our foundations and organizations are playing major roles in bringing people together to enhance friendship, a sense of community, and find areas to work together for the common good of our society.

Rep. Mario Ratzki

The New Hampshire Business Incubator Network (NHBIN) is hosting a Legislative Breakfast on **Wednesday, April 6th from 8:00 a.m. to 9:30 a.m.** in the State House cafeteria. For nearly 2 decades, business incubators across the state have provided early stage startups and small businesses with support, education, mentorship, co-working space and connections to resources and a network of entrepreneurs. Today, New Hampshire is the proud home of 5 incubators: Alpha Loft, Dartmouth Regional Technology Center, Enterprise Center at Plymouth, Hannah Grimes Center, and Mt. Washington Valley Tech Village. Please join our incubator directors and member businesses at this reception to learn more about the critical role the NHBIN plays in creating jobs and growing our state's innovation economy. There will be a brief speaking program at 8:30 a.m. and a hot breakfast provided.

Rep. Naida Kaen

The House Republican Alliance will meet **Tuesdays at 8:30 a.m.** in LOB 204 to discuss legislation. All Republican Representatives are welcome.

Reps. Carol McGuire, Bill Ohm, Leon Rideout

The New Hampshire Department of Health and Human Services (DHHS) is holding a series of statewide public information sessions to present how New Hampshire will implement the \$150 million Transformation or "DSRIP" waiver received from the Centers for Medicare and Medicaid Services. The waiver will help trans-

form New Hampshire's behavioral health delivery system, improve care coordination, and expand capacity to provide mental health and substance use disorder services. Legislators, the public and other stakeholders are encouraged to attend. For more information about the transformation waiver including the list of dates and times of the sessions, please visit www.dhhs.nh.gov/section-1115-waiver/index.htm.

Rep. Frank Kotowski

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 2016. 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. Note that large groups are divided into smaller groups for tours.

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

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>Group#/Grade</i>
March 4	1:30	Carriage House of Northfield	10/Srs
March 8	8:30/9:45	Belmont High School	100/HS
March 8	12:00	Woodland Heights – Laconia	56/4
March 8	11:00	Life Share	10
March 8	1:00	NH Bankers	
March 9	9:00	St. Benedict Academy – Manchester	24/4
March 9	9:00	UNH Social Work Policy class	50/col
March 10	9:45	Deerfield Community School	42/4
March 10	10:00	The Well School – Peterborough	11/4
March 10	11:00	North Hampton School	40/4
March 11	9:30/11:00 SH/HM	Ernest P. Barka School – Derry	115/4
March 11	1:00	VFW Auxiliary	15/adults
March 11	2:30	AmeriCorps	150
March 14	10:00	Tuftonboro School	18/4
March 15	9:00	Mount St. Mary Academy – Manchester	29/4
March 15	10:00	Sant Bani School	10/4
March 15	12:45	Portsmouth Christian Academy – Dover	37/4
March 16	9:30/10:45	Richards School – Newport	60/4
March 17	10:00/11:15	Charlotte Ave. School – Nashua	88/4
March 18	9:45	Mount Lebanon School – Lebanon	45/4
March 18	12:30	Alternative Learning Freshmen – Manchester	10/HS
March 21	9:00/10:15	Franklin Middle School	90/4
March 22	9:30/11:00	Lincoln St. School – Exeter	76/4
March 23	9:30/11:00	Lincoln St. School – Exeter	96/4
March 23	1:00	Proctor Academy – Andover	12/HS
March 24	10:00/11:00	Rindge Memorial School	66/4
March 25	9:30/11:00	Symonds School – Keene	51/4
March 28	9:00	Bow Elementary School	44/4
March 28	10:00/11:00	Woodman Park School – Dover	110/4
March 29	9:00	Bow Elementary School	44/4
March 29	10:15	Chesterfield Elementary	25/4
March 30	9:00	Dunbarton Elementary School	30/4
March 30	10:00	East Kingston Elementary School	50/4
March 31	9:30/11:00 SH/HM	Webster Elementary School – Manchester	70/4
April 1	9:15/10:30	Hanover St. School – Lebanon	60/4
April 4	9:00	Stevens High School German Exchange – Claremont	20/HS
April 5	9:15/10:30	Pembroke Hill School	85/4
April 6	10:30	Greenland Central School	53/4
April 6	1:00	K A Brett School – Tamworth	30/4
April 7	9:30	Pierce Elementary – Bennington	14/4
April 7	9:30	Francestown Elementary School	12/4
April 8	9:00	Jaffrey Grade School	45/4
April 8	10:00	Trinity Christian School – Keene	15/4
April 8	10:15	Harrisville Wells Memorial School	13/4
April 8	2:00	Sugar Hill Retirement Center	15/Srs